



**Report of the Short-term Mission to Honduras
The situation of human rights defenders**

Contents

Executive summary	Page. 4
Recommendations	Page. 5
1. <i>IMPUNITY IN CASES OF HUMAN RIGHTS VIOLATIONS COMMITTED BY STATE AND NON-STATE ACTORS</i>	Page. 9
1.1 THE DANGEROUS CYCLE OF IMPUNITY.	Page. 9
1.2 ACTIONS AND OMISSION BY THE STATE.	Page. 11
1.2.1 ACTION: THE AMNESTY LAW	Page. 11
1.2.2 OMISSION: LACK OF GOVERNMENT PURGING.	Page. 11
1.2.3 WEAKNESSES IN THE JUDICIAL SYSTEM	Page. 12
2. <i>THE CRIMINALISATION AND STIGMATISATION OF HUMAN RIGHTS DEFENDERS</i>	Page. 14
2.1 PATTERNS AND LEGAL INSTRUMENTS USED TO CRIMINALISE AND STIGMATISE HRDS IN HONDURAS	Page. 14
2.1.1 CRIMINALISATION OF SOCIAL PROTEST AND THE DISPROPORTIONAL USE OF VIOLENCE	Page. 14
2.1.2 CRIMINAL ACCUSATIONS OF SEDITION	Page. 15
2.1.3 NEW LEGAL INSTRUMENTS TO CRIMINALISE AND STIGMATISE	Page. 17
2.1.4 PUBLIC STATEMENTS AGAINST HUMAN RIGHTS DEFENDERS	Page. 18
3. <i>LACK OF IMPLEMENTATION OF PROTECTION MECHANISMS FOR HUMAN RIGHTS DEFENDERS</i>	Page. 20
3.1 THE PROTECTION OF HUMAN RIGHTS DEFENDERS	Page. 20
3.2 INTERNATIONAL PROTECTION MECHANISMS FOR HUMAN RIGHTS DEFENDERS	Page. 20
3.2.1 APPLYING AND IMPLEMENTING PRECAUTIONARY MEASURES OF THE IACHR	Page. 21
3.2.2 THE EUROPEAN UNION GUIDELINES ON HUMAN RIGHTS DEFENDERS	Page. 23

Report of Short-term Mission to Honduras: The situation of Human Rights Defenders

Executive summary

Since the coup d'état in Honduras on June 28, 2009, Peace Brigades International (PBI) has followed the deteriorating security situation for human rights defenders (hereinafter HRDs) in that country with increasing concern. In July of 2010, PBI received a formal petition from the National Human Rights Platform of Honduras, requesting that the organisation establish an international accompaniment and observation project in the country as a result of the lack of guarantees of protection for those persons working to defend human rights. PBI decided to form a group of international observers who would carry out a short-term mission to Honduras. The mission lasted three weeks and took place during May 2011.

PBI MISSION OBJECTIVES IN HONDURAS

- 1) meet and become familiar with human rights organisations;
- 2) provide moral support to human rights defenders;
- 3) meet with the international community, international aid agencies, and the diplomatic corps;
- 4) publish a report highlighting the organisation's concerns and the needs in terms of protection and international accompaniment.

The group of observers sent by PBI met with a diverse group of social organisations, campesino movements, trade unionists, and communications activists in Tegucigalpa, San Pedro Sula, the Bajo Aguán region, the Atlantic Coast, Siria Valley, Zacate Grande, La Esperanza and Siguatepeque. Additionally, the mission met with the diplomatic community in Tegucigalpa, the European Union Delegation, the Office of the United Nations High Commissioner for Human Rights, the G-16¹, international aid organisations and the Special Prosecutor for Human Rights. PBI would like to express its deep concern for the systematic violation of human rights (civil and political, as well as economic, social, cultural, and the collective rights of indigenous and garifuna peoples) that the mission observed during its time in the country. In the relatively short duration of our visit, at least five human rights defenders were assassinated (a journalist², a campesino³ leader⁴, and three members of campesino movements^{5,6}), there was an attempted raid on the regional office of a national women's organisation⁷, five indigenous youths were assaulted during a community event⁸, and peaceful demonstrations against the event Honduras Open for Business were violently repressed⁹. Since the mission's visit ended, the violence and persecution against human rights defenders has continued¹⁰.

1 The group of the 16 countries who provide the most international aid to Honduras.

2 "Urgente: asesinan a periodista en Morazán, Yoro", FIAN Honduras, 11 May 2011, http://www.fian.hn/v1/index.php?option=com_k2&view=item&id=511:urgente-asesinan-periodista-en-moraz%C3%A1n-yoro&Itemid=4.

3 Campesino refers to a small-scale farmer or agricultural worker.

4 "Acribillan a dirigente de la ANACH", Tiempo, 18 May 2011, <http://www.tiempo.hn/sucesos/item/8487-acribillan-a-dirigente-de-la-anach.html>.

5 "Honduras - Bajo Aguán: Otros dos campesinos asesinados", FIAN Honduras, May 2011, http://www.fian.hn/v1/index.php?option=com_k2&view=item&id=510:honduras-bajo-agu%C3%A1n-otros-dos-campesinos-asesinados&Itemid=4.

6 "Paramilitares de Miguel Facussé asesinan a campesino en el valle del Aguán", FIAN Honduras, 17 May 2011, http://www.fian.hn/v1/index.php?option=com_k2&view=item&id=522:paramilitares-de-miguel-facuss%C3%A9-asesinan-a-campesino-en-el-valle-del-agu%C3%A1n&Itemid=4.

7 Interview with Women's Rights Centre, San Pedro Sula section, 10 May 2011.

8 "COPINH: Denuncia agresión del ejército contra jóvenes miembros de la organización", Civic Council of Popular and Indigenous Organisations in Honduras, 14 May 2011, <http://www.copin.hn/org/leer.php/3332854>.

9 "Brutal Repression and Backroom Deals in Honduras", Food First, 7 May 2011, <http://www.foodfirst.org/en/node/3419>.

10 See exemplary cases in this document: "Journalist assassinations not investigated", "Assassinations and Militarisation in the Bajo Aguán", and "The Environmental Committee of Siria Valley".



With this report, PBI hopes to contribute to the documentation and publicising of the critical situation for human rights defenders (HRDs) in Honduras¹¹, from our vantage point as an international accompaniment and observation organisation with 30 years of experience working on the subject of protection for human rights defenders in Latin America and on other continents.

This report highlights the principal risk factors that jeopardise the lives of HRDs, their families and their communities, in addition to impeding their work in defence of human rights in their country. What follows is an analysis of the three risk factors identified within the current socio-political context of Honduras:

- 1. Impunity in cases of human rights violations committed by state and non-state actors;**
- 2. Criminalisation and stigmatisation of human rights defenders;**
- 3. Inefficient implementation of protection measures and mechanisms.**

The report looks at exemplary cases that illustrate these risks and their effect on the work of HRDs, emphasising patterns of harassment that continue against them. Additionally, the report makes recommendations to the international community about how they can better support the work of HRDs who find themselves under constant pressure.

It is the organisation's sincere hope that these observations are helpful in the future monitoring and evaluation of the situation for human rights defenders in Honduras. PBI greatly appreciates the willing and generous collaboration of all the organisations, individuals, and communities with whom the mission had the pleasure of meeting, and whose experiences, analysis, and hopes were indispensable in the writing of this report.

Recommendations

1. When attempting to address the high rate of impunity that Honduran human rights defenders face, the international community should:

- ♦ Remind the Honduran State of its responsibility to properly investigate all complaints of human rights violations, prosecute those accused of such violations, and compensate the victims.
- ♦ Remind the Honduran State that it must guarantee judicial independence, as called for by Honduran civil society, in order to combat impunity and as a basic democratic principal and obligation of countries belonging to the Organisation of American States¹².
- ♦ Monitor the principal of judicial independence—both the regulatory framework that governs it, and compliance with the guarantees and the fundamental rights that accompany judicial independence in order to combat and reverse the patterns of impunity that exist in the country.
- ♦ Encourage the Honduran State to implement effective mechanisms to resolve disputes over land rights and titles, labour rights, environmental rights and collective rights such as the right to prior consultation, and ensure that human rights defenders do not become targets of intimidation and aggression as a result of their involvement in these disputes.
- ♦ Ensure that technical and financial support provided by different international organisations and governments to the Hon

11 The United Nations Declaration on Human Rights Defenders recognises that all people have the right, “individually or collectively, to promote and procure the protection of human rights and fundamental freedoms at the national and international levels”. As such, PBI recognises a broad definition of the term human rights defender and includes all persons, groups, organisations, peoples or communities that work in defence of civil and political rights, economic, social and cultural rights, and collective rights as peoples or communities.

12 Inter-American Democratic Charter, Organization of American States, adopted by the General Assembly at its special session held in Lima, Peru, on September 11, 2001, Article 3 and 4.

duran State and private companies with headquarters based in the cooperating State fully respect and comply with human rights standards.

- ✦ Support the creation of an independent monitoring and investigative body of the United Nations to dismantle paramilitary forces, illegal groups, and clandestine structures.

2. With regards to the criminalisation and stigmatisation that human rights defenders in Honduras have reported, the international community should:

- ✦ Encourage the Honduran State to ensure that the criminal justice system is not used to the detriment of members of social and human rights organisations, nor to harass or restrict their legitimate activities in defence of human rights and in denouncing violations thereof.
- ✦ Urge the Honduran State to respect the work of human rights defenders, and publicly recognise their right to do this work without the risk of intimidation or discrimination against them, their families, organisations, or communities.
- ✦ Make public statements that recognise the legitimate work of human rights defenders in Honduras, especially in cases where they are being stigmatised for their work in defence of human rights.
- ✦ Monitor and follow-up on the recommendation of the Office of the High Commissioner for Human Rights which calls on the Honduran State to review national legislation in order to ensure that it is coherent with international standards, specifically the crimes of sedition and illicit protests, and those laws that could impede freedom of expression¹³.

3. The international community plays a fundamental role in the protection of human rights defenders. Therefore it should:

- ✦ Recommend that Honduran State include a special program for the protection of human rights defenders as part of the current initiative to create a National Action Plan for Human Rights.
- ✦ Support the creation of an independent and universally recognised database and human rights monitoring system in consultation with Honduran civil society, with the goal of collecting, systematising and publishing cases of human rights violations.
- ✦ Urge the Honduran State to implement the recommendations of the Inter-American Commission on Human Rights in the Preliminary Observations of its visit to Honduras, 15 to 18 May 2010¹⁴ and the recommendations of the United Nations Office of the High Commissioner for Human Rights from its report published on 3 March 2010¹⁵.

To the United Nations System:

- ✦ Establish an official office of the United Nations Office of the High Commissioner for Human Rights in Honduras in order to increase protection for human rights defenders, and to enhance monitoring activities regarding their security.
- ✦ Program visits to the rural regions highlighted in this report as part of the agenda of the in loco visit of the United Nations Special Rapporteur on the Situation of Human Rights Defenders, Ms. Margaret Sekaggya, planned for this coming September 2011.

13 "Report of the United Nations High Commissioner for Human Rights on the violations of human rights in Honduras since the coup d'état on 28 June 2009", para. 84, U.N. Doc. A/HRC/13/66, 3 March 2010, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/117/00/PDF/G1011700.pdf?OpenElement>.

14 "Preliminary observations of the Inter-American Commission on Human Rights on its visit to Honduras on May 15-18, 2010", OEA/Ser.L/V/II, Doc. 68, 3 June 2010.

15 Ibid. 13.

To the Organisation of American States and Member States thereof:

- Urge and proactively support the permanent monitoring of the human rights situation in Honduras through the Inter-American Commission on Human Rights, promoting in loco visits at least once per year.
- Remind the Honduran State that as a Member State of the OAS and as a State Party to the American Convention on Human Rights it has a responsibility, recognized by the General Assembly of the OAS, to follow-up on the recommendations of the Inter-American Commission on Human Rights including precautionary measures¹⁶.
- Insist that the Honduran State establish an effective mechanism to protect human rights defenders, and effectively implement of the precautionary measures granted by the Inter-American Commission on Human Rights.

To the Inter-American Commission on Human Rights:

- Take into account the invitations that the Honduran State presents to the Inter-American System, in particular in relation to in loco visits of the Rapporteur on Human Rights Defenders, Commissioner José de Jesús Orozco Henríquez, and promote an in loco visit as soon as possible.
- Urge the Honduran State to create a fund specifically to cover the security costs of the beneficiaries of precautionary measures and implement these measures in an appropriate form and in agreement with the beneficiaries (for example, that beneficiaries have independent or unarmed options for security).
- Remind the Honduran State that as a Member State of the OAS and as a State Party to the American Convention on Human Rights it has a responsibility, recognized by the General Assembly of the OAS, to follow-up on the recommendations of the Inter-American Commission on Human Rights including precautionary measures .
- Insist that the Honduran State establish an effective mechanism to protect human rights defenders, and effectively implement of the precautionary measures granted by the Inter-American Commission on Human Rights.

To the European Union and its Member States:

- Dedicate more resources to the distribution of the Local Strategy of the European Union for Human Rights Defenders in Honduras to civil society organisations, including the farthest regions of the country, in implementing the European Union Guidelines for Human Rights Defenders. Ensure that the recommendations collected in the document are appropriately and adequately implemented (for example: make public declarations in favour of the legitimate work of human rights defenders and publicly reject any acts of violence, threats, or harassment of which they are victims; visit organisations' offices and be present during public events such as press conferences; attend public hearings of cases against human rights defenders).
- Implement the plan to create a Liaison Group with Honduran civil society organisations with the purpose of examining cases of intimidation and attacks against human rights defenders. Ensure that the Liaison Group is representative of the distinct regions and the diversity of human rights defenders in Honduras.
- Ensure that the elaboration of the Human Rights Country Strategy in Honduras is part of an open and effective consultation with Honduran civil society (rural and urban) and that the outline of the document is shared prior to publication. We also consider it to be of vital importance that this document contains clear indicators and monitoring and evaluation mechanisms that include the participation of the Honduran civil society. ■■

16 "AG/RES. 2128 (XXXV-O/05): Observations and Recommendations on the Annual Report of the Inter- American Commission on Human Rights", adopted at the fourth plenary session of the General Assembly, held on June 7, 2005, para. 3 b), <http://www.oas.org/consejo/GENERAL%20ASSEMBLY/Resoluciones-Declaraciones.asp>

Report of Short-Term Mission to Honduras: The situation of Human Rights Defenders





1. Impunity in cases of human rights violations committed by state and non-state actors

1.1 The Dangerous Cycle of Impunity¹⁷

Almost unanimously, the people interviewed by the PBI mission to Honduras cited impunity as a factor that seriously affects the work and security of human rights defenders. PBI has observed this phenomenon in other countries in which its presence has been requested: when impunity becomes the status quo, it becomes nearly impossible for local authorities to enforce international human rights standards or dissuade against future human rights violations¹⁸. International mechanisms such as the Inter-American Commission on Human Rights (IACHR) have also stated “the most effective means of protecting human rights defenders in the Hemisphere is to effectively investigate acts of violence against them and sanction those responsible”¹⁹.

Over the course of the visit, several Honduran organisations expressed their concern to the mission regarding the lack of political will on their government’s part to combat and lower the high level of impunity that affects the country. Human rights organisations in Honduras recognise that the problem of impunity in their country did not begin with the coup d’etat, but they do

emphasise the significant worsening of the situation from that moment. Since the coup took place, compliance with minimum international standards of independence and judicial responsibility have not been adequate, according to people interviewed by the mission²⁰.

Additionally, these persons underscored the impact of impunity on the high level of violence in the country due to a lack of an effective judicial system and the persistence of corruption and illegal clandestine criminal structures²¹. In 2010, Honduras registered 6.236 homicides and the rate of homicides per 100.000 inhabitants rose to 77²², making Honduras the most dangerous country in the world.

The mission’s visit to Honduras and the conversations and research conducted thereafter has shown that HRDs currently find themselves

in a very dangerous cycle of impunity, silence, and violence. **The current rate of impunity in Honduras hovers around 98%²³** for all crimes, and is even higher in cases of human rights violations. During its visit, the mission was able to directly observe the disturbing effects of this cycle on groups



17 For the purpose of this report, the term impunity is understood to mean a lack of investigation of crimes and sanction of responsible parties.

18 “Silence-Impunity-Conflict: breaking a dangerous cycle”, Peace Brigades International, December 2009.

19 “Report on the Situation of Human Rights Defenders in the Americas”, Inter-American Commission on Human Rights, OEA/Ser.L/V/II.124 Doc. 5 rev.1, 7 March 2006, para. 202.

20 Interview with the Association of Judges for Democracy, San Pedro Sula, Honduras, 10 May 2011.

21 Interview with FIAN Honduras, Tegucigalpa, Honduras, 3 May 2011.

22 “Aumenta la violencia en Honduras: en 2010 hubo 6.236 homicidios”, América Economía, 13 January 2011, <http://www.americaeconomia.com/politica-sociedad/mundo/aumenta-la-violencia-en-honduras-en-2010-hubo-6236-homicidios>.

23 “Documento que presenta el Centro por la Justicia y el Derecho Internacional (CEJIL) para ser utilizado como insumo en el Examen Periódico Universal del Estado de Honduras que se llevará a cabo en el mes de noviembre de 2010,” CEJIL, November 2010.

that have experienced much repression and violence since the coup in Honduras: journalists, communications activists, and campesino movements.

Journalist assassinations not investigated

On 11 May 2011, during the visit of the PBI mission to Honduras, Hector Francisco Medina Polanco, a journalist and General Coordinator of Channel 9 Omega Visión, was murdered in Morazán, Yoro. In his reports, Medina Polanco had frequently criticised the actions or omissions of the National Police and private security guards that work in the area²⁴. **Since the coup d'état in Honduras in June 2009, 12 journalists and communications activists have been assassinated. At the moment there have been no investigations that have resulted in formal charges or criminal proceedings in any of the cases.** In this context several international organisations have highlighted the hostile and unsafe environment that journalists face in Honduras. Reporters Without Borders has designated Honduras as one of the most dangerous countries in the work for journalists²⁵. The Committee for the Protection of Journalists did a special report about Honduras in 2010 and concluded, "the continuous failure of the government to successfully investigate crimes against journalists and other critics –whether it be due to a lack of will, inability, or incompetence- has created a climate in which impunity prevails". The most recent assassination occurred in July of this year: Nery Jeremías Orellana, 26, died as a result of gunshot wounds in the western department of Lempira on the border with El Salvador. With him, the number of journalists assassinated this year rises to three²⁶. Recently the Director of UNESCO released a statement in which she states, "The assassination of journalists constitutes a crime against society as a whole". In this same statement she requests that the authorities carry out a thorough investigation of these crimes to assure that everyone in the country is free to exercise the fundamental human right of freedom of expression without fearing for their lives²⁷.

Assassinations and militarisation in the Bajo Aguán

During their time in the country, members of the PBI mission visited the Bajo Aguán region to learn more about the problems surrounding land ownership in the zone and the root causes of the endemic violence against organisations and social movements there. The PBI mission was able to confirm the militarisation of the zone, which social movements present there have been denouncing in the wake of the coup d'état. Just a few days after PBI left the area, members of the Aguán Campesino Movement (MCA) informed the mission of three assassinations that occurred in a period barely spanning a week²⁸. The Bajo Aguán region is found in the northeast part of Honduras in the department of Colón. Named for the Aguán River that runs through the zone and feeds in the Caribbean Sea, the region of Bajo Aguán has been the centre of agrarian reform programs carried out by the Honduran government. However, with the advance of neoliberalism in the 90s and consequent changes to agrarian reform laws, the process of distributing land to campesino collectives became muddled by massive land purchases by multinational corporations and large landholders. Since then, Bajo Aguán has been characterised by intense and violent agrarian conflicts, with a substantial presence of armed forces and private armies belonging to large landowners. Moreover, the geostrategic position of the region and the increase in illegal activities such as drug trafficking have created an extremely dangerous situation for those persons working to restore their land rights.

As of 15 August, there had been 29 members of campesino movements killed in the area. These movements work to unite campesino family cooperatives for the purpose of protecting their rights to land and property. Of these 29 cases, the Public Prosecutor in Trujillo (the municipality where the killings took place) only had files open in 15 of the cases. Of these 15 files, the investigations were on hold, and no charges had been filed against any of the alleged material or intellectual authors of these crimes²⁹.

24 *Ibíd* 2.

25 "La Relatoría para la Libertad de Expresión de CIDH también expresa su preocupación por nuevos ataques contra medios y periodistas en Honduras", Reporters Without Borders, 20 September 2010, <http://es.rsf.org/honduras.html>.

26 Reporters without Borders, World Report 2010, <http://en.rsf.org/report-honduras,182.html>. See also: "Violence against journalists: UN experts call upon Honduras to protect media staff", 10 May 2010, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10032&LangID=E>

27 "UNESCO pide investigar asesinato de periodistas hondureños", La Tribuna, 20 July 2011, <http://www.latribuna.hn/2011/07/20/unesco-pide-investigar-asesinato-de-periodistas-hondurenos/>

28 *Ibíd* 4,5.

29 "Honduras: Human Rights Violations in Bajo Aguán International Fact Finding Mission Report", APRODEV, CIFCA, FIAN, FIDH, Rel-UITA, Via Campesina Internacional, July 2011.

The behaviour of the private security guards has been questioned and denounced by multiple national and international organisations. After the deaths of five campesinos in November 2010, Miguel Facoussé, owner of the Dinant Group, publicly admitted to having sent his guards to evict the campesinos that had occupied the disputed lands, stating, “The security guards did what was expected of them to defend the lands”³⁰. Facoussé has refused to present himself to the Public Prosecutor’s office to give testimony regarding his alleged involvement, but nor have there been any actions or orders given by the competent authorities to obligate him to participate in the process. It should be noted that during the last drafting of this report, 11 people died (among them five private security guards) between 14 and 15 August in confrontations and attacks wherein private security guards belonging to the Dinant Group and the Honduran army were involved³¹. Although both the campesino movements and the Ministry of Agriculture have stated that these events were not related to disputes of land ownership in the region³², the government has ordered a new military operation called “Xatruch II” which sent in a force of 1.000 military and police into the zone. Moreover, a spokesperson for the Dinant Group made an announcement that in light of recent events it had suspended a recently signed agreement between Dinant, the government and the United Campesino Movement of the Aguán regarding the sale of lands in the area³³.

1.2 Actions and Omission by the State

1.2.1 Action: the Amnesty Law

It is evident that a lack of resources, training and institutional support all contribute to the persistence of impunity, as Human Rights Watch noted in their 2010 report³⁴, but there have also been decisions on the part of the government that have actively obstructed justice. The Amnesty Law³⁵ is an example of the dynamic that several civil society organisations described to the PBI mission: prioritising political and legal protection for some individuals or groups over justice, truth and reparations for the true victims³⁶.

30 “Miguel Facusse responsabiliza a Cesar Ham de muertes en el Aguán”, Radio HRN, 16 November 2010, <http://www.radiohrn.hn/1/content/miguel-facusse-responsabiliza-cesar-ham-de-muertes-en-el-aguan>.

31 “Continua el terror y la sangre en el Bajo Aguán”, FIAN Honduras, 17 August 2011, http://www.fian.hn/v1/index.php?option=com_k2&view=item&id=682:continua-el-terror-y-la-sangre-en-el-bajo-aguan&Itemid=4

32 “Honduras: Demandan cese a la violencia en el Bajo Aguán e investigaciones efectivas para sancionar a responsables de asesinatos”, Federación Internacional de Derechos Humanos (FIDH), 19 August 2011.

33 *Ibid.* 31.

34 “After the Coup: Ongoing Violence, Intimidation, and Impunity in Honduras”, Human Rights Watch, 2010, p.2-4.

35 This law gives amnesty to those persons accused of political crimes related to the deposing of then-president Manuel Zelaya Rosales and the coup d’état. The crimes covered by this law include treason, betraying ones country, terrorism, sedition and “related crimes” that are understood as “impersonation of a public official, crimes committed against the exercise of rights guaranteed by the Constitution, disobedience, abuse of authority and violating the duties of public officials”.

36 Interview with the Reflection, Investigation, and Communication Team, El Progreso, Honduras, 11 May 2011.

37 “IACHR Expresses Concern about Amnesty Decree in Honduras”, Press Release no. 14/10, Inter-American Commission on Human Rights, 3 February 2010.

38 *Ibid.* 23.

39 *Ibid.* 29.

The IACHR expressed its concern regarding the Amnesty Law approved by Congress during the Porfirio Lobo government in February 2010, reiterating “that the application of amnesty laws that impede access to justice in cases of serious human rights violations contravene States’ obligations under the Americas Convention to respect the rights and freedoms recognised by it”³⁷. Although it is true that “crimes against humanity and human rights violations” are excluded from this amnesty, the IACHR still underscores the lack of clarity regarding “precise criteria or concrete mechanisms” to apply this law.

PBI has observed that the drafting, approval, and implementation of laws of this nature could possibly contribute to the establishment of a dangerous precedent whereby judicial processes enshrined in the criminal code of a country are made irrelevant as a result of failure to comply with due process in the phases of the investigation and trying of the case.

1.2.2 Omission: lack of government purging

The United Nations High Commissioner for Human Rights and other international organisations have called attention to the continued presence of persons associated with the coup d’état in Honduran State institutions. In its contribution to the Universal Periodic Review (UPR) of Honduras, the Centre for Justice and International Law (CEJIL) highlights several actions that contribute to impunity such as, “the definitive acquittal in the case of 6 soldiers accused of supporting the Coup d’[E]tat (...); awarding the distinction of Representative for Life to Mr. Roberto Micheletti and (...); naming General Romeo Vásquez Velásquez, who lead the coup d’Etat, as manager of the national telecommunications company (HONDUTEL)”³⁸. In a report drafted by a human rights fact finding mission to the Bajo Aguán in Honduras³⁹, the six international organisations comprising the mission expressed the same concern: “The government has not taken any actions to purge these institutions nor to sanction

those who failed to fulfil their obligations. Worse still, the current government has nominated high-ranking military officials and former military officials linked to the coup d'état to public offices⁴⁰; positions that are still standing to this day". **When the people accused of these crimes continue to be a part of the same institutions that have the obligation to guarantee justice, it is essential that the State take quick and substantial actions to clarify the events and as such preserve the legitimacy of the State and honour its pledge to society.**

Nonetheless the international community recognises certain positive steps that have been taken by the Honduran State such as: the creation of the Ministry of Justice and Human Rights; the creation of the Investigation Unit for Human Rights Violations in the office of the Special Prosecutor for Human Rights; and the earmarking of additional funds to these institutions to increase and broaden their activities and the reach of these offices⁴¹. Additionally, the Special Prosecutor for Human Rights Sandra Ponce stated that they are taking measures to ensure impartial investigations⁴², in particular those where police officers have been accused of human rights violations.

However as of yet there have been very few cases where human rights violations have been duly investigated and the responsible parties brought to justice. **Also, no investigations into complaints of human rights violations committed by private security forces have been concluded**⁴³. The International Commission of Jurists (ICJ) in a press release following their visit to Honduras in March of this year lamented that there have not been any, "specific actions taken in support of justice and the Rule of Law" since their visit in December 2010. They maintain that "offers of good will on the part of different high ranking officials in the Honduran State could become simply rhetoric without true interest nor the indispensable political will to advance an agenda of reconciliation and restoration of constitutional"⁴⁴. Until concrete legal advancements that demonstrate the intolerance of the State towards those persons who violate

human rights have been produced, there will continue to be serious obstacles to carrying out work in defence of human rights in Honduras.

1.2.3 Weaknesses in the judicial system

Another issue people interviewed by the mission highlighted as contributing to impunity is the weakness of the judicial system and its inability to ensure independent functioning. **In the context of the coup d'état, the judicial branch played a controversial role, both in terms of the public support and legal protection it extended to perpetrators of the coup, as well as legal actions taken against officers of the court and judges who publicly expressed their opposition to the coup and disagreement with the Supreme Court.** Actions such as these contributed to the lack of confidence in judicial institutions as well as their ability to guarantee the respect of and adhesion to the Constitution and the rights enshrined therein.

Rejection of appeals of unconstitutionality and habeas corpus

Decisions made by the Supreme Court in response to appeals of unconstitutionality and claims of habeas corpus registered during the coup to protect the fundamental rights of the population are an example of how the Court limited the application of justice.

The Court rejected or delayed all of these appeals, blocking the possibility of opening criminal proceedings against those persons accused of arbitrary detention⁴⁵ and contributing to the tendency to not prosecute human rights violations committed in the context of the coup d'état. In this context, one sees the reticence of victims to present their complaints with the relevant institutions of the Honduran government. This is reflected in a report by the ICJ following their visits in December 2010 and March 2011: "The victims of these serious crimes continue to

40 The following nominations were made by the current administration: Division General Venancio Cervantes is the General Director of Migration and Immigration (he was assistant director of the Joint Chiefs of Staff at the time of the coup d'état); Brigade General Manuel Enrique Cáceres is the Director of Civil Aeronautics; the ex-General Nelson Wily Mejía is now in charge of the Marine Mercantile Administration and the ex-General Romeo Vásquez Velásquez is the manager of the Honduran Telecomunicaciones company (Hondutel) (he was the Commander-in-Chief of the Armed Forces at the time of the coup). IACHR. Preliminary Comments from the Inter-American Court for Human Rights on their visit to Honduras from 15th – 18th May 2010. OAS/Ser.L/V/II. Doc. 68. 3rd June 2010, par. 124.

41 "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.

42 Interview with Sandra Ponce, Special Prosecutor for Human Rights, Tegucigalpa, Honduras, 20 May 2011.

43 *Ibíd.* 21.

44 "Pronunciamiento de la Comisión Internacional de Juristas en ocasión de finalizar su visita a Honduras," Press Release, International Commission of Jurists, 18 March 2011.

45 "Report of the United Nations High Commissioner for Human Rights on the violations of human rights in Honduras since the coup d'état on 28 June 2009", Human Rights Council, United Nations, A/HRC/13/66, paragraph 72, 3 March 2010.

seek justice at the international level, which only further affects the credibility of political institutions [in Honduras]⁴⁶.

Judicial guidelines

One aspect of the Honduran judicial system that has been highlighted by several national and international bodies is the lack of judicial guidelines that can guarantee independence in the judicial branch, oversight in the appointment of judges and the regulation of the profession⁴⁷. Honduran human rights organisations pointed out the lack of judicial independence as a weakness of the State in their contributions to the UPR: “The appointments for positions such as Commissioner of Human Rights, Prosecutor General and Supreme Court Magistrates are not done by independent bodies. Rather, political agreements are made and voted on during Congress plenary meetings without any debate nor parliamentary scrutiny of the candidates”⁴⁸. Marcia Aguiluz, a lawyer with CEJIL noted “the fact that the Supreme Court concentrates all its jurisdictional and administrative functions gives it a wide margin of power (...) approving a law establishing judicial guidelines and Judgeship Council as well as putting these measures into effect is fundamental in the process of closing the doors to those who would abuse their power”⁴⁹.

Judges dismissed from office

The Association of Judges for Democracy (AJD) formed in 2006 in Honduras with the objective of monitoring judicial independence and guidelines in the country. After the Supreme Court announced its support for the coup d'état, declaring it a “constitutional succession”, the organisation publicly positioned itself against the coup d'état. Four members of the organisation (three judges and a magistrate) were removed from office and had disciplinary charges filed against them for making these public statements, and currently all four have yet to be reinstated. It should be noted that the Supreme Court justified the firing of these people with the argument that by publicly stating their opposition to the coup, the judges and the magistrate violated the statute prohibiting participation of members of the judgeship in partisan activities of this type. However, one should take into account the fact that none of the judges or functionaries of the Judicial Branch that publicly expressed their support for the coup suffered the same punishment. This shows clear evidence of the selective application of an administrative regulation. Multiple organisations and international institutions have recommended to the Honduran government that they close the cases against them and restore them to their posts, but the government has not responded to these recommendations⁵⁰.

46 *Ibíd.* 43.

47 “Informe del Grupo de Trabajo del Examen Periódico Universal,” United Nations Human Rights Council, 16th period of sessions, Item 6 on the Agenda, Universal Periodic Review p.82.70, 4 January 2011.

48 “Honduras Informe de las organizaciones de sociedad civil sobre la situación de los derechos humanos Al Consejo de Derechos Humanos de la ONU”, Universal Periodic Review, Ninth Session of the UPR Working Group, Joint Submission No. 6 comprised of: El Comité por la Libre Expresión, C-libre, Centro de Derechos de Mujeres, CDM; Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas de la Tortura y sus Familiares, CPTRT; CATTRACHAS; Observatorio Ecueménico de las Iglesias, CLAI; Frente de Abogados contra el Golpe; Centro de Estudios de la Mujer-Honduras, CEM-H; Asociación Casa Alianza; Confederación Unitaria de Trabajadores de Honduras, CUTH; Asociación Nacional de Escritoras de Honduras, ANDE-H; Centro de Investigación y Promoción de Derechos Humanos, CIPRODEH, November 2010.

49 “Sistema judicial requiere la aprobación urgente del Consejo de la Judicatura”, Defensores en Línea, 25 May 2010, http://www.defensoresenlinea.com/cms/index.php?option=com_content&view=article&id=767:sistema-judicial-requiere-la-aprobacion-urgente-del-consejo-de-la-judicatura&Itemid=192

50 Interview with the Association of Judges for Democracy, San Pedro Sula, Honduras, 10 May 2011.

2. The criminalisation and stigmatisation of human rights defenders

Criminalisation

The term “criminalisation” describes a tendency by State and non-state actors to use “legal actions against defenders, including criminal or administrative investigations or actions that are pursued to harass and discredit them”⁵¹. The processes judicialising or criminalising the work of human rights defenders can paralyse the work of social organisations because of the accusations, judgements and/or penalties imposed, and by creating or strengthening a process of self-censorship⁵².

Stigmatisation

Stigmatisation refers to smear campaigns or official declarations against human rights defenders or their work⁵³. This includes characterising the work of human rights defenders as illegal, dangerous, or a threat to national security⁵⁴. At the same time this stigmatisation causes human rights defenders to become more vulnerable to harassment by state and non-state actors⁵⁵.

2.1 Patterns and legal instruments used to criminalise and stigmatise HRDs in Honduras

The PBI mission in Honduras observed, with particular concern, patterns that criminalise and stigmatise HRDs in the country. The UN Special Rapporteur on the Situation of Human Rights Defenders⁵⁶ and the Inter-American

Commission on Human Rights (IACHR)⁵⁷ have identified both of these patterns in many parts of the world as being used to impede the work of defending human rights. In the interviews conducted, the criminalisation of social protest and the disproportional use of force during these protests, a series of new laws that have the potential to be used against HRDs, and public statements made against HRDs, were all identified as components of these patterns. The apparent contradiction in the application of justice, however, was especially worrying to the members of the PBI mission.

Interviewees contrasted high levels of impunity in cases of human rights violations with, conversely, the timely and agile response of the judicial system (e.g., issuing arrest warrants, speeding up the legal process) in cases against HRDs that could lead to penalties and further stigmatisation by presenting HRDs as delinquents⁵⁸.

2.1.1 Criminalisation of social protest and the disproportional use of violence

During the interviews, the HRDs specifically highlighted the tendency to criminalise social protest and the disproportional use of violence against peaceful demonstrations. Almost all of the organisations and people we spoke to stated that the repression against a series of protests led by striking teachers in March 2011 was comparable or even more violent than the repression during the coup d'état⁵⁹, resulting in various people being detained, injured, and one person killed⁶⁰. Social organisations have formally complained about the serious injuries caused by the use of tear gas against people by security forces in closed spaces⁶¹. Representatives of the diplomatic community also expressed their concern for the way in which security forces used tear gas during these demonstrations⁶².

51 Ibid. 19, para. 178.

52 “Report of the Special Rapporteur on the Situation of Human Rights Defenders, Margaret Sekaggya”, United Nations Special Rapporteur on the Situation of Human Rights Defenders, UN Doc. A/HRC/13/22, 30 December 2009, para. 32.

53 Ibid. 19, para. 175-177.

54 Ibid. 52, para. 175-177.

55 Ibid. 52, para. 32.

56 Ibid. 52, para. 26 – 37.

57 Ibid. 19.

58 Ibid. 52 para. 32.

59 Interview with Association of Judges for Democracy, San Pedro Sula, Honduras, 10 May 2011; interview with the Reflection, Investigation, and Communication Team (ERIC) and Radio Progreso, El Progreso, Honduras, 11 May 2011; interview with the Association for the Development of Zacate Grande Peninsula, Zacate Grande, Honduras, 14 May 2011; and interview with OFRANEH, Tela, Honduras, 11 May 2011.

60 “Criminalización de la Protesta Pública, Represión de Manifestaciones Públicas y Tratos Crueles inhumanos y degradantes”, Letter to European Parliamentary Representatives from Bertha Oliva de Nativi, General Coordinator of COFADEH, Equipo Niskor, 17 May 2011, <http://www.derechos.org/niskor/honduras/doc/cofadeh34.html>

61 Ibid. 60.

62 Interview with personnel from the French Embassy, Tegucigalpa, Honduras, 19 May 2011.

The organisations expressed particular concern for the apparent targeting of social leaders and journalists⁶³ by security forces during the protests, with objective of either arresting them or confiscating their equipment⁶⁴.

The disproportional use of force

The high number of military personnel present and the use of disproportional force during raids or in the delivery of legal notifications were repeatedly mentioned by the organisations interviewed. One such example took place on 28 November 2009, when the Red COMAL experienced a raid at their offices carried out by 50 police and military agents armed with M-50 machine guns⁶⁵. On another occasion in April 2010, 15 armed police agents arrived first at the school and later at the house of Carlos Amador, member of the Environmental Committee of Valle de Siria and social communicator, in order to deliver a legal summons⁶⁶.

2.1.2 Criminal accusations of sedition

According the Special Prosecutor for Human Rights, the crime of sedition as established by the Honduran Penal Code and as it is being applied refers to acts of opposition or political demonstrations that have been classified as violent or illicit⁶⁷. The crime of sedition can result in a jail term of between 5 and 10 years and a fine of between fifty thousand and one hundred thousand Lempiras⁶⁸. In March 2010, the Office of the U.N. High Commissioner for Human Rights expressed its concern for the inappropriate use of the accusation of the crime of sedition in the period following the coup d'état, and recommended adjusting national legislation to meet international standards⁶⁹. However, the PBI mission could find charges of sedition in various cases as recently as February and March 2011.

The Special Prosecutor for Human Rights explained to members of the mission that charges of sedition could be levelled

against persons who engaged in actions with a political dimension, such as painting graffiti with a political message or the simple act of participating in a political demonstration⁷⁰. For example, during the teachers' protests in March 2011, 17 people were charged with the crime of sedition and holding illicit gatherings⁷¹. Various organisations expressed their concern to PBI that participating in peaceful demonstrations or simply carrying out their work defending human rights entails the possibility of being charged with sedition, disobedience, or other crimes⁷².



63 "Office of the Special Rapporteur Expresses Concern over Attacks Against Media in Honduras", Special Rapporteur for Freedom of Expression, IACHR, Press Release R27/11, 30 March 2011. <http://www.cidh.org/relatoria/showarticle.asp?artID=835&IID=1>

64 Interview with the Association for the Development of Zacate Grande Peninsula, Zacate Grande, Honduras, 14 May 2011; interview with the Reflection, Investigation, and Comunication Team (ERIC) and Radio Progreso, El Progreso, Honduras, 11 May 2011; and interview with journalist Felix Molina, Tegucigalpa, Honduras, 2 May 2011.

65 Interview with the COMAL Network, Tegucigalpa, Honduras, 2 May 2011.

66 Interview with members of the Environmental Committee of the Valley of Siria, El Porvenir, Honduras, 12 May 2011.

67 *Ibíd.* 42.

68 "DECRETO 144-83: Código Penal", Poder Judicial de Honduras, In force since 12 March 1985, Capitulo VII: Sedición, Artículo 337, <http://www.poderjudicial.gob.hn/juris/Codigos/C%C3%B3digo%20Penal%20%2809%29.pdf>

69 "Report of the United Nations High Commissioner for Human Rights on the violations of human rights in Honduras since the coup d'état on 28 June 2009", U.N. Doc. A/HRC/13/66, 3 March 2010.

70 *Ibíd.* 42.

71 *Ibíd.* 60.

72 Interview with ERIC and Radio Progreso, El Progreso, Honduras, 11 May 2011 and members of the organisation COFADEH, Tegucigalpa, Honduras, 2 May 2011.

The Fraternal Black Organisation of Honduras (OFRANEH)

OFRANEH works with 46 garifuna communities on issues such as economic, social, and cultural rights, specifically by defending natural resources that are found within ancestral territories of the garifuna communities⁷³. The members of OFRANEH have historically experienced criminalisation⁷⁴ and stigmatisation, but since the coup d'état they have noted an increase in repression against the social leaders of their organisation⁷⁵. On the 28 March 2011, Miriam Miranda, the Executive Director of the organisation, was attacked with tear gas and arrested by public security forces during a demonstration in the city of Tela⁷⁶. Despite having serious burns, Ms. Miranda did not receive medical attention nor was she granted access to legal representation until 6 hours after her detention. Currently, Ms. Miranda is free on bail, which means that at any moment she can be incarcerated again on the charge of sedition⁷⁷.

The Association for the Development of the Zacate Grande Peninsula and Voice of Zacate Grande

The Voice of Zacate Grande is a community radio station that was created with goal of raising awareness about human rights and news in the country. The Association for the Development of the Zacate Grande Peninsula (ADEZPA) is an organisation that works to protect the land rights of the communities of Zacate Grande⁷⁸. Members of both organisations have experienced harassment, violence, and discrimination, and are

subject to various criminal processes. In April 2010, the same month that the radio station was burned, a Public Prosecutor filed a criminal complaint against several members of the Voice of Zacate Grande for usurping the land where the radio is located, and defrauding the public administration for installing a radio without the authorisation of CONATEL⁷⁹. When PBI met with them in May 2011, the Public Prosecutor's Office had broadened those charges to include contempt, alleging that by entering the premises of the radio station they had illegally entered a crime scene⁸⁰.

Eight members of the radio station were on parole, and had to appear before the Court every two weeks. The terms of their parole also prohibited them from entering the building that houses the radio station. Members of the radio station stated that they live with a permanent fear that at any moment the Public Prosecutor could open judicial proceeding against others at the radio. Another example of the criminalisation suffered by members of these organisations took place on the 15 December 2010, when two journalists from the radio station were detained while covering a forced eviction in the town of El Coyolito, Valle⁸¹. The public security forces confiscated their journalist credentials and equipment, and kept them detained and incommunicado for 36 hours⁸². Currently, both journalists are facing charges of disobedience and are on parole⁸³.

The IACHR awarded precautionary measures to all of the communications activists of the Voice of Zacate Grande in April of this year⁸⁴, after a shooting attack against the Director of the radio, Franklin Meléndes⁸⁵. In comparison with the judicial proceedings brought against members of the radio station and the Association, two individuals accused in this attack were released only a few weeks after the incident. Currently, one of the accused is living on the same street of Mr. Meléndes and his family.

73 Interview with members of OFRANEH, Tela, Honduras, 11 May 2011.

74 See "Case López Álvarez Vs. Honduras", Inter-American Court of Human Rights, Sentence, 1 February 2006. Series C No. 14, http://www.corteidh.or.cr/docs/casos/articulos/seriec_141_esp.pdf

75 Interview with members of OFRANEH, Tela, Honduras, May 11, 2011; interview with the community of Triunfo de la Cruz, Honduras, 10 May 2011.

76 "Repudiamos la detención arbitraria de Miriam Miranda, dirigente de OFRANEH, y exigimos su inmediata liberación", Gritos de los Excluidos, 28 March 2011, <http://www.gritodelosexcluidos.org/article/repudiamos-la-detencion-arbitraria-de-miriam-miran/>

77 *Ibid.* 73.

78 Interview with The Voice of Zacate Grande and the Association for the Development of the Zacate Grande Peninsula, Zacate Grande, Honduras, 14 May 2011.

79 *Ibid.* 41, para. 41.

80 Interview with The Voice of Zacate Grande and the Association for the Development of the Zacate Grande Peninsula, Zacate Grande, Honduras, 14 May 2011.

81 "The Office of the Special Rapporteur for Freedom of Expression of expresses its concern over the recent acts of harassment sustained by several community radio broadcasters in Honduras", Special Rapporteur for Freedom of Expression, IACHR, Press Release R1/11, 11 January 2011, <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=831&IID=1>

82 *Ibid.* 41, para. 41.

83 *Ibid.* 80.

84 "PM 115/11 – Communicators of The Voice of Zacate Grande, Honduras", IACHR, granted April 18, 2011.

85 "Office of the Special Rapporteur Expresses Concern over Attacks Against Media in Honduras", Special Rapporteur for Freedom of Expression, Press Release R27/11, 30 March 2011, <http://www.cidh.org/relatoria/showarticle.asp?artID=835&IID=2>

2.1.3 New legal instruments to criminalise and stigmatise

The majority of the organisations interviewed by the mission referenced a series of laws and legislative reforms that they fear could be used to control or criminalise their work. In particular, organisations expressed uneasiness about the Law against Financing Terrorism⁸⁶ and the proposed Special Law to Support Development Organisations (NGOD); they do not oppose the better control and transparency of their finances or strengthening the fight against organised crime, but these laws create “judicial insecurity for non-governmental organisations”⁸⁷. They believe that in the current climate these laws could be used against them to interfere in their internal policies or to stigmatise them even further. These fears are based in statements from government officials such as the Security Minister who, while the Law against Financing Terrorism was being debated in Congress, that “the organisations must demonstrate that their resources are being used for social advancement and not for marches that destabilise the country”⁸⁸.

The Law against Financing Terrorism, approved in November 2010 and brought into force on 9 April 2011, requires non-profit organisations to inform the Financial Information Unit of all donations equal to or greater than USD\$2,000. Failure to comply brings sanctions that range from monthly fines of 2,000 Lempiras to the dissolution of the organisation or the association⁸⁹. According to the social organisations, one of their primary concerns is the fact that the law “does not stipulate any process that would be used to establish the sanctions mentioned, nor guarantee the right of defence, which would evidently generate arbitrary decisions and seriously impact those who are subject to this law, which includes human rights organisations”⁹⁰.

The Special Law to Support Development Organisations, known as the Law of NGOs, defines and limits a development organisation as an organisation that dedicates itself “exclusively to activities of general interest to society in humanitarian and social assistance, the protection of individual and social constitutional guarantees and rights of democracy, institutional framework of the State, promotion of human development, education, health, the economy, the environment and other civic, sporting, and recreational activities”⁹¹. Although this law has not yet entered into force, apart from defining what constitutes a development organisation, it creates an NGO Registry to which all of the registered organisations will have to submit their accounts, budgets, and information about the source and origin of the organisation’s funds⁹². Several organisations have pointed out the risk “that the State will be able to arbitrarily, through the Secretary of the Interior and Population (SEIP), cancel the legal status of institutions registered as NGOs with the Registry and Tracking Unit of Civil Associations (URSAC), simply for being suspected of undertaking illicit activities such as drug trafficking and money laundering”⁹³. Members the Centre for the Investigation and Promotion of Human Rights (CIPRODEH) told the PBI mission that during the coup d’état the Secretary of the Interior called for a revision of their accounts and legal status, and more recently questioned the organisation’s capacity to represent human rights defenders in legal proceedings at the Inter-American Human Rights System because of their legal status⁹⁴. The risk for human rights organisations is the control the government will have to question the work of organisations that criticise the public policies of the Honduran State⁹⁵. In the end, these new laws allow for the possibility to criminalise and stigmatise human rights defenders, both individually and as social organisations.

86 “Ley contra el Financiamiento del Terrorismo, Decreto No. 241-2010”, Published in the official newspaper la Gaceta, 11 December 2010, <http://www.sefin.gob.hn/wp-content/uploads/2011/02/DECRETO-EJECUTIVO-NUMERO-PCM-017-2011.pdf>

87 *Ibid.* 44.

88 “Honduras: Con ley antiterrorismo se legalizará la represión a la Resistencia Popular”, *Contrainjerencia*, 26 November 2010, <http://contrainjerencia.com/index.php/?p=1844>

89 “Carta de Cofadeh informando al G-16 de actuaciones incompatibles con los derechos humanos por parte de Porfirio Lobo”, Equipo Nisqor, 28 April 2011, <http://www.derechos.org/niskor/honduras/doc/cofadeh36.html>

90 *Ibid.* 89.

91 “ONG que no rindan cuentas serán canceladas: Foprideh”, *La Tribuna*, 7 April 2011, <http://www.latribuna.hn/2011/04/07/ong-que-no-rindan-cuentas-seran-canceladas-foprideh/>

92 *Ibid.* 91.

93 “GSC considera que Ley de las ONGD es una amenaza para organizaciones progresistas”, Grupo de la Sociedad Civil, *Revistaso*, 8 June 2011, http://www.revistaso.bis/cms/index.php?option=com_content&view=article&id=2187&joscclean=1&comment_id=20977&Itemid=61

94 Interview with CIPRODEH, Tegucigalpa, Honduras, 4 May 2011.

95 “GSC considera que Ley de las ONGD es una amenaza para organizaciones progresistas”, Grupo de la Sociedad Civil, *Revistaso*, 8 June 2011, http://www.revistaso.bis/cms/index.php?option=com_content&view=article&id=2187&joscclean=1&comment_id=20977&Itemid=61; Interview with CIPRODEH, Tegucigalpa, Honduras, May 4, 2011; interview with the Association of Judges for Democracy, Tegucigalpa, Honduras, May 10, 2011; interview with FIAN-Honduras, Tegucigalpa, Honduras, 3 May 2011.

2.1.4 Public statements against human rights defenders

PBI has followed with great concern the declarations and public statements against human rights defenders by high-level public officials and relevant personalities in the country. In this vein, the Minister of Security, Oscar Álvarez Guerrero, has made public statements blaming human rights organisations for contributing to the destabilisation of the government and accusing them of supporting armed groups in the region of Bajo Aguán⁹⁶. The President of Honduras, Porfino Lobo Sosa, while travelling in the United States, accused human rights organisations of making a business out of criticising the country at the international level, saying that “today there is a mixing of the political and there are many organisations for whom it is a large source of income to plant the idea that there is a dramatic situation in the country”⁹⁷. Miguel Facoussé Barjum, President of the Dinant Group, published a paid advertisement naming various human rights defenders and stating that these individuals were acting “irresponsibly and with perverse intentions” for making formal international complaints about the human rights situation in Honduras⁹⁸.

Civic Council of Popular and Indigenous Organisations of Honduras (COPINH)

COPINH is a non-governmental organisation that works for human rights, the conservation of the environment, and the recognition of the rights of indigenous peoples⁹⁹. COPINH and its members have made formal complaints about the types of aggressions and threats against them, including smear campaigns, physical attacks, and the detention of its members for participating in demonstrations¹⁰⁰. In January 2011, agents from the T-Power Measurement Service of Honduras entered the COPINH offices and cut the electricity, preventing the transmission of the radio stations Guarajamba and the Voice of the Lenca¹⁰¹. Members of the organisation have expressed their con-

cern about having experienced various public smear campaigns, including the campaign promoted by the Minister of Security when he stated publicly that: “in Aguán there are Copines”¹⁰². With this comment the Minister wanted, in some form, insinuate that the members of COPINH are promoting the destabilisation of the Bajo Aguán region. Another example of the stigmatisation that members of the organisation have suffered is the accusations made by municipal government officials in the media that members of COPIHN had burned down a school¹⁰³. One week after the mission met with members of COPIHN, we received news that soldiers dressed in civilian clothes arrived at a community festival in Llano Grande, Colomocagua and when some younger members of COPINH approached them, the soldiers began to attack the youths, resulting in two of the members of COPINH being injured, one of them seriously¹⁰⁴. These examples help to demonstrate a very problematic dynamic that begins with the public stigmatisation of a movement or an organisation which is then used to justify the use of force against members of these organisations.

Although the cases mentioned appear to be cases in which authorities have made isolated statements, they have a collective impact in the work and the lives of HRDs. The Special Prosecutor for Human Rights, Sandra Ponce, also expressed her concern for the polarised environment and the stigmatisation of certain sectors of the civil society, in particular citing potentially inflammatory newspaper headlines such as “The Teacher’s Cartel”¹⁰⁵. In the context of almost complete impunity for human rights violations, stigmatisation and criminal accusations against HRDs increases their vulnerability to these attacks, threats, and discrimination. The mission received the testimony of one HRD who was refused medical treatment after having been shot and injured, for having been signalled as a delinquent when exercising his right to defend human rights¹⁰⁶. Given the panorama presented here, with physical attacks and the threat of criminal proceeding for legitimate work, it is complicated

96 “Relatora de la ONU conoce de hostigamiento contra organizaciones de derechos humanos”, FIAN Honduras, 20 January 2011, http://www.fian.hn/v1/index.php?option=com_k2&view=item&id=321:relatora-de-la-onu-conoce-de-hostigamiento-contra-organizaciones-de-derechos-humanos&Itemid=4; “ONG financian grupos armados al norte de Honduras”, El Heraldo, 25 November 2011, <http://www.elheraldo.hn/Pa%C3%ADs/Ediciones/2010/11/25/Noticias/ONG-financian-grupos-armados-al-norte-de-Honduras>.

97 “Hacen negocio con DD HH, critica Pepe Lobo”, La Prensa, 9 November 2011, <http://www.laprensa.hn/Pa%C3%ADs/Ediciones/2010/11/09/Noticias/Hacen-negocio-con-DD-HH-critica-Pepe-Lobo>; “Defensores de DD.HH. se dejan llevar por dólares del extranjero”, La Tribuna, 9 November 2011, <http://www.latribuna.hn/2010/11/09/defensores-de-ddhh-se-dejan-llevar-por-dolares-del-extranjero/>

98 Comunicado de Prensa, “Al Pueblo Hondureño y Comunidad Internacional,” La Tribuna, 13 April 2011.

99 Interview with COPINH, La Esperanza, Honduras, 8 May 2011.

100 *Ibid.* 99.

101 “Relatoría Especial manifiesta su preocupación por hostigamientos de radios comunitarias en Honduras”, Special Rapporteur on Freedom of Expression, IACHR, Comunicado de Prensa R1/11, 11 January 2011, <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=831&IID=2>

102 *Ibid.* 99.

103 “Selayistas quemaron escuela en Lempira”, El Heraldo, 11 May 2011, <http://www.elheraldo.hn/Pa%C3%ADs/Ediciones/2011/03/11/Noticias/Selayistas-quemaron-escuela-en-Lempira>; “Gobierno condena incendio de escuela en aldea de Lempira”, La Tribuna, 11 May 2011, <http://www.latribuna.hn/2011/03/11/gobierno-condena-incendio-de-escuela-en-aldea-de-lempira/>

104 “Denuncia agresión del ejército contra jóvenes miembros de la organización”, Press release, COPINH, 14 May 2011, <http://www.copinh.org/leer.php/3332854>

105 *Ibid.* 42.

106 *Ibid.* 80.

for HRDs to approach State authorities to ask for protection when it is the representatives of these same institutions that are calling them delinquents and dangerous.

This continues in spite of the recommendation of the UN Special Rapporteur on the Situation of Human Rights Defenders that public recognition by States, and in virtue their representatives, of the important and legitimate nature of human rights work is the first step in protecting human rights defenders¹⁰⁷.

Environmental Committee of the Siria Valley

The Environmental Committee of the Siria Valley works to defend human rights and the environment, and in particular have focused a large part of their work on the impacts of mining in Honduras. After the mission, members of the Environmental Committee of the Siria Valley, Carlos Amador, Marlon Hernández y Juan Ángel Renunco were arrested under a judicial order early in the morning 6 July 2011¹⁰⁸. These members of the Committee, along with 15 more members of the same organisation and from the Community Council of El Terrero and 17 people from the community of El Suyatal are facing charges for the crime of obstructing the execution of a forest management plan because of their participation in a demonstration to prevent the logging of the micro watershed el Tapalito on 6 April 2011. The judge released them on bail as long as they could fulfil a series of conditions of parole until the first hearing in the case could be held¹⁰⁹. In this initial hearing, the presiding judge decided that the case would continue and ordered 17 people, including the members of the Environmental Committee, to be put on parole¹¹⁰. The conditions of parole, which are much stricter than those granted originally, mean that these individuals must register at the Court every Friday, they cannot leave the

country, and they are not allowed to visit the site where the forest is to be logged¹¹¹. For the 13 people from the community of El Suyatal, at a separate hearing on 5 August 2011, “the presiding Judge granted a temporary acquittal because the prosecution failed to prove that the 13 accused had participated in the protest that prevented the logging of the forest”¹¹². Given that the crime of obstructing the implementation of a forest management plan includes penalties of between 4 and 6 years in prison¹¹³, PBI continues to be concerned for situation of the members of the Environmental Committee of the Siria Valley.

24 August Farmers Association

The 24 August Farmers Association in el Rincón, Siguatepeque, is an associative farmers company that has lived on and worked a 2,000 acre (approx) parcel of land for more than 30 years¹¹⁴. The association was created in 1983. By 1985 they had been granted a guarantee of occupation, and in 1995 they obtained a supplementary title to a portion of this same land¹¹⁵. In 2003, an individual appeared and presented a title to the land in question and since this time the members of the Farmers Association have faced a series of criminal and civil proceedings¹¹⁶. The community has suffered at least 4 forced evictions during which their crops were burned and several people were injured. The most recent eviction took place on 2 June 2011¹¹⁷. On 24 May 2008 during one of the forced evictions, Antonio Molino Nicolás was killed. He was not found in the disputed land at the time of the eviction, but in the community. To date there has been no trial in regards to the killing of Mr. Molino Nicolás even though 20 members of the Farmers Association have charges of usurpation against them and have been on parole for 3 years for which they must travel to register at the Court every two weeks¹¹⁸.

107 Ibid. 52, para. 114.

108 “Acción Urgente: Estado de Honduras Continúa criminalizando Defensores de Derechos Humanos”, COFADEH, 6 July 2011, http://www.defensoresenlinea.com/cms/index.php?option=com_content&view=article&id=1470:juesa-criminalisa-defensa-del-bosque-en-el-valle-de-siria&catid=42:seg-y-jus&Itemid=159

109 Ibid 108.

110 “Auto de prisión para ambientalistas del Valle de Siria”, Defensores en Línea, 2 August 2011, http://www.defensoresenlinea.com/cms/index.php?option=com_content&view=article&id=1531:auto-deprision-para-ambientalistas-del-valle-de-siria&catid=58:amb&Itemid=181

111 Communication with members of the Environmental Committee of Siria Valley, 2 August 2011.

112 “Sobreseimiento provisional para pobladores de El Suyatal”, Defensores en Línea, 5 August 2011, http://www.defensoresenlinea.com/cms/index.php?view=article&catid=58%3Aamb&id=1538%3Asobreseimiento-provisional-para-pobladores-de-el-suyatal&option=com_content&Itemid=181

113 “Ley forestal de áreas protegidas y vidas silvestres, Decreto No. 98-2007”, Artículo 186 published in the newspaper la Gaceta, 26 February 2008, <http://www.serna.gob.hn/DGA/Ley%20Forestal%20Areas%20Protegidas%20y%20Vida%20Silvestre%20-%20Gaceta.pdf>

114 Interview with Associative Company 24th of August, El Rincon Siguatepeque Honduras, 8 May 2011.

115 “Empresa Asociativa Campesina “24 de Agosto”, Fian Hondura, 30 September 2009, http://www.fian.hn/v1/index.php?option=com_k2&view=item&id=9:emp

116 Ibid. 114.

117 “Campesinos de Siguatepeque, agredidos nuevamente por policías y terratenientes”, Empresa Asociativa 24 de Agosto, Comunicado de Prensa, 2 de junio 2011, http://voselsoberano.com/v1/index.php?option=com_content&view=article&id=11518:campesinos-de-siguatepeque-agredidos-nuevamente-por-policias-y-terratienientes&catid=24:comunicados

118 Ibid. 114.

3. Lack of implementation of Protection Mechanisms for Human Rights Defenders

3.1 The Protection of Human Rights Defenders

The PBI mission was able to observe a few patterns of the attacks that human rights defenders are suffering in Honduras. **In the interviews, the mission received information about direct telephone threats; indirect threats via third persons; selective killings of groups such as journalists and communications activists, peasant farmers, members of LG-BTQ community, and teachers; attacks by private security guards including kidnappings, threats, assassinations, and harassment; attacks against the offices of social organisations such as break-ins and raids, and intimidating visits from unknown individuals; burning of community radio equipment; surveillance and stalking; smear campaigns; and excessive criminal proceedings against human rights defenders.** In order to confront these attacks, Honduran organisations have implemented their own protection measures and have organised themselves to present cases and formal complaints in front of international protection and investigative mechanisms like the IACHR, the International Criminal Court (ICC), and United Nations Human Rights System.

State responsibility to protect human rights defenders

The United Nations Declaration on Human Rights Defenders recognises the responsibility of States to guarantee the protection of human rights defenders against all forms of violence, threats, harassment, or discrimination¹¹⁹.

The IACHR reaffirms the fact that States have the obligation to respect and protect the human rights, enshrined in international treaties and instruments, of

all persons under their jurisdiction and that the labour of human rights defenders is fundamental in guaranteeing rule of law, the existence of full democracy, and the universal implementation of human rights¹²⁰.

Multiple individuals, communities, and organisations that have been attacked for their work defending human rights, told the mission that they perceive international justice and mechanisms as the only way to confront the risks they suffer. According to them, effective protection mechanisms at the local level simply do not exist¹²¹. In an IACHR hearing at the end of March 2011, representatives from the Honduran State announced the creation of a national plan to develop a Protocol for the Protection of Human Rights Defenders¹²². The IACHR has recommended that this protocol be created in accordance with international standards and that the protection measures be developed in consultation with the beneficiaries of such measures¹²³.

3.2 International Protection Mechanisms for Human Rights Defenders

The Precautionary Measures of IACHR

The IACHR awards precautionary measures in serious and urgent situations to prevent irreparable harm to people, individually or collectively, in connection with a case or petition currently before the Commission or the Inter-American Court of Human Rights, or to people who are under the jurisdiction of the Commission, independent of whether there is a case or petition¹²⁴. The General Assembly of the OAS has recognised the importance of precautionary measures¹²⁵ and the IACHR itself sees these mechanisms as one of its most important tools for protecting human rights defenders¹²⁶. According to the United Nations Special Rapporteur

119 "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms", Resolution 53/144 adopted by the General Assembly, 8 March 1998, UN Doc. A/RES/53/144, Article 12.

120 Ibid. 19, para. 1.

121 Interview with the Association of Judges for Democracy, San Pedro Sula, Honduras, 10 May 2011; interview with members of the organisation Arco Iris (Rainbow Collective), Tegucigalpa, Honduras, 5 May 2011; interview with ERIC and Radio Progreso, El Progreso, Honduras, 11 May 2011; interview with CIPRODEH, Tegucigalpa, Honduras, 4 May 2011.

122 "IACHR Concludes its 141st Regular Session", IACHR, Press Release No. 28/11, 1 April 2011, <http://www.cidh.oas.org/Comunicados/English/2011/28-11eng.htm>

123 "Annex to Press Release 28/11 on the 141^o Period of Ordinary Sessions", IACHR, 1 April 2011, <http://www.cidh.org/Comunicados/English/2011/28A-11eng.htm>

124 "Article 25: Rules of Procedure of the Inter-American Commission on Human Rights", Approved by the Commission in the 137th period of ordinary sessions, celebrated on 28 October to 13 November 2009.

125 "AG/RES. 2128 (XXXV-O/05): Observations and Recommendations of the Annual Report of the Inter-American Commission on Human Rights", approved in the fourth plenary session of the General Assembly of the OAS, celebrated on 7 June 2005, para. 3b).

126 Ibid. 19, para. 5.

on the Situation of Human Rights Defenders, granting precautionary measures is an important part of regional and international human rights protection mechanisms¹²⁷. Precautionary measures are a way to insist that States fulfil their responsibility and obligation to protect every person under their jurisdiction that finds themselves in a situation of risk, including human rights defenders.

3.2.1 Applying and implementing precautionary measures of the IACHR

Honduran organisations have stated that meeting the stipulations of the precautionary measures was already problematic before the coup d'état, but since then the implementation of these measures has become even worse and less effective¹²⁸. The PBI mission received information about the lack of implementation of these measures and the impact that this gap has had on the reality of human rights defenders. Since the coup d'état, the IACHR has awarded 12 separate precautionary measures for individuals and groups in Honduras. Additionally, it has broadened precautionary measure No. 196/09 at least 28 times since it was originally granted on 29 June 2009 in order to address "a series of circumstances that arose as a result of the coup d'état in Honduras"¹²⁹. It is important to note that the number of precautionary measures does not indicate the number of people protected. The IACHR grants measures that protect more than one person and protect collectives such as communities or indigenous peoples¹³⁰. For example, at the end of 2009 the precautionary measure No. 196/09 extended protection to 147 people¹³¹. According to the IACHR, since 28 June 2009, the day of the coup, it has used the mechanisms of granting precautionary measures and requesting information from the State many times to protect thousands of people in Honduras¹³². Ten of the 30 organisations interviewed by the mission confirmed that members of their organisations had been granted precautionary measures by the IACHR¹³³. The following section highlights some of the concerns expressed

by the organisations, individuals, and communities that are currently beneficiaries of this protection mechanism.

Lack financial and human resources in order to ensure the implementation of the measures

After its visit to Honduras in May 2010, the IACHR stated that it "was able to establish that the efforts the State made to implement the precautionary measures have been few, late in coming, inadequate and in some cases nonexistent"¹³⁴. For the organisations and beneficiaries of these measures, there is a general perception that "there is not a strong response from the State when there are threats against people who have precautionary measures"¹³⁵. In the interviews conducted, various people stated that there is a lack of trust because of the coup d'état, but also a fear that those people threatening human rights defenders have connections to the State or institutions that are supposed to provide them with protection¹³⁶. These concerns have been expressed to the IACHR, which has stated that it has received "testimony to the effect that some beneficiaries of precautionary measures are afraid to receive any protection from the very persons they regard as the aggressors"¹³⁷.

One of the greatest obstacles, according to Honduran organisations and the IACHR, is the lack of an effective mechanism for the implementation of these measures. The Inter-Institutional Commission of Human Rights exists for the purpose of coordinating and supervising the implementation of precautionary measures. This Commission is comprised of "representatives of the Supreme Court, Public Ministry, Minister of Security, Attorney General's Office, Special Commission for Human Rights of the Ministry of External Relations, Minister of the Interior and Justice, as well as a representative of the President of the Republic"¹³⁸. Observing the failure in the implementation of the precautionary measures, the IACHR recommended in June 2010 that the Honduran State "provide the Inter-Institutional Commission – charged with the internal coordination of these matters – with proper staff and sufficient resources so that it can efficiently respond to the Commission's precautionary measures"¹³⁹.

127 Ibid. 52, para. 106

128 "La implementación de las medidas cautelares otorgadas en el contexto del Golpe de Estado en Honduras", Presented to the IACHR by COFADEH, CIPRODEH, ERIC, and CEJIL, October 2011.

129 "Annual Report of the Inter-American Commission on Human Rights 2009: Chapter III the system of petitions and individual cases", IACHR, OEA/Ser.L/V/II Doc. 51 corr. 1, para 37.

130 Ibid. 124.

131 Ibid. 125, para 11; MC 96/06 – Ampliación el 24 de julio 2009 para incluir a Nahúm Palacios.

132 Ibid. 41, para. 68.

133 The Voice of Zacate Grande, Radio Progreso, OFRANEH, CDM San Pedro Sula, COPINH, CUTH, Arco Iris, Cattrachas, CODEH, y COFADEH.

134 Ibid. 41, para. 71.

135 Ibid. 94.

136 Interview with journalist Felix Molina, Tegucigalpa, Honduras, 2 May 2011; interview with the Committee for the Defense of Human Rights in Honduras (CODEH) Tegucigalpa, Honduras, 2 May 2011; interview with CIRPODEH, Tegucigalpa, Honduras, 4 May 2011; and interview with the Association of Judges for Democracy, San Pedro Sula, Honduras, 10 May 2011.

137 Ibid. 41, para. 71.

138 Ibid. 128, p. 3.

139 Ibid. 41, para. 72.



According to declarations made by State functionaries in June 2011, the Inter-Institutional Commission had been able to arrive at agreements for 287 precautionary measures¹⁴⁰. However, various organisations, individuals, and communities with whom the mission met stated that although they had come to an agreement with the government of the implementation of their precautionary measures, the State had not fulfilled the agreed upon measures. In this regard, members of the organisation Arco Iris (the Rainbow Collective) stated that they had signed an agreement with the Ministry of Security and for a month the police conducted perimeter patrols that were documented, but since that time nothing has been done¹⁴¹.

The mission noted cases where police officers that were meant to provide protection asked the human rights defenders to pay for their food and transportation costs¹⁴². There were also organisations that gave examples in which State authorities would no longer receive formal complaints about violations of the precautionary measures “because they already have too many registered complaints about precautionary measures and they couldn’t receive more¹⁴³. Members of the organisation OFRANEH explained that before they the coup they held follow-up meetings for the case of the community Triunfo de la Cruz, but these meetings did not continue after the coup d’etat. For them, the fundamental problem is that effective mechanisms to respond and implement to precautionary measures of the IACHR do not exist¹⁴⁴.

The reality for human rights defenders

The impact of the failure of the Honduran State to implement and comply with protection measures is a reality and is demonstrated by the number of people with precautionary measures that have been killed, threatened, and had their family members and people close to them attacked. For example, the journalist Nahúm Palacios and his wife were killed on 14 March 2010, at a time when Mr. Palacios was supposed to be under the protection of these measures¹⁴⁵. Honduran organisations have documented cases where people who have been granted precautionary measures report being followed and under surveillance, receiving direct threats, and being attacked¹⁴⁶. The mission received information of family members of beneficiaries of precautionary measures who have been attacked and threatened. Members of the Lesbian Network Cattrachas (la Red Lésbica Cattrachas) reported that a friend of a member of the organisation was killed while that member was under the protection of these measures. “The police response was that the Honduran State was not responsible for this murder because it was [the member of Cattrachas] who was under the protection of the precautionary measures and not the friend”¹⁴⁷. For some people interviewed, the granting of precautionary measures has had an unexpected and undesirable effect: it has served as a way to identify the people who are involved in defending human rights, but given that they are not be-

140 Ramón Custodio Espinosa, Ambassador of Honduras in Brussels, Presentation to the Subcommittee of Human Rights of the EU 11 July 2011,

<http://www.europarl.europa.eu/activities/committees/homeCom.do?language=ES&body=DROI>

141 Interview with Arco Iris (Rainbow Collective), Tegucigalpa, Honduras, 4 May 2011.

142 Interview with CUTH, Tegucigalpa, Honduras, 6 May 2011.

143 *Ibid.* 73.

144 *Ibid.* 73.

145 *Ibid.* 41, para. 49.

146 *Ibid.* 128, p. 10-15.

147 Interview with the Lesbian Network Cattrachas, Tegucigalpa, Honduras, 6 May 2011.

ing implemented appropriately, this recognition has placed these people and organisations in a situation of increased vulnerability¹⁴⁸. **One organisation explained that during a hearing about the precautionary measures with IACHR, there was the presence of soldiers dressed in civilian clothing inside the room and at the door, monitoring who was entering and existing the hearing¹⁴⁹.**

3.2.2 The European Union Guidelines on Human Rights Defenders

The European Union Guidelines on Human Rights Defenders

The European Union (EU) Guidelines on Human Rights Defenders were approved in 2004 and revised and complimented in 2008. Their purpose is to improve the actions of the EU in protecting human rights defenders in other countries¹⁵⁰.

The Guidelines allow for “interventions by the Union [the Heads of EU Missions and Embassies of Member States] in favour of human rights defenders who are at risk, and suggest practical means to support and assist human rights defenders”¹⁵¹.

The EU Guidelines have been a useful and effective tool for protecting human rights defenders in various countries where PBI works. Based in these experiences, the mission wanted to verify their use in Honduras. Firstly, it is important to recognise the effort made in publishing and adopting the local strategy of the EU for Human Rights Defenders in Honduras in July 2010 by the EU Delegation in Honduras and German, Spanish, French, Italian, and Swedish Embassies. The local strategy was created in consultation with Honduran human rights organisations and included concrete recommendations such as the creation of a Con-

tact Group in conjunction with Honduran civil society organisations in order to examine cases of threats and attacks against human rights defenders. Also, the strategy envisages visits from representatives of the Embassies and the EU delegation to offices of organisations and public events, such as press conferences, of organisations that have been threatened or attacked, in addition to attending public hearings against human rights defenders¹⁵².

In the meetings with the Embassies of EU Member States and the EU Delegation, they confirmed various actions that they are taking in order to put the Guidelines into practice apart from the creation of the local strategy¹⁵³. The representatives of the EU Delegation mentioned that they have made in situ visits and they maintain a continuous dialogue with human rights organisations¹⁵⁴. Representatives of the German Embassy spoke of how after the kidnapping of a member of the organisation the Association for a More Just Society (ASJ), they decided to attend a press conference denouncing the attack and they felt that their presence had value¹⁵⁵. Additionally, the Association of Judges for Democracy expressed its gratitude for the reaction of the Spanish Embassy with regards to their case¹⁵⁶.

Lack of knowledge of the Guidelines

Despite these efforts, the mission also noted various points of concern with regards to the concrete implementation of the Guidelines. **In general, there was a lack of knowledge regarding the Guidelines and local strategy amongst many of the organisations with whom PBI met, particularly among those organisations not based in the capital of the country¹⁵⁷.** One organisation commented in reference to the Embassies present in Honduras that their representatives “do not come to San Pedro Sula”¹⁵⁸. It is important to state that in general the organisations based in the farthest and most rural regions of the country are those that defend economic, social and cultural rights, and the rights

148 Ibid. 21.

149 Ibid 36.

150 “Guidelines on Human Rights Defenders”, Council of the European Union, Brussels, 10 June 2009 (24.06), 16332/2/08 Rev. 2, para. 1, <http://register.consilium.europa.eu/pdf/es/08/st16/st16332-re02.es08.pdf>

151 Ibid. 150, para. 1.

152 “Estrategia local de la Unión Europea para Defensores de los Derechos Humanos en Honduras”, Delegación de la Unión Europea en Honduras, Tegucigalpa, Honduras el 27 de julio 2010, p. 17-18.

153 Interview with personal from the Spanish Agency of International Cooperation for Development (AECID), Tegucigalpa, Honduras, May 18, 2011; interview with personal from Embassy of Germany, Tegucigalpa, Honduras, May 18, 2011; interview with personal from the EU Delegation in Honduras, Tegucigalpa, Honduras, May 19, 2011.

154 Interview with personal from the EU Delegation in Honduras, Tegucigalpa, Honduras, May 19, 2011.

155 Interview with personal from Embassy of Germany, Tegucigalpa, Honduras, May 18, 2011.

156 Ibid 20.

157 Red Comal, OFRANEH, SINTRAIN Tocoa, and the Association of Judges for Democracy expressed a total lack of knowledge of the Guidelines.

158 Ibid. 7.



of indigenous peoples and garifuna communities. Precisely because of the nature of their work, and their geographic isolation, these organisations find themselves in a situation of increased risk.

Inappropriate application of the Guidelines

The PBI mission received information about a technical mission that was sent by the EU Delegation to the Bajo Aguán region. In practice, such a mission to the more conflictive regions of the country falls within the recommended measures of the Guidelines, highlighted in the recommendations of the local strategy, and could be ideal moments in which the Embassies and the delegation demonstrate their respect for the work of human rights defenders, resulting in their increase protection and safety. However, it is concerning that, according to Honduran organisations, there has not been any public follow-up to this delegation¹⁵⁹.

¹⁵⁹ Ibid. 21.



This publication was financed by:



Sigrid Rausing Trust



Photos: James Rodríguez - www.mimundo.org / graphic design: gerardomonterroso.blogspot.com

October 2011