

Report of Short-term Mission to Honduras—May 2-23, 2010

PBI Honduras Working Group

Executive Summary

Since the coup d'état that occurred in Honduras on June 28, 2009, Peace Brigades International (PBI) has followed the deteriorating security situation for human rights defenders in that country with increasing concern. There have been constant reports of selective assassinations¹, threats², forced disappearances³, torture⁴, and general harassment against journalists⁵, trade unionists⁶, grassroots leaders⁷, *campesinos* (small-scale farmers)⁸, afro-descendent communities⁹, indigenous peoples¹⁰, and other members of the diverse and active Honduran civil society, underscoring the dangerous environment that human rights defenders have had to withstand during and after the coup.

In July of 2010, PBI received a formal request from the National Human Rights Platform of Honduras, requesting that our 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 made the decision to form a working group of international observers who would carry out a short-term mission to Honduras in 2011 with four concrete objectives: 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; and 4) publish a report highlighting our concerns and the needs of Honduran human rights defenders in terms of protection and international accompaniment.

¹ "Preliminary observations of the Interamerican Commission on Human Rights on its visit to Honduras on May 15-18, 2010", OEA/Ser.L/V/II, Doc. 68, 3 June 2010.

² "Acción Urgente: Amenazan y dan ultimátum a defensor de derechos humanos", Committee of Families of the Detained-Disappeared in Honduras, 7 March 2011.

³ "Informe situación de derechos humanos en Honduras", Committee of Families of the Detained-Disappeared in Honduras, 7 March 2011.

⁴ "Report on the visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to Honduras", United Nations, Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment—Subcommittee on Prevention of Torture, CAT/OP/HND/1, 10 February 2010, http://www2.ohchr.org/english/bodies/cat/opcat/spt_visits.htm

⁵ Ibid 1.

⁶ "Honduras News Labor Update: Events in March 2011", US Labor and Education in the Americas Project, March 2011.

⁷ Ibid 3.

⁸ "Honduras: Violaciones de Derechos Humanos en el Bajo Aguán: Informe Preliminar de la Misión de Verificación Internacional", APRODEV, CIFCA, FIAN Internacional, FIDH, Rel-UITA, Vía Campesina Internacional, 25 March 2011.

⁹ "El golpe de Estado, sus herederos y la criminalización de la protesta social", Organización Fraternal Negra de Hondureña, 29 March 2011, http://www.ofraneh.org/ofraneh/criminalizacion_protesta.html.

¹⁰ "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.copinoh.org/leer.php/3332854>.

The mission spent three weeks in Honduras during May 2011. The group of observers sent by PBI met with a diverse group of social organisations, *campesino* movements, trade unionists, and social communicators 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-16¹¹, and international aid organisations.

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 the visit, at least five human rights defenders were assassinated (a journalist¹², a *campesino* leader¹³, and three members of *campesino* movements^{14,15}), there was an attempted raid on the regional office of a national women's organisation¹⁶, five indigenous youths were assaulted during a community event¹⁷, and peaceful demonstrations against the event *Honduras Open for Business* were violently repressed¹⁸. The PBI mission was able to bear witness to and verify the multiple reports of human rights violations publicised since the coup d'état, that bring attention to the deteriorating security situation for persons participating in social movements, and those people who demand their collective and individual fundamental rights. Social participation and the right to defend human rights are essential parts of any democratic State.

This past 1 June, a few days before its General Assembly in San Salvador, El Salvador, the Member States of the Organisation of American States (OAS), with the exception of Ecuador, voted in favour of the readmission of Honduras to the OAS after a nearly two-year suspension in the wake

¹¹ The group of the 16 countries who provide the most international aid to Honduras.

¹² "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.

¹³ "Acribillan a dirigente de la ANACH", *Tiempo*, 18 May 2011, <http://www.tiempo.hn/sucesos/item/8487-acribillan-a-dirigente-de-la-anach.html>.

¹⁴ "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.

¹⁵ "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.

¹⁶ Interview with human rights organisation in San Pedro Sula, 10 May 2011.

¹⁷ *Ibid* 10.

¹⁸ "Brutal Repression and Backroom Deals in Honduras", Food First, 7 May 2011, <http://www.foodfirst.org/en/node/3419>.

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of the coup d'état. The decision to readmit Honduras was taken after the conditions that had been placed on lifting the suspension were met; the return of ousted president Manuel Zelaya Rosales and former members of his government that also had to flee the country after 28 June 2009, and for the adoption of other human rights measures, such as the creation of a Ministry of Justice and Human Rights.

However, this international recognition has not been well received amongst the entire community of human rights defenders in the country. Some organisations in this sector believe¹⁹ that the readmission of Honduras to the OAS could inadvertently endorse a context in which human rights violations continue. Events that occurred a mere four days after the return of Honduras to the OAS²⁰ are an unfortunate demonstration of this concern. Moreover, several organisations that met with our mission expressed the fear that such an endorsement could reduce the attention paid to the human rights situation in Honduras, and that this lack of attention could translate into greater risks and restrictions on their freedom to work as human rights defenders.

Of particular concern to the mission are public accusations against human rights defenders²¹, alleging a lack of objectivity in their work because of their participation or association with political opposition groups. The right to participate in public debates, and also to publicly question the decisions or policies of a government is fundamental to the preservation of the basis of any democratic society, and in no way should put in question the legitimacy of those persons dedicated to both activities. On the contrary—the presence of a human rights perspective in civic processes in a country like Honduras should be seen as a positive advancement in the work to incorporate broader respect for the fundamental rights established in the Universal Declaration of Human Rights, and other international accords.

With this report, PBI hopes to contribute to the documentation and publicising of the critical situation for human rights defenders in Honduras, from the perspective of an international observation and accompaniment organisation that specifically focuses on the protection needs of human rights defenders with 30 years of accumulative experience in Latin America and other

¹⁹ “Preocupaciones respecto a una eventual reincorporación de Honduras a la OEA”, carta a los embajadores ante la OEA firmada por 50 organizaciones, 16 May 2011, <http://cejil.org/comunicados/preocupaciones-respecto-a-una-eventual-reincorporacion-de-honduras-a-la-oea>

²⁰ “La reconciliación de Honduras Asesinatos y represión en el Bajo Aguán”, FIAN Honduras, 6 June 2011, http://www.fian.hn/v1/index.php?option=com_k2&view=item&id=540:la-reconciliaci%C3%B3n-de-honduras-asesinatos-y-represi%C3%B3n-en-el-bajo-agu%C3%A1n&Itemid=4.

²¹ “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

regions of the world. Our report identifies three areas that create serious risks for human rights defenders, and that significantly affect their ability to freely practice their work: 1) impunity in cases of human rights violations committed by state and non-state actors; 2) the criminalisation and stigmatisation of human rights defenders; and 3) the lack of adequate protection for human rights defenders. We look at exemplary cases that illustrate these risks and their effect on the daily work of human rights defenders, highlighting the patterns of harassment that continue as a result the nearly total impunity²² that characterises the justice system. Finally, we give recommendations to the international community about ways in which they could better support the work of human rights defenders that are under pressure from constant threats and harassment.

It is our organisation's sincere hope that these observations are helpful in the future monitoring and evaluation of the situation for human rights defenders in Honduras. We greatly appreciate the willing and generous collaboration of all the organisations, individuals, and communities with whom we had the pleasure of meeting during the mission, 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 States²³.
- 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

²² “Informe de la Comisión de Alto Nivel de la OEA sobre la Situación en Honduras”, AG/RES. 2531 (XL-O/10), 29 July 2010, http://www.elheraldo.hn/var/elheraldo_site/storage/original/application/cc471de892240eb070dc649701a3f6ee.pdf

²³ *Inter-American Democratic Charter*, Organization of American States, adopted by the General Assembly at its special session held in Lima, Peru, on 11 September 2001, Article 3 and 4.

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right to prior consultation; monitor these mechanisms and prevent these conflicts from causing human rights defenders to 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 Honduran 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 expression²⁴.

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

- Recommend that the 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 technical unit 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, May

²⁴ “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>.

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15 to 18, 2010²⁵ and the recommendations of the United Nations Office of the High Commissioner for Human Rights from its report published on 3 March, 2010²⁶.

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.

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 measures²⁷.
- 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).

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

²⁵ Ibid 1.

²⁶ Ibid 24.

²⁷ “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>

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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.

