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INTIMIDATION, EXCESSIVE USE OF FORCE, AND CRIMINALIZATION OF HUMAN RIGHTS
DEFENDERS IN THE CONTEXT OF THE CRISIS IN THE NATIONAL AUTONOMOUS
UNIVERSITY OF HONDURAS

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The objective of this Alert is to call the attention of the international community to the security situation of the human rights defenders Hedme Castro, Tommy Morales, Carlos del Cid, and Ariel Díaz¹, who were victims of intimidation, excessive use of force, and legal prosecution² by state security forces³ as part of the eviction carried out this past September 8th in the National Autonomous University of Honduras (UNAH). The four people observed the eviction with the goal of guaranteeing "the necessary social oversight of public officials and democratic institutions".⁴The described incidents occurred within a generalized context of restriction, where the use of penal law with the goal of "criminalizing human rights defenders" can result in "an inhibiting effect ... on society in general."⁵

Precursors to the university crisis: Since June of this year, the crisis that began in 2015 has intensified, reaching campuses in various parts of the country. Throughout these months, protest actions, such as the occupation of buildings, marches, and hunger strikes have been carried out by students in protest. The main demands of these demonstrations have been: the organization of free and democratic student elections, the participation of student representatives in the IV University Reform, and the renunciation of the current university authorities. These actions have multiple times resulted in evictions accompanied by alleged physical and verbal aggressions as well as an excessive use of force by members of the national police, military, and private security forces. To date, effective spaces for dialogue among the parties have not been established.

Below is a chronological description of the incidents:

- Beginning at 5 o'clock in the morning of Friday, September 8th, state security forces proceeded to follow orders to evict the Tegucigalpa campus of the National Autonomous University of Honduras. Over the same period, they blocked each of the entrances to the University, preventing the entrance of human rights defenders, as well as national and international observers, among whom were members of the United

¹ Hedme Castro is the General Coordinator of the Asociación por una Ciudadanía Participativa (ACI Participa), Tommy Morales is member of the Asociación por la Democracia y los Derechos Humanos (ASOPODEUH), whose coordinator, Dina Meza, is a journalist accompanied by PBI. Carlos del Cid is a member of the Observatorio Ecueménico Internacional de Derechos Humanos (OEIDH), and Ariel Díaz is a member of the La Juventud por los Derechos Humanos

² Three of the four defenders have been arrested, detained, and prosecuted. Hedme Castro was arrested and liberated after having been taken to the Hospital Escuela due to her state of health.

³ State security forces identified at the scene include: the National Police, Preventative Police, the National Investigative Police, and special forces Tigres and Cobras.

⁴ The Inter-American Commission on Human Rights, [criminalization of human rights defenders](#) 2015

⁵ United Nations, [Final Report of the United Nations Special Rapporteur on the Situation of Human Rights Defenders](#), Michael Frost, visit to Mexico, January 16th to 24th, 2017.

Nations High Commissioner for Human Rights (OHCHR). In one area of the university, a group of students was retained by police forces.

- At about 11 o'clock, agents of the National Commission of Human Rights (CONADEH), along with Hedme Castro and Ariel Diaz, left in a vehicle duly marked with the name of the institution, with the objective of verifying, assisting, and evacuating at-risk people off the premises. Tommy Morales and Carlos del Cid, who were in that moment observing the eviction and the seven students retained within the campus, gained access to the CONADEH vehicle. At that time, a squadron of the National Police (PN) intercepted the vehicle, impeding its progression and then detaining it. The defenders refused to disembark, alluding that there was no arrest warrant against them. After being threatened by the National Police, the CONADEH representatives decided to abandon the vehicle and observe the scene from a safe distance⁶.

- At about 2pm, according to what was reported to PBI, the National Police perpetrated acts of threats and intimidation, which included verbal and physical aggressions against the people inside the vehicle, to no effect. The National Police then introduced tear gas through the vehicle's window. The occupants, with serious respiratory problems, were forced to disembark. As they abandoned the vehicle, they were sprayed in the face with pepper spray. The actions undertaken by the police officers disobey the international principles of legality, proportionality, and absolute necessity established by the United Nations and the Inter-American System of Human Rights. The use of force should be used as a last resort in order to prevent a higher-risk incident than that which provokes the state's reaction.⁷

- At approximately 3pm, we were informed that the Judge charged with monitoring the due process of the case had been denied access to the University. At the same time, the people who had been inside the vehicle were arrested and relocated to the offices of the Police Investigation Center (DPI) in the Kennedy neighborhood. PBI went to the institution's vicinity. Hedme Castro, who suffers from asthma, along with a student who was suffering an epileptic attack, were brought to the Hospital Escuela de Tegucigalpa. Hours after soliciting access to the DPI offices, we were authorized to enter. Once inside, we were able to observe the physical state of the defenders and the detained students, and through their testimonies we were able to confirm the serious damages to their health and physical integrity exacerbated by the lack of medical attention. This neglect by the authorities, the fact that they did not provide the immediate and necessary medical attention defies the basic principles and good practices of the protection of persons deprived of liberty.⁸

- Late that night, Carlos del Cid and Ariel Diaz along with six of the students were transferred to the Unidad Metropolitana de Prevención e Intervención contra el Crimen 1, better known as CORE 7. Tommy Morales, who appeared in a delicate state of health, asked for medical assistance and was sent to the Hospital Escuela, where she received urgent treatment. Finally, she was transferred to CORE 7 in the early morning.

- The following day, September 9th, the hearing of the accused took place, where the defenders were charged with obstruction of justice and attacks against the State of Honduras.

⁶ According to information from CONADEH in a call with PBI Honduras that took place September 14, 2017.

⁷ United Nations, [Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#) and Inter-American Commission on Human Rights, [Annual Report 2015 Chapter IV Use of Force](#).

⁸ Inter-American Commission on Human Rights, [Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas](#), 2008

PBI expresses concern over the described incidents and recommends that the international community:

- Express, by way of the channels considered appropriate, its support for the work of human rights defenders in Honduras, as well as highlight the importance of international accompaniment and observation; additionally, remind the Honduran government of its obligation to protect human rights defenders;
- Articulate concern to the Honduran government over the reported conduct which violates the regulation established by the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.⁹ In this line, recommend that Honduran authorities revise existing legislation as well as its adaptation of said basic principles¹⁰;
- Request appropriate explanations of the reported events from Honduran national institutions, insisting on an immediate, independent, impartial, and thorough investigation of the repressive acts carried out, bringing the responsible parties before a competent court with the purpose of sanctions and reparations for the victims.
- Voice concern over the use of criminal charges that obstruct the work of human rights defenders, echoing the concern shown by the UN Human Rights Committee over the excessive power that criminal charges have over the freedom of expression, assembly, and association. Additionally, call upon the United Nations to attend as observers the hearings planned for the next few days¹¹.
- Insist that the Honduran state guarantee the autonomy and the authority of the National Commission of Human Rights (CONADEH), so that they may effectively fulfill their function of protecting rights and ensuring compliance with the guarantees established by the Constitution of the Republic of Honduras, the Universal Declaration of Human Rights, along with treaties and conventions ratified by Honduras.
- Remind the state of Honduras of the importance of the effective autonomy, independence, impartiality, and security of judicial powers so that they may do their job of auditing the work of security forces as guarantors of justice and due process.

⁹ United Nations, [Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#) and Inter-American Commission on Human Rights, [Annual Report 2015 Chapter IV Use of Force](#).

¹⁰ Amnesty International, [Use of Force: Guidelines for Implementation of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials](#), 2016.

¹¹ United Nations Economic and Social Council, Committee on Economic, Social and Cultural Rights, [Concluding Observations on the Second Periodic Report of Honduras](#), 2016