

INTERNATIONAL CONCERN REGARDING THE SERIOUS INCREASE OF ATTACKS AGAINST HUMAN RIGHTS DEFENDERS IN HONDURAS' POST-ELECTORAL CONTEXT

ALERT NUMBER. 8 - 2 0 1 8, 22 January 2018

The aim of this Alert is to draw the international community's attention to the exponential increase in security incidents reported by human rights defenders since the Honduran presidential elections held on November 26th. Furthermore, PBI Honduras reiterates concerns expressed by the international community regarding actions taken by Honduras' highly militarised state security forces and the number of victims reported since the election.

On November 26th, 2017, Honduras held general elections. Four weeks later, on December 18th, with a lead of almost 50,000 votes over Salvador Nasralla (the candidate for the Opposition Alliance against Dictatorship party, Libre-PINU), Juan Orlando Hernandez (National Party) was declared president by the Supreme Electoral Tribunal (TSE)¹. The Electoral Observation Mission of the Organisation of American States (OAS) observed irregularities during the process, which they raised with the Secretary General of the OAS, suggesting that elections should be repeated².

Since the elections, country-wide protests have been taking place, with demands for a transparent electoral process and trustworthy results. In response, on December 1st, the Honduran Government declared a state of exception and issued a decree suspending constitutional guarantees. One month later, social organisations have registered 30 killings - 21 on behalf of the Military Police of the Public Order (PMOP), around 232 people injured and 1085 arrests³. The United Nations, Inter-American Commission on Human Rights (IACHR) and the National Commission on Human Rights (CONADEH), have called on the State of Honduras to guarantee the right to peaceful protest, as well as all fundamental human rights.

Context: Since the coup in 2009, several proposals and legislative reforms have caused controversy in Honduras. In 2015, during the first mandate of Juan Orlando Hernández, an order of the Supreme Court of Justice ruled in favour of two applications for annulment of constitutional articles preventing presidential re-election. In contravention of the Honduran Constitution and against the recommendations of international agencies, the reform facilitated the re-election of the current president⁴. Furthermore, the tendency to grant extraordinary powers to military forces on issues of citizen security has increased considerably⁵. For example, in 2013 the National Congress approved the creation of the PMOP, a security body set up on a temporary basis to deal with crime⁶. Social organisations have observed that this tendency, as well as the recent reforms of the Penal Code, have resulted in the repression and hindrance of fundamental rights including the right to protest and freedom of assembly and expression.

From November 19th, 2017 to January 21st, 2018, PBI Honduras has registered 35 incidents suffered by human rights defenders, communicators and journalists⁷. The majority of these attacks are related to the excessive use of force by state security forces during protests.

¹ TSE. 2017 General Election Declaration. La Gaceta. Official Newspaper of the State of Honduras. December 18th, 2018. Available at: https://www.tse.hn/WEB/documentos/Acu-2017/Acuerdo_22_Declaratoria_Elecciones_Generales_2017.pdf

² OAS. Comunique of the Secretary General of the OAS with respect to the recent presidential elections in Honduras. December 6th, 2017. Available at: http://www.oas.org/es/centro_noticias/comunicado_prensa.asp?sCodigo=C-090/17

³ COFADEH. Report 2 Violations of Human Rights in the Context of Anti-Fraude Protests in Honduras. January 10th, 2018. Available at: <http://www.derechos.org/nizkor/honduras/doc/elecciones46.html>

⁴ OAS. Report from Honduran Electoral Observation Mission. December 4th, 2017. Human Rights Committee (U.N.). Final observations regarding the second periodic report on Honduras (CCPR/C/HND/CO/2). August 22nd, 2017.

⁵ PBI Honduras, Bulletin 2. December 10th, 2014.

⁶ IACHR. Country report. Human rights situation in Honduras I(OEA/Ser.L/V/II. Doc. 42/15). December 1st, 2015.

⁷ Statistics only include incidents that have been verified by PBI Honduras directly with human rights defenders and organizations up to this date.

Another frequent form of attack has been raids on both private homes and the offices of organisations. Civil society organisations have also reported the use of smear campaigns against them, as well as a lack of response by the National Protection System (SNP)⁸. The majority of incidents reported relate to people or organisations who receive protective measures from the SNP or who are beneficiaries of precautionary measures from the IACHR.

- On November 30th, during a protest, **Kevhin Ramos (ASOPODEHU)** and **Henry Rodríguez**, from **ACI-Participa**, were pushed and received death threats from members of the National Police.
- On December 2nd, members of the PMOP approached the house of **Sandra Zambrano** during a protest, shooting their firearms. Sandra Zambrano is a lawyer from the Asociación Para Una Vida Mejor (**APUMIVEH**), in Comayagua, Francisco Morazán.
- On December 2nd, members of the army, accompanied by private guards, violently evicted the community of Panamá, Bajo Aguán, Colón, who are organised as the Refundación Gregorio Chávez Campesino Movement (**MCRGC**).
- On December 2nd, the home of **Jaime Cabrera** was filled with tear gas. Jaime Cabrera is coordinator of the **Plataforma Agraria del Bajo Aguán** and spokesperson of **MCRGC**, in the community of Panamá, Bajo Aguán, Colón.
- On December 3rd and 4th, the **Asociación LGTB Arcoiris** reported two break-in attempts on their offices in Tegucigalpa.
- On December 7th, members of the Movimiento Amplio por la Dignidad y la Justicia (**MADJ**) reported raids on houses in San Juan Pueblo and in Leán, Atlántida, undertaken by state security forces.
- On December 8th, members of the PMOP, COBRA Special Forces and National Police entered a training centre and **MADJ** meetings in San Juan Pueblo, Atlántida, supposedly in search of the general coordinator, **Martín Fernández**.
- On December 7th, members of the Consejo Cívico de Organizaciones Populares e Indígenas de Honduras (**COPINH**) were injured by the First Battalion of Engineers of Siguatepeque during protests and roadblocks in Jesús de Otoro, Comayagua.
- On December 11th, unidentified individuals vandalised the transmission antenna of **Radio Progreso** on Cantagallo Hill in Tegucigalpa.
- On December 15th, National Police and members of the First Battalion of Engineers forcefully evicted a roadblock from Jesús de Otoro to Siguatepeque, Intibucá. Coordinators of **COPINH** were hurt.
- On December 18th, agents of the PMOP and COBRA and TIGRE Special Forces repressed peaceful protesters at the main entrance to the community of Sambo Creek, Atlántida. A member of the Organización Fraternal Negra Hondureña (**OFRANEH**), **Bryan Lopez**, was shot through both his legs.
- On December 19th, the human rights defender **Diego Daniel Aguilar**, from **MADJ**, was shot, handcuffed and threatened with weapons as he was observing the forceful eviction of a roadblock by the National Police, and COBRA and TIGRE Special Forces, PMOP, and the army in San Juan Pueblo, Atlántida.
- On December 20th, **Luis Enrique García**, a member of **OFRANEH** and community leader of Sambo Creek, suffered an attempt on his life when unknown individuals shot him in the vicinity of the Cuyamel river.
- At the end of December, soldiers tried on several occasions to raid the home of **Nahun Lalin**, from the Sambo Creek community and an **OFRANEH** board member. Nahun Lalin has had to flee the country.
- On January 1st, **Wilmer Paredes**, member of **MADJ**, was killed in San Juan Pueblo, Atlántida.
- On January 1st, **Ismael Moreno Corto (Padre Melo)**, director of **Radio Progreso** and the Equipo de Reflexión y Comunicación (**ERIC**), reported a smear campaign against him. Leaflets disseminated in several localities claim that Padre Melo and others are responsible for violence during recent protests.
- At the beginning of January, the journalist **Dina Meza** reported being followed and surveilled by unknown men in Tegucigalpa.

⁸ Coalition Against Impunity. We energetically condemn attacks and defamation campaigns against defenders and social leaders in the post-electoral context. December 17th, 2018. Available at: https://drive.google.com/file/d/1OHJYi937JrF-ck-1glbMGn57_5K5P8Py/view

- On January 11th, a photo of **Josué Gudiel**, member of **ACI-Participa** in Choluteca, was distributed through a false account on Facebook with personal information, accusing him of being part of a criminal gang and of coordinating the violence in protests. The organisation contacted Facebook in the United States to report the case and the account was blocked.
- On January 14th, information began to circulate about **Martín Fernández** and **Víctor Fernández**, the general coordinator and political officer of **MADJ**, stating that they had ordered the murder of Wilmer Paredes.
- On the evening of January 20th and 21st, at the start of the national strike, men dressed in military uniforms surrounded and entered the house where **MADJ** coordinator **Martín Fernández** was staying in San Juan Pueblo, Atlántida. The men pointed a firearm at him and fired tear gas inside the house. The windows of his vehicle were broken.

In view of these reported incidents, PBI Honduras expresses serious concern about the use of military forces in matters of citizen security. Of particular concern are the actions taken by agents of the public forces in the electoral context, which contravene international principles of proportionality, absolute necessity and legality established by the United Nations⁹ and the Inter-American System¹⁰. Police force should be used only as a last resort and to prevent a more serious event than that which provokes the state's reaction. Under no circumstances should the right to life and personal integrity be violated.

PBI Honduras also expresses serious concern about the situation of human rights defenders in Honduras, as a group particularly exposed to risks and threats in this context. IACHR's precautionary measures and current protection mechanisms do not seem to reduce the risks they face, given the incidents listed above.

Recommendations to the International Community

- Urgently express concern to the government of Honduras about the reported state security force actions, which violate provisions established in the United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and recommend that the Honduran Government review existing internal legislation, urging them to bring this in line with UN Directives to ensure the application of these basic principles¹¹.
- Urge the Public Prosecutor's Office to carry out an immediate, independent, impartial and exhaustive investigation into the repressive actions carried out and bring those responsible before the competent courts so that appropriate sanctions can be applied and reparations received by victims.
- Urge the Government of Honduras to guarantee national and international observation of the national strike scheduled to take place from the 20th to the 27th of January, as well as any further calls for peaceful protest, in order to monitor compliance with the state's human rights obligations. Furthermore, facilitate urgent visits requested by international agencies to monitor the human rights situation in the country.
- Express, through the appropriate channels, support for the work of human rights defenders in Honduras.
- Remind the government of Honduras of their obligation to protect human rights defenders, and the need to strengthen their protection in this context. Urge the SNP to monitor the situation more closely and respond urgently to the needs of human rights defenders.
- Insist that any dialogue organized to resolve the crisis and establish the truth about what has occurred in this electoral context should include the testimonies of the victims and human rights defenders.

⁹ U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Available at: <http://www.ohchr.org/SP/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>

¹⁰ IACHR. Annual Report 2015. Chapter IV. Use of Force. 2015. Available at: <http://www.oas.org/es/cidh/docs/annual/2015/doc-es/InformeAnual2015-cap4A-fuerza-ES.pdf>

¹¹ Amnesty International. Use of Force. Directives for the application of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. August 2015. Available at: https://www.amnesty.nl/content/uploads/2017/01/ainl_uso_de_la_fuerza_esp_0.pdf?x73272