

November 12, 2012

Reports Received by CCR of Human Rights Violations in Honduras in September and October 2012

Since the June 2009 coup d'état in Honduras, the Center for Constitutional Rights (CCR) and its international partners have received and compiled an alarming number of reports of human rights violations. This summary of human rights violations in September and October 2012 follows bi-monthly reports that CCR has compiled since December 2011. As was the case in CCR's previous summaries, it is clear that Honduran state actors, namely the Honduran National Police and the Honduran military, were directly involved in many of the abuses listed below. This list is not comprehensive, as numerous human rights violations go undocumented, unreported, or uncollected.

Update on Violence in the Bajo Aguán Region

The Bajo Aguán region of Honduras has been the site of bitter land conflicts between campesinos and large landowners, with violence seriously escalating since the June 2009 coup. The month of September 2012 saw more tragic setbacks for the campesino movement in the region with the brutal assassination of human rights attorney Antonio Trejo Cabrera. Trejo was known to be a champion of the rights of campesinos in the Aguán region and was shot and killed by unknown assailants. The news of the murder was met with outcry from the UN High Commission for Human Rights and international organizations such as Amnesty International, the Inter-American Commission on Human Rights (IACHR), Human Rights Watch (HRW), and many others.^{1 2 3} Trejo is among the latest casualty in an ongoing crisis over land disputes in the Aguán region that have resulted in the killing of over 60 people over the past two years.⁴

In Honduras, private security forces now outnumber police by as much as three to one and appear to operate outside the law.⁵ Each month, new reports surface implicating private security forces in threats, harassment, evictions, and killings, and the reports below outline the latest egregious conduct by these private actors.

¹ "Honduras: Killing of human rights lawyer exposes dire need for action," *Amnesty International*, September 25, 2012, available at: <http://www.amnesty.org/en/news/honduras-killing-human-rights-lawyer-sows-fear-2012-09-25>

² Organization of American States (OAS) Inter-American Commission on Human Rights (IACHR) Press Release, September 28, 2012, available at: http://www.oas.org/en/iachr/media_center/PReleases/2012/121.asp

³ Human Rights Watch (HRW) Press Release, September 24, 2012, available at: <http://www.hrw.org/news/2012/09/24/honduras-investigate-murder-rights-lawyer>

⁴ "Honduras: UN official urges action to tackle chronic insecurity for lawyers, journalists," *UN News Centre*, September 26, 2012, available at: <http://www.un.org/apps/news/story.asp?NewsID=43030&Cr=Honduras&Cr1=#.UJquqg7YH3J>

⁵ "Honduras Gone Wrong," *Foreign Affairs*, October 16, 2012, available at: <http://www.foreignaffairs.com/articles/138188/dana-frank/honduras-gone-wrong>

Culture of Impunity

The escalating violence in the Bajo Aguán region underscores the impunity that has become institutionalized in Honduras. On September 26, the United Nations High Commissioner for Human Rights Navi Pillay called on Honduras to combat this impunity, specifically the murder of Trejo as well as the September 24 murder of Eduardo Díaz Mazariegos, the special prosecutor on human rights of the Choluteca Department. Pillay condemned the prevailing culture of impunity, stating, “There is a menacing climate of insecurity and violence in Honduras, and human rights defenders have been targets of threats, harassment, physical assault and murder. The impunity that surrounds these violations is unacceptable. When the perpetrators know they are very likely to get off scot-free, there is nothing to deter them from killing off more of the country’s finest human rights defenders.”⁶

The True Commission Report

The *Comisión de Verdad*, or the True Commission, led by Honduran and international human rights defenders, presented its findings on October 3-5, 2012, in Tegucigalpa, San Pedro Sula, and Tocoa. The Commission was created in June 2010 as an alternative to the government-created Truth and Reconciliation Commission (CVR), which released its own findings in July 2011. The independent Commission received 1,966 reports of human rights violations committed by State agents or other armed groups protected by the State between June 2009 and August 2011, from which the Commission analyzed a total of 5,418 human rights violations.⁷ Out of this investigation, the Commission identified three patterns in the human rights violations following the coup: repression and criminalization of public protest, repression of persons considered by the *de facto* government to be destabilizing to the regime, and institutional dysfunction, particularly with regard to the justice system.⁸ To conclude the report, the Commission issued a set of 18 recommendations, many of which focused on tackling the impunity that continues to represent a serious hazard for Hondurans who courageously dare to exercise their freedom of expression and engage in organizing. These recommendations include: reconfiguring the judiciary and guaranteeing the independence of judges; investigating and sanctioning those intellectually and materially responsible for the coup and the human rights violations that followed; and ending joint military and security partnerships with the United States.⁹

Congressman Howard Berman’s Letter to Secretary of State Hillary Clinton

On October 2, 2012, the ranking Democrat on the U.S. House of Representatives Committee on Foreign Affairs, Congressman Howard Berman, wrote a letter to Sec. Hillary Clinton urging a “re-set” of U.S.

⁶ See supra note 4.

⁷ “The Commission of Truth releases its report, ‘The Voice of Greatest Authority is that of the Victims,’” Honduras Accompaniment Project (PROAH), October 22, 2012, available at: <http://hondurasaccompanimentproject.wordpress.com/2012/10/22/the-commission-of-truth-releases-its-report-the-voice-of-greatest-authority-is-that-of-the-victims/#sdendnote4sym>

⁸ *Id.*

⁹ La Informe de la Comisión de Verdad, “La voz más autorizada es la de las Víctimas,” p. 301, October 2012, available at: <http://comisiondeverdadhonduras.org/sites/default/files/Informe%20COMISION%20DE%20VERDAD%20.pdf>

policy in Honduras.¹⁰ Citing the murders of Trejo and Díaz, the use of U.S. tracking information by the Honduran Air Force to shoot down two civilian planes in violation of international law, and the State Department's decision to certify Honduras for full military and police funding, Berman lamented that the U.S. has not "convinced Hondurans that the rule of law, human rights and ending impunity for violations of those rights are our guiding principles." Berman urged the State Department to make breaking the cycle of impunity a priority for the State Department's bi-lateral agenda with Honduras, including an investigation into Dinant Corporation owner Miguel Facussé, whose security guards have been implicated in harassment, violent evictions, and assassinations. Moreover, Berman emphasized the importance of understanding the Honduran human rights crisis not through the prism of citizen security, which suggests more police and military funding as the solution, but rather as a product of the coup and ensuing repressive policies. As Berman writes, "Until the U.S. begins to embrace this view, we will not get our Honduras policy right."

Incidents with Police and/or Military Involvement:

- September 6 [*forced eviction*]: The Xatruch III Task Force evicted peasants from the Los Laureles plantation. The peasants had been occupying the plantation since July 20.¹¹
- September 9 [*killings, attacks, forced eviction, detention*]: National police, military, and private security employed by Miguel Facussé violently evicted a group of several hundred campesinos from the Los Laureles plantation. Thirty-four members of el Movimiento Campesino Recuperación del Aguán were detained for over 28 hours. During the eviction raid, armed men fired tear gas canisters into homes and broke down doors looking for fleeing campesinos. Hector Navarro (69) died from apparent excessive tear gas inhalation while resting in his backyard. Reports indicate that two other unnamed persons were killed in the attacks.¹²
- September 12 [*threats, intimidation*]: At approximately 8:00am, David Murillo was forcibly removed from an inter-city bus and then detained in a police station. He was later transferred to "las Oficinas de la Dirección de Investigación Criminal" in Tegucigalpa where they recorded all his personal information, including his cell phone numbers. Police told Murillo that he was detained per the order of "el cabecita blanca" (which we understand to be a nickname for Roberto Micheletti Baín) and the Court. He was released that afternoon. CCR represents Murillo

¹⁰ Letter from Rep. Howard Berman to Sec. Hillary Clinton, October 2, 2012, available at: <http://www.friendshipamericas.org/sites/default/files/Letter%20to%20Secretary%20Clinton%20-%20Honduras%20-%20Oct%202012.pdf>

¹¹ "Desalojan campesinos de la finca Los Laureles," *La Tribuna*, September 6, 2012, available at: <http://www.latribuna.hn/2012/09/06/desalojan-campesinos-de-la-finca-los-laureles/>

¹² "34 detenidos en desalojo de finca en el Bajo Aguán," *La Tribuna*, September 9, 2012, available at: <http://www.latribuna.hn/2012/09/09/34-detenidos-en-desalojo-de-finca-en-el-bajo-aguan/>. See also, "Masked Security Guards Threaten, Fire Warning Shot at Human Rights Observers in Honduras," *Upside Down World*, September 14, 2012, available at: <http://upsidedownworld.org/main/news-briefs-archives-68/3867-masked-security-guards-threaten-fire-warning-shot-at-human-rights-observers-in-honduras>, and "Liberan campesinos en Honduras detenidos por conflicto en Aguán," *La Tribuna*, September 11, 2012, available at: <http://www.latribuna.hn/2012/09/11/liberan-campesinos-en-honduras-detenidos-por-conflicto-en-aguan/>, and "Violencia imparable en el Aguán, reportan tres muertos," *Proceso*, September 9, 2012, available at: <http://proceso.hn/2012/09/09/Nacionales/Violencia.imparable.en/57153.html>

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in a civil lawsuit in U.S. District Court against Micheletti for the murder of his son, Isis Obed Murillo.¹³

- September 12 [*forced eviction*]: Protesters blockading a road connecting Copán and the Guatemalan border to protest power cuts claimed police used force and tear gas to evict them. Police reportedly fired tear gas into the crowd.¹⁴
- September 21 [*illegal detention, injuries*]: Twenty-eight campesinos were detained in the Aguán region. Movimiento Unificado Campesino del Aguan (MUCA) journalist Karla Zelaya was hit several times by police officers.¹⁵
- September 21 [*intimidation, harassment*]: Honduran police stopped a bus containing David Murillo (see above for his September 12 detention) and then proceeded to harass Murillo. After a woman on the bus defended Murillo, the police reviewed his papers and left.¹⁶
- October 5 [*killings, violent confrontation*]: A campesino and an army officer were both killed during a confrontation between campesinos and security forces in Atlántida. Seven others were injured, including army soldiers and private security.¹⁷
- October 22 [*murders*]: Two women, Marlen Osiris Vásquez (25) and Rossy Nicole Álvarez (27), were killed in a gym in San Pedro Sula by at least nine hooded men. According to witnesses, two men were dressed in Preventative Police uniforms while others were wearing bulletproof vests and appeared to be police.¹⁸
- October 23 [*forced eviction*]: Police evicted persons occupying land in San Pedro Sula. Tractors demolished the unsteady structures that the occupiers had built on the land.¹⁹
- October 24 [*intimidation, injury, robbery*]: Journalists Nery Arteaga and Ninfa Gallo were intercepted, beaten, and robbed by six men dressed in police uniforms.²⁰

¹³ Interview with the victim on file at CCR.

¹⁴ “Desalojan a pobladores que bloquearon frontera Honduras y Guatemala,” *La Tribuna*, September 12, 2012, available at: <http://www.latribuna.hn/2012/09/12/desalojan-a-pobladores-que-bloquearon-frontera-honduras-y-guatemala/>. See also, “Policía desaloja a pobladores que bloquearon frontera Honduras y Guatemala,” *Prensa Libre*, September 12, 2012, available at: http://www.prensalibre.com/economia/Policia-pobladores-bloquearon-Honduras-Guatemala_0_772722977.html and “Pobladores que se tomaron carretera en Copán son desalojados por la Policía,” *La Prensa*, September 12, 2012, available at: <http://www.laprensa.hn/Secciones-Principales/Honduras/Regionales/Pobladores-que-se-tomaron-carretera-en-Copan-son-desalojados-por-la-Policia#.UJ0tTuQ1nTp>.

¹⁵ “Secuestran por varias horas a Karla Zelaya periodista de MUCA,” *Defensores en Línea*, October 23, 2012, available at: http://www.defensoresenlinea.com/cms/index.php?option=com_content&view=article&id=2293:secuestran-por-varias-horas-a-karla-zelaya-periodista-de-muca&catid=71:def&Itemid=166

¹⁶ Interview with the victim on file at CCR.

¹⁷ “Honduras: Dos muertos y siete heridos deja nuevo enfrentamiento en el Bajo Aguán,” *El Heraldo*, October 5, 2012, available at: <http://www.elheraldo.hn/Secciones-Principales/Sucesos/Dos-muertos-y-siete-heridos-en-Bajo-Aguan>.

¹⁸ “Matan a dos mujeres dentro de gimnasio en San Pedro Sula,” *La Prensa*, October 23, 2012, available at: <http://www.laprensa.hn/Secciones-Principales/Sucesos/Matan-a-dos-mujeres-dentro-de-gimnasio-en-San-Pedro-Sula#.UJ0up-Q1nTp>.

¹⁹ “Policía desaloja terrenos invadidos en San Pedro Sula,” *La Prensa*, October 23, 2012, available at: <http://www.laprensa.hn/Secciones-Principales/Honduras/San-Pedro-Sula/Policia-desaloja-terrenos-invadidos-en-San-Pedro-Sula#panel1-2>

Incidents in which Level of Police and/or Military Involvement is Unknown:

- September 6 [*intimidation*]: Radio Uno journalist Eduardo Coto Barnica, who has been critical of the 2009 coup, was the subject of intimidation by an unknown and possibly armed man while at a park. Previously, Coto suffered intimidation by two armed men on a motorcycle.²¹
- September 12 [*assassinations*]: Private security guards reportedly working for Miguel Facussé fired on campesinos from the group Refundación Gregorio Chavez near Tocoa, killing Herman Alejandro Maldonado (26); Ivis Ortega (22) was gravely wounded and later died from his injuries. While attempting to assist the victims, a group of individuals were shot at while in their car.²²
- September 13 [*intimidation, attacks, threats*]: In Tocoa, masked security guards employed by Miguel Facussé verbally threatened and fired a warning shot at nine human rights activists from Chicago-based group La Voz de los de Abajo. The La Voz de los de Abajo delegation was investigating the September 9th eviction and raid that killed Hector Navarro.²³
- September 20 [*threats, intimidation*]: MUCA journalist Karla Zelaya reported receiving death threats via text message for approximately three weeks. On the previous two days, she had also received anonymous silent phone calls. Zelaya regularly films forced evictions and detentions around land rights demonstrations. As reported below, she was later kidnapped for several hours.²⁴
- September 22 [*assassination*]: Campesino rights lawyer and activist Antonio Trejo Cabrera was ambushed by unidentified gunmen, shot six times, and killed after attending a wedding. Trejo represented the MARCA peasant collective in their fight to reclaim their land in the Bajo Aguán region and publicly opposed the creation of special autonomous development zones, or “Model Cities.” Only hours before his death, he had criticized Honduran politicians of corruption in a televised debate. Trejo had previously reported death threats against him on several occasions, including when he filed a complaint against Miguel Facussé in June 2011.²⁵

²⁰ “Hombres vestidos de policías roban vehículo de periodistas hondureños,” *C-Libre*, October 31, 2012, available at: http://ifex.org/honduras/2012/11/01/los_llanos/es/

²¹ “Periodista radial denuncia acciones intimidatorias en su contra,” *C-Libre*, September 12, 2012, available at: <http://clibrehonduras.com/main/noticias/periodista-radial-denuncia-acciones-intimidatorias-en-su-contra>.

²² “Un muerto y herido en otro incidente en el Aguán,” *La Tribuna*, September 13, 2012, available at: <http://www.latribuna.hn/2012/09/13/un-muerto-y-herido-en-otro-incidente-en-el-aguan/>. See also, “U.S.-Honduran group reports on violence,” *Windy City Times*, September 12, 2012, available at: <http://www.windycitymediagroup.com/lgbt/US-Honduran-group-reports-on-violence-/39507.html>

²³ “Masked Security Guards Threaten, Fire Warning Shot at Human Rights Observers in Honduras,” *Upside Down World*, September 14, 2012, available at: <http://upsidedownworld.org/main/news-briefs-archives-68/3867-masked-security-guards-threaten-fire-warning-shot-at-human-rights-observers-in-honduras>.

²⁴ Statement by Amnesty International, “Honduras: La Vida de una Defensora de Derechos Humanos Corre Peligro,” October 1, 2012, available at: <http://www.amnesty.org/es/library/asset/AMR37/012/2012/es/ca771703-47d1-4c58-ada4-e63b52fd1756/amr370122012en.html>. See also, “Se intensifica estrategia de terror: Mensajes amenazantes contra periodista de MUCA,” *Defensores en Línea*, September 27, 2012, available at: http://www.defensoresenlinea.com/cms/index.php?option=com_content&view=article&id=2264:se-intensifica-estrategia-de-terror-mensajes-amenazantes-contra-periodista-de-muca&catid=71:def&Itemid=166

²⁵ “Antonio Trejo, Honduras rights lawyer, killed at wedding,” *BBC*, September 23, 2012, available at: <http://www.bbc.co.uk/news/world-latin-america-19695587>. See also, “Slain Honduran Lawyer Complained of

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- September 24 [*assassination*]: Human rights lawyer Manuel Eduardo Díaz Mazariegos, a prosecutor with the Honduran Public Ministry, was shot 11 times and killed by two men on a motorcycle near his office in Choluteca. Díaz was in charge of cases linked to organized crime.²⁶
- September 27 [*threats, intimidation*]: Rafael Alegría, coordinator for Via Campesina, received a phone call from Honduran Security Minister Pompeyo Bonilla informing him that there was reliable information regarding a plan to assassinate him. President Porfirio Lobo confirmed the validity of this death threat and that of others against César Ham, Minister of the Agrarian National Institute, and Ana Pineda, Minister of Human Rights.²⁷
- September 27 [*threats, robbery, intimidation*]: Early in the morning, current LIBRE congressional candidate Silvia Ayala's home in San Pedro Sula was broken into and robbed of important documents and a computer. The previous Monday, an armed man threatened her.²⁸
- September 28 [*threats, intimidation*]: Journalist Edgardo Escoto Amador ("El Wacho") resigned from his post at Hondured de Tegucigalpa for security reasons. Escoto had been receiving threats from his boss, César Romero.²⁹
- October 5 [*threats, harassment*]: The Inter-American Commission for Human Rights granted precautionary measures for two human rights and environmental activists from the Movimiento Amplio por la Dignidad y Justicia, César Adán Alvarenga Amador and Roberto García Funes, who had been the victims of increasing harassment and threats via mail and telephone.³⁰
- October 6 [*detention, murders*]: Agents from la Dirección Nacional de Investigación Criminal (DNIC) found three bodies in a common grave near a nature reserve in Farallones. The deceased, José Olivera Nolasco (30), Marco Hernández Gonzales (28), and Óscar Daniel Sánchez Batista (26), had been shot six, twenty-one, and three times, respectively, and were found with their hands and feet bound. Police allege that Dinant Corporation security forces killed the men after detaining them for several hours.³¹
- October 10 [*attempted murder, attack, injury*]: Campesino Isabel Murillo was attacked and seriously injured in the Bajo Aguán region near El Chile plantation. Allegedly, Javier Antonio

Death Threats," *Associated Press*, September 24, 2012, available at: <http://bigstory.ap.org/article/us-helps-investigation-honduran-lawyers-death>

²⁶ "Sicarios en moto acribillan a fiscal Manuel Eduardo Díaz," *La Prensa*, September 24, 2012, available at: <http://www.laprensa.hn/Secciones-Principales/Sucesos/Sicarios-en-moto-acribillan-a-fiscal-Manuel-Eduardo-Diaz#.UJ03KQO1nTo>. See also, "Lawyer and prosecutor are shot down," *Latinamerica Press*, September 29, 2012, available at: <http://lapress.org/articles.asp?art=6713>

²⁷ "Honduras: Threats to Kill 2 Cabinet Ministers," *Associated Press*, October 8, 2012, available at: <http://bigstory.ap.org/article/honduras-threats-kill-2-cabinet-ministers>. See also, FIDH open letter, "Carta Abierta al Sr. Porfirio Lobo Sosa, Presidente de la República," October 15, 2012, available at: <http://www.fidh.org/Honduras-Carta-Abierta-al-Sr-12292>

²⁸ "Exdiputada denuncia intimidación," *La Tribuna*, September 28, 2012, available at: <http://www.latribuna.hn/2012/09/28/exdiputada-denuncia-intimidacion/>

²⁹ "El Wacho' se retira de Hondured," *Revistazo*, October 1, 2012, available at: <http://www.revistazo.biz/web2/index.php/seguridad/item/314-%E2%80%99Cel-wacho%E2%80%9D-se-retira-de-hondured>

³⁰ "CIDH pidió a Honduras proteger a activistas humanitarios amenazados," *Terra*, October 9, 2012, available at: <http://noticias.terra.com/america-latina/costa-rica/cidh-pidio-a-honduras-proteger-a-activistas-humanitarios-amenazados,d8f6ef710384a310VgnVCM5000009ccceb0aRCRD.html>

³¹ "Encuentran tres cadáveres en reserva natural de Farallones," *La Tribuna*, October 7, 2012, available at: <http://www.latribuna.hn/2012/10/07/encuentran-tres-cadaveres-en-reserva-natural-de-farallones/>

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Cubas, a security guard employed by Miguel Facussé, fired on Murillo while he was tending to his animals. Cubas was detained by the police but freed shortly thereafter.³²

- October 17 [*threats*]: Journalist Selvin Martínez received death threats via a phone call from Joaquín Molina Andrade, who is currently in prison in Puerto Cortés. Martínez previously survived an attempt on his life by Molina on July 11.³³
- October 23 [*kidnapping, torture, threats*]: Following a month of threats, MUCA journalist Karla Zelaya was abducted in Tegucigalpa at about 6:30am by three unknown individuals in a grey car. She was forced into the car, blindfolded, and taken to an unknown location where she was interrogated about MUCA leaders. Zelaya was threatened, tortured, and held for approximately three hours before being released.³⁴
- October 25 [*threats*]: El Comité de Familiares de Detenidos-Desaparecidos en Honduras (COFADEH) requested protection for Gladys Melissa Aroca, former communications office secretary for the Ministry of the Presidency under Zelaya. Aroca claims she was intimidated, threatened, and coerced into giving statements to the District Attorney and the Public Notary.³⁵

³² “La siembra de la agonía,” *Tercera Información*, October 15, 2012, available at:

<http://www.tercerainformacion.es/spip.php?article42600>

³³ “TV journalist gets threat calls from inside Honduran prison,” *Journalism in the Americas Blog* at the Knight Center for Journalism in the Americas at the University of Texas at Austin, October 18, 2012, available at:

<http://knightcenter.utexas.edu/blog/00-11798-tv-journalist-gets-threat-calls-inside-honduran-prison>

³⁴ See supra note 15.

³⁵ “Cofadeh brinda protección a ex funcionaria de la administración Zelaya que se encuentra en peligro,” *Defensores en Línea*, October 26, 2012, available at:

http://www.defensoresenlinea.com/cms/index.php/index.php?option=com_content&view=article&id=2299:cofad-eh-brinda-proteccion-a-ex-funcionaria-de-la-administracion-zelaya-que-se-encuentra-en-peligro&catid=54:den&Itemid=171