

**House Foreign Affairs Committee
Tom Lantos Human Rights Commission**

**Briefing
on
Voices from Honduras: Human Rights and Accountability**

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Thank you to the Tom Lantos Human Rights Commission for arranging this important briefing and to the U.S. faith organizations, including Sisters of Mercy, American Friends Service Committee, and Jesuit Conference of the United States and Canada, who participated in a faith delegation to Honduras and helped to bring these wonderful Honduran human rights defenders here. I would like to raise two closely related issues: the crackdown on protests following the November 2017 presidential elections and the situation of human rights defenders. Both reveal the dramatically closing space for Honduran citizens to express their views and defend their rights.

Widespread protests broke out in many areas of Honduras following the highly contested elections. The nongovernmental Coalition against Impunity [registered](#) 36 killings linked to the post-electoral situation, most of whom were protesters and bystanders. Three were police officers.¹ One of the victims was nineteen-year-old [Kimberly Dayana Fonseca](#), struck dead by a Military Police bullet as she went looking for her brother in the protest. The United Nations High Commissioner for Human Rights office in Honduras (OHCHR-Honduras) identified at least 16 victims shot to death by the security forces, including two women and two children. Some protesters sustained serious injuries, like one young man who lost his eye when he was [hit](#) by a tear gas canister launched by police. According to OHCHR-Honduras, “The analysis of the type of injuries suffered by the victims indicate that the security forces made intentional lethal use of firearms, including beyond dissuasive purpose, such as when victims were fleeing. This was illustrated in particular by the case of seven victims who died as a result of the impact of live ammunitions in the head. These cases raise serious concerns about the use of excessive lethal force and may amount to extra-judicial killings.”² Multiple sources, including the United Nations, the Coalition against Impunity, COFADEH, and journalists’ accounts, underscore that the majority of the killings by security forces were perpetrated by members of the Military Police of Public Order.

Despite the documentation of these abuses by NGOs, reporters, and the United Nations, since this time, according to the office of the United Nations High Commissioner for Human Rights, “not a single member of the Military Police nor the National Police has been charged for the killings or woundings for

which they were allegedly responsible in the context of the electoral protests in December, and not a single one has been suspended while awaiting investigations.”³

Moreover, despite the overwhelming participation of the Military Police in what OHCHR-Honduras stated “may amount to extrajudicial killings,” the Honduran government has shown no signs of withdrawing the Military Police from law enforcement activities. Indeed, President Juan Orlando Hernández has publicly lauded the Military Police and the role of the military in public security since the events of December 2017. In March, for example, he announced to the press that the government was [providing](#) to the Military Police from security tax funds 45 new patrol cars, trucks, guns, police equipment, and bullet-proof jackets.⁴ Military Police are a separate security force championed by President Juan Orlando Hernández since he was president of the Senate, composed of soldiers who receive at most two months of training. They continue to patrol neighborhoods and perform law enforcement tasks not appropriate for armed forces—including confronting protests.

Abuses by the security forces against protesters continue today. Members of the Military Police allegedly shot and killed protester Ismael Hernández in early February in Choloma. Military Police members [beat up](#) a reporter covering repression of a protest in the same area on March 25, after which they removed his jacket identifying him as press. Police [shot at](#) and beat protesters in Choluteca on March 27. On April 12, 2018, police officers threw tear gas canisters at [soccer fans](#) who yelled “Fuera JOH” in the Comayagua stadium. The traditional May Day demonstrations met with repression.

If there is no accountability for these abuses, no phasing out of the role of the Military Police, and no consequences from the US or international community, these abuses will continue and likely escalate with the next crisis.

At Heightened Risk: Human Rights Defenders

It is telling that while not a single charge has been brought so far against security forces involved in the post-electoral killings of protesters, at least 114 persons had been charged with crimes related to blocking roads, looting and property damage, and disturbing public order during activities related to the post-electoral crisis. A number of protest leaders have had to flee the country. Honduran human rights organizations assert that [over 20](#) protesters have been held in jail for months for their legitimate organizing and protest activities. Eight were just released pending trial.

During the post-electoral period, the Coalition against Impunity registered 64 attacks and threats against human rights defenders. Many are attributed to state agents; for example, the coalition registered 42 cases of defenders who due to their participation in protests experienced surveillance, searches of their homes or other acts of intimidation by the Military Police. The United Nations documented warrantless searches of the homes of protesters and human rights defenders.

These post-electoral abuses exacerbate the long-standing precarious existence of human rights defenders and journalists in Honduras. Between 2015 and 2017, Honduras was the [most dangerous](#) country on earth to be an environmental defender, in terms of murders per capita, according to information compiled by Global Witness. Many of these defenders are Afro-Hondurans or indigenous persons. Seven journalists were [murdered](#) in Honduras in 2017, and 15 journalists and social communicators were internally displaced or [went into exile](#) over threats, according to the government human rights ombudsman’s office, CONADEH.

Human rights defenders' space for action is constrained by legislation as well as by fear. Some concerning efforts to restrict freedom of speech, such as the so-called "Muzzle Bill," are advancing.⁵ While cast as "cybersecurity," the bill would, [according](#) to Human Rights Watch, "severely harm free speech by compelling companies providing internet services to censor content."⁶ Honduran civil society organizations have expressed their alarm at this legislation, noting that they are largely shut out from traditional media and that internet-based and social media are their main methods of publicizing human rights concerns and organizing to protect rights.

Article 335B of the penal code, passed in April 2017, allows judges to give 4- to 8-year prison terms to journalists or others whose statements are seen as "apologies for terrorism." In practice, this could mean that journalists who covered an unruly protest or reported on government forces beating protestors, or human rights defenders who issued a statement in support of a rally or condemning repression of protests, could end up in jail. The Supreme Court is currently reviewing this law.

The Honduran government cites its recent announcement of the re-opening of the human rights ministry previously shuttered by President Hernández, and the establishment several years ago of a protection mechanism for human rights defenders, journalists, and justice operators, as the steps it is taking to protect human rights. These are important, but they are far sufficient actions to protect human rights defenders, journalists, and those engaged in peaceful protests.

The UN Special Rapporteur for Human Rights Defenders, Michel Forst, just visited Honduras. Here is his powerful assessment of the human rights defenders he met there:

"They are at risk in most parts of the country and do not feel safe due to numerous attacks and threats, criminalization of their activities and lack of access to justice. Stigmatization spearheaded by high-ranking officials and media not only disempowers them but it exposes them to heightened risks. They face smear campaigns aimed at discrediting their work, often equating them with political opposition, or branding them as anti-national, criminals or even as traitors.

On numerous instances, defenders have been attacked, threatened, brought to court and sentenced under political or fabricated charges. I have received a number of credible testimonies of defenders who reported having been threatened, targeted by companies, especially in the field of extractive or hydro-electric industries. I have also received testimonies of alleged collusion between international or national companies and politicians, sometimes at a high level of the Congress."⁷

"I am appalled by the number of conflicts related to the protection of natural resources and land rights.... During my visit in Honduras, I had the opportunity to meet with many individuals and communities who are engaged in the protection of their land and who opposed large-scale projects such as mining, dams, logging or tourism. I did not see in these people the terrorists, criminals or anti-development often depicted in the media. Instead, I saw humble farmers, indigenous and peaceful communities who are genuinely worried about the future of their children because the forests that surround their communities are disappearing or the water they drink is poisoned. In many situations, these persons became human rights defenders out of necessity because they did not have choice other than to speak up to defend their very livelihood."⁸

Recommendations for U.S. Policy

Especially given the substantial funding for security as well as rule of law institutions and other programs the U.S. government provides to Honduras, the U.S. government has an obligation to press the Honduran government to end its repressive actions. In the recent U.S.-Honduras bilateral human rights dialogue, the State Department commendably did raise many issues related to accountability for excessive use of force against protesters, transitioning away from the use of Military Police, protection of human rights defenders and, especially, the need for concrete actions against corruption. However, there seem to be no consequences when the Honduran government fails to address these issues and indeed when human rights violations and acts of corruption perpetrated by Honduran state agents escalate.

The Congress should:

1. **Urge the State Department to withhold certification on the human rights and anti-corruption conditions**—section 7045 (a) (B)—on Honduras in the next round of certification, and also place a hold on funds already certified, given that the Honduran government is violating conditions related to: (ii) combating corruption, (vi) investigating and prosecuting in the civilian justice system government personnel, including military and police personnel, who are credibly alleged to have violated human rights, (ix) implementing a plan that includes goals, benchmarks, and timelines to create a professional, accountable civilian police force and end the role of the military in internal policing; and (x) protecting the right of political opposition parties, journalists, trade unionists, human rights defenders, and other civil society activists to operate without interference. These conditions are linked to 50 percent of aid to the central government—leverage the United States should use. LAWG and many of our partners urge more, including suspending all assistance to Honduran security forces. Enforcing the conditions the Congress in its wisdom included repeatedly in legislation is the minimum step.
2. **Encourage accountability for abuses against protesters.** The Honduran government should accept the support of the United Nations in leading a taskforce to investigate the abuses against protesters during the post-electoral period and to ensure cases are advancing in the justice system. Honduran security authorities should immediately suspend security force members credibly alleged to have committed gross human rights violations. The Honduran government must with advice from the United Nations review and revise rules of engagement for security forces in handling public protests. The Public Ministry should ensure due process and adequate conditions for those jailed during protests and charges should be dropped against anyone jailed for peaceful protest activities.
3. **Urge President Hernandez to commit to an accelerated plan with clear timetables to withdraw, not expand, the role of the Military Police of Public Order in law enforcement activities.** In the interim, the executive branch should issue an order restricting the Military Police from participating in policing of protests.

4. Urge government actions to ensure respect for the rights of human rights defenders and their protection.

- Encourage the Public Ministry to effectively investigate attacks and threats against human rights defenders and journalists, including those that occurred in the context of the elections and the killings of environmental and land rights leaders, including the intellectual authors of the murder of Berta Cáceres.
- Encourage the executive branch to issue clear instructions to security and law enforcement personnel as well as all government agencies to recognize the legitimate role of journalists, social communicators, human rights defenders and civil society organizations.
- Encourage the protection mechanism for human rights defenders, journalists, and justice operators to strengthen its risk analysis to ensure those with serious risks are covered; and to coordinate with beneficiaries to ensure that protection measures are targeted to their needs. Urge the Honduran government to adequately fund the mechanism.

These recommendations are specifically targeted to the issues of human rights accountability and human rights defenders. There are of course other important steps that the United States should take to improve the situation in Honduras, including strengthening anti-corruption efforts, which another panelist today addresses, and restoring Temporary Protected Status for the some 57,000 Hondurans in the United States.

Finally, I would like to note that we are so privileged to have with us today a number of valiant human rights defenders from Honduras—including those who are speaking here, Padre Melo, journalist Karla Rivas, and organizer Ely Castro Rosales. **The core of what the international community most needs to accomplish in Honduras is to protect the space for them and so many others to do their job defending rights, reporting truth, and organizing for a Honduras that better meets the needs and aspirations of its citizens.**

¹ See Coalición contra la Impunidad, *Monitoreo de violaciones de derechos humanos en la coyuntura del fraude electoral*, January 2018, <https://juecesporlademocracia.org/media/informe-monitoreo-de-violaciones-a-ddhh-en-honduras-coyuntura-de-fraude-electoral-cci.pdf>. See also Latin America Working Group, *Protest Met with Brutal Repression: A Summary of Post-Electoral Human Rights Abuses*, January 26, 2018, http://www.lawg.org/storage/documents/Between_Dangers_Part_7.pdf

² See United Nations High Commissioner for Human Rights, *Human rights violations in the context of the 2017 elections in Honduras*, http://www.ohchr.org/Documents/Countries/HN/2017ReportElectionsHRViolations_Honduras_EN.pdf.

³ United Nations High Commissioner for Human Rights, 2017 Annual Report of the Office of the United Nations High Commissioner for Human Rights in Honduras, April 2018, point 38.

https://drive.google.com/file/d/1W9XJ9bopb_Q9DWlfuSaB23NVLLerkzR/view

⁴ “Presidente entrega patrullas, camiones y chalecos a la Policía Militar,” *El Heraldo*, March 3, 2018,

<http://www.elheraldo.hn/pais/1157152-466/presidente-entrega-patrullas-camiones-y-chalecos-a-la-polic%C3%ADa-militar>;

“Presidente de Honduras da armas a militares como gesto de gratitud,” HispanTV, March 10, 2018,

<https://www.youtube.com/watch?v=an4eD2EPDWg>.

⁵ See background on efforts to restrict freedom of expression, Latin America Working Group, *Space for Activists and Journalists Closing, Wide Open for Corruption*, October 23, 2017, http://www.lawg.org/storage/documents/Between_Dangers_Part_1.pdf.

⁶ Human Rights Watch, “Cybersecurity Bill Threatens Free Speech,” April 9, 2018, <https://www.hrw.org/news/2018/04/09/honduras-cybersecurity-bill-threatens-free-speech> .

⁷ United Nations, End of mission statement by Michel Forst, *United Nations Special Rapporteur on the situation of human rights defenders on his visit to Honduras*, 29 April to 12 May, 2018, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23063&LangID=E>

⁸ Ibid.