

Report of the Commission of Truth

**The Voice of Greatest Authority is that of the
Victims**

**Tegucigalpa, Honduras
April, 2013**

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Abbreviations Used

| | |
|----------|--|
| ACD | <i>Alianza Cívica por la Democracia</i> (Civic Alliance for Democracy) |
| AFE | <i>Administración Forestal del Estado</i> (State Forestry Administration) |
| AJD | <i>Asociación de Jueces por la Democracia</i> (Association of Judges for Democracy) |
| ALBA | <i>Alianza Bolivariana para los Pueblos de Nuestra América</i> (Bolivarian Alliance for the Peoples of Our America) |
| ANACH | <i>Asociación Nacional de Campesinos de Honduras</i> (National Association of Honduran Campesinos) |
| ANAMIMH | <i>Asociación Nacional de Minería Metálica de Honduras</i> (Honduras National Association of Metal Mining) |
| CCR | Center for Constitutional Rights (United States) |
| CDH-HAS | <i>Colectivo de Derechos Humanos Herbert Anaya Sanabria</i> (Herbert Anaya Sanabria Human Rights Collective) (El Salvador) |
| CDM | <i>Centro de Derechos de Mujeres</i> (Centre for Women's Rights) |
| CEDHU | <i>Comisión Ecuémica de Derechos Humanos</i> (Ecumenical Human Rights Commission) (Ecuador) |
| CIA | Central Intelligence Agency (United States) |
| CIPRODEH | <i>Centro de Investigación y Promoción de Derechos Humanos</i> (Center for the Investigation and Promotion of Human Rights) |
| CLADEM | <i>Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer</i> (Latin American and Caribbean Committee for the Defense of Women's Rights) |
| CNRP | <i>Coordinadora Nacional de Resistencia Popular</i> (National Coordinating Body for Popular Resistance) |
| COBRAs | Police officers specialized in riot control and special and tactical operations. |
| CODEH | <i>Comité para la Defensa de los Derechos Humanos en Honduras</i> (Committee for the Defense of Human Rights in Honduras) |
| COFADEH | <i>Comité de Familiares de los Detenidos y Desaparecidos en Honduras</i> (Committee of the Families of the Detained and Disappeared in Honduras) |
| COHDEFOR | <i>Corporación Hondureña de Desarrollo Forestal</i> (Honduran Forestry Development Board) |
| COHEP | <i>Consejo Hondureño de la Empresa Privada</i> (Honduran Private Enterprise Council) |
| COMAL | <i>Comercialización Comunitaria Alternativa</i> (Alternative Community Marketing) |
| CONADEH | <i>Comisionado Nacional de Derechos Humanos</i> (National Human Rights Commissioner) |
| CONATEL | <i>Comisión Nacional de Telecomunicaciones</i> (National Telecommunications Commission) |
| COPA | <i>Coordinadora de Organizaciones Populares del Aguán</i> (Coordinating Body of Popular Organizations of the Aguán) |
| COPEMH | <i>Colegio de Profesores de Educación Media de Honduras</i> (Association of Secondary Teachers of Honduras). |
| COPINH | <i>Consejo Cívico de Organizaciones Populares e Indígenas de Honduras</i> (Civic Council of Popular and Indigenous Organizations of Honduras) |
| CoT | Commission of Truth |
| CPTRT | <i>Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas de Tortura y sus Familiares</i> (Centre for the Prevention, Treatment and Rehabilitation of Torture Victims and their Relatives) |
| CTH | <i>Confederación de Trabajadores de Honduras</i> (Honduras Workers Confederation) |
| DEA | Drug Enforcement Administration (United States) |

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|------------|---|
| DGIC | <i>Dirección General de Investigación Criminal</i> (General Criminal Investigation Directorate) – now the DNIC |
| DNIC | <i>Dirección Nacional de Investigación Criminal</i> (National Criminal Investigation Directorate) |
| ECLAC | Economic Commission for Latin America and the Caribbean (United Nations) |
| ECP | Emergency contraceptive pill |
| ENEE | <i>Empresa Nacional de Energía Eléctrica</i> (National Electrical Energy Company) |
| ERIC | <i>Equipo de Reflexión, Investigación y Comunicación</i> (Team for Reflection, Investigation and Communication) |
| EU | European Union |
| FECESITLIH | <i>Federación Central de Sindicatos de Trabajadores Libres de Honduras</i> (Central Federation of Free Workers' Unions of Honduras) |
| FENAGH | <i>Federación Nacional de Agricultores y Ganaderos de Honduras</i> (National Federation of Farmers and Ranchers of Honduras) |
| FESITRANH | <i>Federación de Sindicatos de Trabajadores del Norte</i> (Federation of Workers' Unions of the North) |
| FIAN | Food First Information and Action Network |
| FNRP | <i>Frente Nacional de Resistencia Popular</i> (National Popular Resistance Front) |
| FOIA | Freedom of Information Act (United States) |
| FOMH | <i>Federación de Organizaciones Magisteriales de Honduras</i> (Federation of Teachers' Organizations of Honduras). |
| FUTH | <i>Federación Unitaria de Trabajadores de Honduras</i> (United Federation of Honduran Workers) |
| HONDUTEL | <i>Empresa Hondureña de Telecomunicaciones</i> (Honduran Telecommunications Company) |
| IACHR | Inter-American Commission on Human Rights |
| ILO | International Labor Organization |
| IMPREMA | <i>Instituto Nacional de Previsión del Magisterio</i> (National Teachers Pensions Institute) |
| INA | <i>Instituto Nacional Agrario</i> (National Agrarian Institute) |
| INAM | <i>Instituto Nacional de la Mujer</i> (National Institute of Women) |
| LGBTTI | lesbian, gay, bisexual, transgender, transvestite, and intersex |
| LMDSA | <i>Ley para la Modernización y el Desarrollo del Sector Agrícola</i> (Agricultural Sector Modernization and Development Act) |
| MARCA | <i>Movimiento Auténtico Reivindicador Campesino del Aguán</i> (Authentic Campesino Land Recovery Movement of the Aguán) |
| MCA | <i>Movimiento Campesino del Aguán</i> (Campesino Movement of the Aguán) |
| MUCA | <i>Movimiento Unificado Campesino del Aguán</i> (Unified Campesino Movement of the Aguán) |
| NGO | Non-governmental organization |
| OFRANEH | <i>Organización Fraternal Negra Hondureña</i> (Honduran Black Fraternal Organization) |
| PACTA | <i>Programa de Acceso a la Tierra</i> (Access to Land Program) |
| PRAF | <i>Programa de Asignación Familiar</i> (Family Allowance Program) |
| UN | United Nations |
| UNAH | <i>Universidad Nacional Autónoma de Honduras</i> (National Autonomous University of Honduras) |
| UPNFM | <i>Universidad Pedagógica Nacional Francisco Morazan</i> (National Francisco Morazan Teacher Training University) |

DEDICATION AND ACKNOWLEDGEMENTS

This report is especially dedicated to civil society, whose struggle represents the best defense of its human rights.

During its work, the Commission of Truth took the pulse of this country's collective soul. Campesino men and women longing for a piece of land; communities of this country's original peoples defending their natural resources from voracious foreign interests; teachers attacked for opposing the reversal of their labor victories; young people imprisoned for exercising their right to dissent; women victims of rape and other torture for refusing to accept the injustice of the political situation imposed upon them, all demanding truth, justice and reparation. All, without exception, were terrified by the scale of repression but, by publicly denouncing it, showing that they had conquered their fear of speaking out, that dignity was stronger than the pain and fear that assailed them. A people who, hungry for justice, aware of their rights, demand an end to impunity. From each and every one of the people we had the honor to meet we learnt an enduring lesson of dignity and integrity. To this heroic, valiant people, and to the victims, we dedicate this work, with gratitude, respect and admiration.

We also dedicate it to the country's generation of young people. To those who are suffering under the blows of the coup d'état, but who may also, thanks to the work shedding light on the situation (and we hope that this report is equal to the challenge), understand its dark origins, reject the fictions spread in a variety of discourses, and decide to take the path to structural change that Honduras so badly needs. To them we dedicate this work.

It is also important to mention the contribution of the international community which, imbued with a humanistic spirit transcending national frontiers, provided economic, technical and moral support through embassies and sister organizations from different parts of the world. Without this support and solidarity, none of our work would have been possible. They are: HIVOS (Humanist Institute for Development Cooperation) - The Netherlands; Dan Church Aid - Denmark; Development and Peace - Canada; Diakonia - Sweden; IBIS - Denmark; Oxfam - United Kingdom; Rights Action - United States; Trocaire - Ireland; HEKS (Swiss Interchurch Aid); Plan International - United Kingdom; HELVETAS Swiss Intercooperation; The Embassy of Denmark; The Embassy of Germany; Friendship Office of the Americas - United States; Honduras Accompaniment Project (PROAH); *Jueces para la Democracia* (Judges for Democracy) - Spain; International Commission of Jurists; Mothers of the Plaza de Mayo (Founding Line) - Argentina; ECAP (Community Studies and Psycho-social Action Team) - Guatemala; Colectivo de Derechos Humanos «Herbert Anaya Sanabria» (Herbert Anaya Sanabria Human Rights Collective) - El Salvador. May this report say to Honduras and to the world that when solidarity is expressed in a tangible form it is because there resides, within humanity, a moral center where faith prevails in the highest values of the spirit and thus the hope that a fair and just world can be created on this planet. To these solidarity organizations we also dedicate our work.

The establishment of the Commission of Truth was made possible through the courage and sense of justice of various human rights organizations in Honduras. Their commitment to defending the human rights of the victims and the population as a whole has endured in the face of unceasing repression; it is they that had the fortitude to convene the Commission's members. Furthermore, they contributed their experience, resources and support in the spirit of solidarity so that we could go forward. To these

organizations, members of the Human Rights Platform (*Plataforma de Derechos Humanos*)¹, we present this report. We can say with modesty, but also with satisfaction, that we have fulfilled its mandate. We do not dedicate this report to them for one simple reason – they themselves are co-authors, both moral and intellectual, of this report.

It is important to mention a sector which has played a vital role – the radio, television and print media. To its most honorable representatives there is a dual debt. Firstly, there are committed professional journalists who, through their news work, provide us with a lesson in ethics – Honduras and the people of the world must know the truth about the events which have shaken the country. Thus, from the very moment the coup occurred, a strong contingent of reporters denounced its spurious basis and the breakdown in the constitutional order. Given the institutionalized violence, the consequences of their stance soon made themselves felt – destruction of their equipment, raids on their buildings, pressure on and obstruction of their reports, as well as unfair dismissal, persecution, exile and death. They are a highly persecuted profession. Because of this, the substance of this document is deeply relevant to them. On the other hand, the Commission of Truth has, at all times, received its boundless and impartial support and solidarity. If it was possible to gain the trust of the victims and their relatives so that they would provide information, this was due, in large part, to the educational work of the media.

Our work would not have been possible without the presence of another, equally valuable contingent – the researchers, assistants, technical experts and contributors who devoted innumerable hours to the arduous task of gathering and processing information. More than to us, this work is due to them. Perhaps, because of this, it is redundant to dedicate it to them. However, we do so in the belief that all of us have travelled on this journey and we have laid the building blocks needed – those the time of crisis demanded – to construct a Honduras where, in the end, absolute respect for human rights will prevail, an essential precondition for a better world.

We would like to give special thanks to Tom Loudon for his contribution to the production of this report.

Commission of Truth

1. The Human Rights Platform was established following the 2009 coup d'état. It was formed by the following human rights organizations: COFADEH (*Comité de Familiares de Detenidos, Desaparecidos de Honduras* – Committee of the Families of the Detained and Disappeared in Honduras), CODEH (*Comité para la Defensa de los Derechos Humanos en Honduras* - Committee for the Defense of Human Rights in Honduras), CIPRODEH (*Centro de Investigación y Promoción de Derechos Humanos* - Centre for the Investigation and Promotion of Human Rights), CDM (*Centro de Derechos de Mujeres* - Centre for Women's Rights), FIANH (Food First Information and Action Network Honduras), CPTRT (*Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas de Tortura y sus Familiares* - Centre for the Prevention, Treatment and Rehabilitation of Torture Victims and their Relatives)

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Supporters

Associations and Organizations which Lent their Support and/or Funded the Work of the Commission of Truth:

Judges for Democracy (Jueces para la Democracia)

International Commission of Jurists

Honduran Ecumenical Institute of Community Services (Instituto Ecuménico Hondureño de Servicios a la Comunidad)

Mothers of the Plaza de Mayo, Founding Line

Friendship Office of the Americas

Honduras Accompaniment Project (PROAH)

Human Rights Platform (Plataforma de Derechos Humanos)

Ecumenical Human Rights Commission (Comisión Ecuménica de Derechos Humanos)

Herbert Anaya Sanabria Human Rights Collective (Colectivo de Derechos Humanos “Herbert Anaya Sanabria”)

HIVOS

Dan Church Aid

Development and Peace

DIAKONIA

IBIS DK

OXFAM

Rights Action

TROCAIRE

HEKS

Plan International

HELVETAS

The Embassy of Denmark

The Embassy of Germany

Part 1: Introduction

1.1 Presentation of the Report

1.2 Methodology / Sources Consulted

1.3 Mandate of the Commission of Truth

Introduction

One of the greatest impacts of the conspiracy leading to the military coup d'état of June 28, 2009 has been on the human rights and fundamental freedoms of the citizens who opposed and continue to oppose it. Although the Honduran state security forces can be said to have followed a consistent line over the past thirty years, the concept of governments' democratic legitimacy and the modernization process in the transition from one century to another limited some characteristic forms of what can be regarded as a doctrine of repression of the political opposition.

While political instability has been a constant feature of Honduras over the last hundred years (as we will note in the Historical Precedents section), as has the frequency with which its crises have been resolved by coup d'état or bloody armed uprisings, especially during the first half of the 20th century, there is no doubt that the act of destabilization which put an end to the democratization process and the electoral path embarked upon at the beginning of the 1980s has distinctive traits which mark it out from all the coups that have gone before.

It is clear that on this occasion, it was the actions of a specific private-corporate group that were at the heart of the conspiracy which led to the coup d'état. During the military coup itself, several of those involved repeatedly cited what they called the 'Chávez threat' as its trigger. The coup allows particular interests to be identified – those of a group of businessmen out of step with the times, who opted, without any respect for the law, to suspend the building of greater social consensus and subject the process of change demanded by society to military intervention.

Thus, in reviving a political authoritarianism thought to be a thing of the past - after three decades of budding democracy - the coup exposed various issues, including the inordinate influence of powerful business interests, particularly the support given to the coup by chambers of commerce, industry and the financial and other sectors of economic power, as well as the fragility of institutions and their inability to address social and political conflicts. It also demonstrated the ease with which these institutions, developed over years of parliamentary work and within a system of highly institutionalized, fully functioning political parties, can be exposed and weakened in the face of these corporate and business interests.

The forced exile of the Constitutional President of the Republic, Manuel Zelaya Rosales, and the persecution of his closest colleagues in the hours following the military action on June 28, 2009 marked the beginning of a new phase of persecution and politically-motivated human rights violations in Honduras. The process followed, analogous to that used against the President, clearly shows fundamental differences between this and other coups throughout the country's history, all the more striking given that it has occurred at the beginning of a new century, when one would have assumed that states, however slight and vulnerable their democratic processes would, together with their private interest groups, be capable of handling political conflict without resorting to institutional violence.

The actual outcome was not to be expected, particularly when this dispute concerned the political sphere and when a member of the elites was advocating a broadening of the democratic process. It

therefore seems incredible that this dispute was settled by creating a schism which has had such a traumatic effect on the general Honduran population. The breakdown in the rule of law has led us to analyse the conduct in this and other coups which the country has experienced.

The former president, Manuel Zelaya, has publicly stated, on a number of occasions, that he was informed by the then **Chair of the Joint Chiefs of Staff of the Armed Forces, Romeo Vásquez Velázquez**, that his orders under the operation were to kill Zelaya and that, when he refused to carry this order, the plot's instigators proposed using a paramilitary unit to carry out the assassination. It is difficult to understand why the current regime has not acted in response to these serious allegations and why the perpetrators of serious violations of human rights and the rule of law have not been investigated by the relevant authorities, making it clear that the willingness to commit serious human rights violations continues to be central to the overall plan.

Also of major importance is the procedure used to expel **Patricia Rodas**, Honduras' then Foreign Minister, from the country. She was unlawfully arrested in the presence of two ambassadors⁵, and sent to Mexico in the private plane⁶ of **Miguel Ángel Facussé Barjum**,⁷ one of the wealthiest people in the country, leaving no doubt about the involvement of the most financially powerful group from the business sector and their role in the decision to put an end to the Honduran democratic process.

It is very important to point out that small countries like Honduras are usually subject to strong foreign pressure, which creates the conditions for changing the way in which *social conflicts* are 'resolved'. This external interference has increased recently within fragile democracies, which are being undermined by a range of factors, both external and internal.

In summary, it is difficult to believe that the violation of the democratic order, being such an extreme and outrageous act, could have been carried by Honduran nationals without the knowledge and, to some extent, participation of foreign parties, essential for a decision of such magnitude. Having observed international powers, such as the United States, carry out military interventions in various countries of the globe, the events in Honduras are likely to have been planned to consolidate a coup d'état instead of reversing it with the power and approval of the United States.

The most dreadful cases of violations of human rights and essential freedoms in this country have been linked to the United States' National Security Doctrine for many years, and resulted in over a hundred disappearances in the 1980s. This pattern of external intervention has obviously been repeated during and after the June 2009 coup.

This coup demonstrates, yet again, the close relationship of subjugation and complicity between the Honduran armed forces, the security services, the business sector and the American intelligence and national security agencies, the latter acting to benefit the strategic interests of the

⁵ The ambassadors of Venezuela and Cuba. They had been summoned by the then Foreign Minister for their protection.

⁶ Testimony given in an interview, by Patricia Rodas, to the Commission of Truth.

⁷ Uncle of ex-President Carlos Roberto Flores Facussé (1997-2002).

transnational companies operating in Honduras. These factors undermine the possibility of a healthy transition to greater freedoms and more equitable distribution of wealth, thereby condemning most of the population to social immobility, forced to survive in precarious, subhuman and poverty-stricken conditions, as shown by current official statistics on poverty and marginalization.

The Honduran coup demonstrates that there does not have to be an external threat or a generational 'shock' for formal democratic structures to be substantially dismantled. Such structures are acutely vulnerable to political and economic power-brokering between business families, which diminishes the civil and political rights of the excluded population, the majority of which stoically endure a political regime which offers them scant alternatives.

Perhaps the most significant new feature has been the deep involvement of the legislature and judiciary which aimed to give the coup a veneer of 'constitutionality' and to maintain this image at all costs, as demonstrated on December 2, 2009, when the same Congress which had breached the constitution ratified its actions in the so-called San José – Tegucigalpa – Guaymuras Accord, in the midst of a wave of repression unprecedented in history, and with the President of Honduras living under effective house arrest at the Brazilian embassy.

Of particular importance is the role of the so-called 'justice administration apparatus' in Honduras, as within it legal cases were fabricated against the President himself, his officials and many Honduran citizens who were presented as dangerous criminals, only to be found innocent in the end because there were no legal grounds to keep them in custody.

*“The Supreme Court of Justice, which is responsible for administering justice in the form of Judge Thomas Arita, supposedly issues the warrants to Romeo Vásquez Velásquez and René Antonio Hepburn, officers of the armed forces. This constituted the first official act providing a basis for the argument that the Supreme Court of Justice was deeply involved in the coup d’état . Why was this arrest warrant not given to the DGIC (Directorate General of Criminal Investigation of the Police) or the National Police? The army, without any legal justification, and taking advantage of esoteric predictions with little credibility, saw Armageddon coming and exiled the source of the social apocalypse. This of course is being presented as a spontaneous decision, an argument which, as will be seen, is contradicted by the fact that there were simultaneous media and power blackouts”.*⁸

The manipulation of the justice system plays a critical role in the systematic violation of human rights in the country, as it is the cornerstone for the maintenance of absolute impunity and the imposition of the most incredible injustices, to the point that the population has completely lost confidence in the entire judicial structure in Honduras. This subjugation of the judicial system features in this report as one of the patterns of human rights violations, and is the subject of some of the recommendations at the end.

⁸ CoT Legal Team; *Informe B2: La Participación de la Corte Suprema en el Golpe de Estado en Honduras; El fin justifica los golpes*; (Report B2: The Involvement of the Supreme Court in the Coup d’état in Honduras: The end justifies the coups) Unpublished. Tegucigalpa, Honduras 2010, 298 pp.

Entitled 'The Voice of Greatest Authority is that of the Victims', this report is devoted to the investigation and presentation of arguments concerning the human rights violations in Honduras resulting from the coup d'état on June 28, 2009. It describes their characteristic features which leads to the conclusion that there is continuity in the way in which the repressive organs of the state operate and confirmation that there is increasing impunity for the politically-motivated and systematic violation of fundamental rights and freedoms in the country.

This document is arranged into **four main sections: The Introduction, the Keys to the Coup d'état, the Patterns of Violations, and finally the Conclusions and Recommendations.**

The **first part**, chapter one, contains the dedication and acknowledgements to everyone who has made this report possible, a brief introduction, the presentation of the report, and the description of the methodology used and of the main sources consulted.

The **second part** consists of five sections. The first, on the *Institutional Keys of Political Power and the State in Honduras* covers history, the involvement of military, business, religious and political power groups which the Commission considered relevant in finding an adequate explanation interrelating several factors present in the Honduran crisis. Two essential aspects are explained here: first, the history of Honduras' socio-political development; second, the trajectory of institutions and the players who have had a role in the protection of fundamental rights and freedoms, primarily from 1980 to 2009.

This second part also deals with the United States' role in the overturning of the democratic order, highlighting the decisiveness of its role in these events. It also shows that regional instruments such as the **Inter-American Democratic Charter** are useless when confronted with a breakdown and violation of the institutional order of the magnitude experienced in Honduras.

The section on the *Social Context* deals with the situation for the various social actors and citizens' movements which have assumed a stance of *resistance* in the face of systemic state violence and which are now leading the fight against human rights violations in Honduras. This section explains why 'resistance' is incompatible with a mere change in political leaders and in successive governments and even in political parties, which now appear to be reconciled to the current political order, and to have abandoned their role of questioning it. Finally, it presents an analysis directly addressing the *Reasons for the Coup*; it describes in detail the events dealt with in this report, presenting them as a range of factors exploited for the purposes of the military coup.

Then, **the third part**, which can be regarded as the body of the report, presents *patterns of human rights violations, case studies and statistical analyses of the human rights violations committed following the coup*. In the first section, a distinctive form of operating is described which follows consistent, well-defined models, constituting a *modus operandi*, which can provide an indication what we are to expect from the forces of repression in their future actions. The *case studies* have been carefully extracted from the universe of testimony received, both at the Commission's offices and by various civil society human rights organizations, in line with their mandate. The analysis of violations combines a statistical interpretation with a rigorous analytical approach based on human rights theory and, in particular, on international human rights law.

There is no doubt that the document is greatly enhanced by the inclusion of the section *Psychosocial focus on human rights violations*. This substantial section makes a valuable contribution by constantly reminding us that each violation of human rights and basic freedoms has serious social consequences.

The fourth part has two sections – *Conclusions* and *Recommendations*. The first part gathers together the conclusions and the assessment of the range of historical events which led to the coup and subsequent violations. The Recommendations are aimed in four directions: as a contribution to the need to put a stop to human rights violations; the pressing necessity to honor the victims and to strengthen their fight, and that of society as a whole, to obtain justice; the urgent need to overcome the historical and more immediate causes of impunity; and to enable processes to get under way which may contribute to the democratization of the state and economic sectors, of society, its institutions and the policies applied by them. The recommendations therefore focus on the *judiciary and constitution, the institutions of the state, the implications of international human rights obligations, and finally, structural issues*.

Throughout the report it is possible to observe, with relative ease, continuity in the application of the *national security doctrine*, and how the apparatus of state repression has maintained a consistent line operationally in the face of political opposition since the 1980s, in the way in which it was reproduced during and after the 2009 coup d'état, as well as the impunity which has surrounded these crimes due to the complicity of the bodies administering justice and of the country's entire institutional apparatus. The report also addresses the violation of human rights and civil liberties as a result of the coup and it refers in detail to the disproportionate use of force against peaceful demonstrators.

Serious human rights violations are detailed through the presentation of specific cases. A sample of cases has been selected for this purpose which are representative of the patterns previously described, as they clearly illustrate several of these types of violation and features of them can be found in other cases studied by the Commission in the course of its work. In short, this report, as indicated in the following section, modestly aspires to be an educational resource to help Hondurans, particularly the younger generations, and the international community, to understand why Honduras has come to suffer unprecedented levels of repression and to strengthen their fight for justice. It seeks to contribute to securing full reparation to the victims and their relatives and the cessation of the current escalation in violations.

There is no silent history. However much they burn it, however much they smash it, however much they lie about it, human history refuses to shut up. Time that was carries on pulsating, alive, inside the time that is, although the time that is neither wants it or knows about it. The right to remember is not among the human rights consecrated by the United Nations, but today it is more than ever necessary to claim it and put it into practice: not to repeat the past, but to avoid its repetition.

(Eduardo Galeano: *Upside Down, A Primer for the Looking-Glass World, 1998*)

1.1 Presentation of the Report

The *Commission of Truth* (hereafter the *Commission* or *CoT*) was set up, as its name suggests, in order to clarify the facts surrounding the coup d'état in the Republic of Honduras on June 28, 2009, particularly with regard to human rights violations and fundamental freedoms.

There is no doubt that the mandate entrusted to the Commissioners by the Human Rights Platform has a historic dimension, aspiring to make a contribution both to democracy-building within Honduras and to the construction of a genuinely constitutional, democratic state based on the rule of law.

The *Commission of Truth* is made up of people well-known for their lengthy track records in the protection and promotion of fundamental rights and freedoms in their home countries. The Commission is also surrounded by a group of professionals from Honduras as well as other countries, involved in a variety of processes which they approach in a way which testifies to their experience in working on issues such as social justice, human rights and the poor structure of income distribution in Honduras.

The *Commission* worked with this team of specialists from June 2010 to August 2011. It therefore had fourteen months to identify the direct and indirect perpetrators of the coup which occurred in Honduras in 2009 and provide historical background on the grave violations of human rights, fundamental freedoms and abuses of power committed in the 1980s and 1990s. It was also considered useful to refer to events before then if they were crucial to a better understanding of Honduran society.

This *report by the Commission* is an essentially political text, in the sense that it examines the keys to Honduran social reality and to the political power which drive interest groups. It is in part for this reason that it refers to judicial and economic structures, to the relationships between these entities and the historic ways in which they have exerted political power.

In addition, the text reflects a vision of human rights which is holistic, inclusive and victim-focused.

This document is informed by an approach to human rights based on the centrality of the individual and their community and on the aspirations of Honduran society over more than three decades. 'Holistic' refers to the interconnectedness and indivisibility of all human rights and peoples. 'Inclusive' relates to reporting cases of people who, for specific reasons – social, gender or both – are vulnerable. Finally, the focus on victims stems directly from the fact that such people (individually and collectively) are this work's *raison d'être*, because, as has been rightly said, *the voice of greatest authority is that of the victims*.

The events examined in this report are viewed from the particular perspective of the rules and principles of **international human rights law**. Consideration of them is thus based on the *pro homine* principle which characterizes this specialized discipline of international law.

It must be stressed, in this *Presentation of the Report* by the Commission, that we wished the

substance of the text to have an educational function, in the sense that the document seeks to enable the socio-political and historical development of Honduran society to be understood, and in particular, to allow the historical-structural conditions and conditioning of political power to be identified.

This process of democracy-building - despite the fact that there had been no concessions whatsoever made to produce a more egalitarian society, with greater political and social rights and with more equitable income distribution - saw the re-emergence of the same old regressive forces and, once again, as throughout the 20th century, recourse to a coup d'état, a measure assumed to have been erased from the menu of potential measures used to address *social conflict*, given the progress towards clearer processes of change in Latin America.

The text of the *Report* has three specific objectives:

- a) The need to clarify, for history, the events associated with the coup d'état of June 2009 and their social context;
- b) The demand for justice for the victims and their relatives, and for society as a whole, in relation to the gross violations of human rights and fundamental freedoms and the abuses of power committed in this country and
- c) The call for moral and material reparation for the victims and their relatives.

The thread running through the *Report* are the elements which form the restorative cycle of truth, justice and full reparation (*restitutio in integrum*) for the victims of gross violations of human rights and fundamental freedoms and abuses of power, as opposed to the ahistorical, pro-impunity stance which defends the perpetrators, disguised as simple and cozy 'forgiving and forgetting'.

The thesis of this text is that a persistent feature within Honduras is **the lack of justice for the victims of the coup d'état** which devastated the country three years ago, the effects of which remain to this day. A chronic and structural problem within Honduran society is impunity: before, during and after the coup.

The expression 'impunity', narrowly defined, means the failure to bring to trial or punish those guilty of gross violations of democratic rights and freedoms; defined more widely, as Wilder Tayler⁹ suggests – which we will examine again in the *Psychosocial Focus* section – it includes the lack of knowledge of the truth on the part of the victims and society as a whole, as well as the lack of reparations for the harm inflicted. This concept also includes the fact that the state is not taking appropriate measures to prevent future abuses.

In addition to W. Tayler's perspective, this *Report* also presents the view of the Inter-American Court of Human Rights described in the case of the Moiwana Community vs Suriname which states that impunity is "*lack of investigation, arrest, prosecution and conviction of those responsible for violations of the rights protected by the American Convention*".¹⁰

⁹ A social psychologist and author of several works.

¹⁰ Judgment of June 15, 2005, paras 202 and 203

In Honduras, the failure to deliver justice to the victims of **human rights violations arising from the coup d'état has a re-victimizing effect**. Justice, as a true fundamental right, has yet to be done and has been postponed indefinitely. It is vital to stress that justice is precisely one of the prime values, principles and human rights that must be recognized for the victims of crimes, abuses of power and violations of human rights and basic liberties in this country. Justice also entails establishing **the responsibility, both direct and indirect, of those involved in the bloody break-up of the constitutional order**. Based on the *Commission's* investigations, this *Report* will present conclusions regarding both kinds of perpetrators.

The investigative work undertaken by the *Commission* is based on a body of evidence formed by witness statements and documents, as well as by drawing on medical and forensic technical expertise and other disciplines. Other reasonable factors were also taken into account which allowed the Commissioners to arrive at their conclusions.

1.2 Methodology/ Sources Consulted

In general, the methodology selected for the process undertaken by the Commission conformed to the following parameters and guidelines:

In the design of the investigation into human rights violations, the Commission sought and periodically adjusted the balance between the following elements:

1. The importance of establishing the truth about widespread or systematic human rights violations following the coup d'état;
2. The priority accorded to establishing the truth about particularly serious violations;
3. The need to make this information public;
4. Limitations imposed by the very magnitude of the violations reported, the minimal level of resources available for these tasks and the situation of conflict within the country which, during the period the Commission was undertaking its work, had continued to deteriorate notably.

The *Commission* divided the investigative work into four phases:

- 1) Gathering of testimony,**
- 2) Identification of actionable cases,**
- 3) Broader identification of patterns of violations and case studies while the facts were being verified,**
- 4) Analysis of case studies at various levels with the aim of contextualizing the violations within historical and political processes in Honduras.**

From the gathering of testimony (first phase) to the completion of the verification of the facts (third phase), the *Commission* used a team of Honduran lawyers and an expert in the design and management of a database of violations of human rights and fundamental freedoms.

The *Commission* could also rely on the invaluable and timely support of human rights organizations which had granted the Commission its mandate and devoted their efforts to the systematization of their own information and its transfer to the database.

A key point to emphasize in this section on *Methodology/Sources Consulted* relates to the database. It is of extreme importance, even in comparison with those established by other truth commissions, in two ways. First, the database seeks to reflect the magnitude of the violations reported, particularly their widespread and systematic nature. These reports need to be reliably reflected as they form the basis of historical memory, an issue to which we will refer again in the last section of this *Report* as it is the reference point for the Recommendations.

The database allowed the patterns of the reports of violations to be identified and analyzed and, thus, for them to be linked with others checked during the verification process conducted by the *Commission* staff.

The Commission has divided the reports of violations into three groups. Those in the **first circle** concern case studies relating to patterns of violations drawn from crimes reported by the victims. These are cases with such an impact that the *Commission* decided to verify them. This is what was proposed for reasons of methodology but, due to lack of time and human resources; it was not possible to corroborate each and every one of the cases *in situ*. The cases of the wider **second circle** include testimony studied by the investigation team. Finally, all the cases and reports of violations which form the **third circle**, covering those received, not studied, but kept on the database.

The *Commission of Truth's* database is capable of making an analytical comparison of the patterns of violations of the cases, by *type*, with the information provided by the complaints of violations, from both the second and third circle. It is essential to recognize that this methodology allows simple conclusions to be drawn about the patterns of violations, particularly their widespread and systematic nature, when the patterns of complaints are combined with elements from the patterns of verified cases and with an in-depth knowledge of the events and underlying historical and political processes; that is, the causes and determining factors regarding human rights violations.

The *Commission* also regards the database as the basis for verification tasks still pending, which may result in various reports and follow-up action. This is the second aspect of prime importance regarding the Commission's database, related to the recommendation in the last section of this Report on the establishment of a mechanism to monitor compliance with the Commission's Recommendations.

STAGES IN THE INVESTIGATIVE PROCESS

First phase - Collection of testimony: Formation of an investigation team (analysis, methodology, initiation of database design, presence of the psychosocial team and its role).

Second phase - Identification of actionable cases: Methodology of the team in line with the principle of consistency.

Third phase – Identification of patterns of violations and illustrative cases.

It must be added that, in July 2011, as a result of a visit by the Commissioners to Honduras and meetings with the Commission's human rights team, the third phase of the investigation was initiated, broadening the investigation team's focus to cover the identification of wider patterns of violations and of cases consistent with these patterns.

In August 2011, the historical and political study of the patterns of violations commenced, with the aim of putting the complaints of violations and corroborated cases into context in order to better understand their causes, their consequences (still being felt) and, finally, to be able to recommend corrective and reparatory action.

With this in mind, a study of the **Justice System** and of the structural and historic factors underlying patterns of impunity was initiated in the same month. This task benefited from the collaboration of COFADEH and a team of law students from the University of York in Toronto, under the direction of

the then commissioner, Professor Craig Scott.

The final phase of the *Commission's* work began in November 2011, with the analysis of the acts committed from the point of view of human rights and the drafting of the section on the underlying historical and political context.

At the same time, the Commission began a round of bilateral and multilateral meetings with civil society as part of a consultation process on the preliminary findings and the more substantial recommendations to avoid a repetition of the breakdown of the constitutional order and the violations which it produced. An objective investigation process was conducted, in the manner described above, all of which in accordance with the Commission's mandate.

To conclude this section on *Methodology/Sources Consulted*, an analysis of a variety of texts was undertaken – on the jurisprudence, doctrine, and rules related to the issue. A variety of documents were examined, such as lists of cases, lists of patterns of human rights violations and others. The production of the Report entailed, among other elements, those detailed below:

a) The data was systematized, incorporating pre-established information on patterns of human rights violations.

b) It served to create a process for the production of the *Commission Report* based on a careful examination of documents and on the consultation of key figures both in and outside the country. In addition, primary and secondary sources, both internal and external, were analyzed.

The investigations carried out by the Commission focused on gross violations of human rights and basic freedoms committed as a result of the coup d'état of June 28, 2009. They are widespread and systematic in nature and have occurred both on that date and at the very time this *Report* was submitted. In the analysis, some facts are related to significant events in the 1980s.

It is important to state at this stage that the *Commission* **does not regard this Report as an end in itself nor as the end of any process of reconciliation and rapprochement for society, but rather as one decisive step among others, barely initiated up to this point, towards the achievement of truth, justice and full reparation for the victims of the coup d'état of June 2009.**

The *Commission* gathered **1966** formal complaints of human rights violations by state bodies and armed civilian apparatuses supported by the authorities. These allegations were presented directly to the Commission or to human rights organizations of civil society. The complaints equate to **5418 violations** or criminal acts, representing 89 different types of repressive actions, ranging from **intimidation/threats, repression of public demonstrations, illegal detention**, through to **physical/psychological torture, permanent disappearance, killings in a political context** and the **assassination of journalists** and other types of assassination. The Commission was careful to distinguish between the various types in order to document the *specific nature* of the violations committed by the Honduran authorities following the military coup, and by those which succeeded them.

For example, of this figure (5418 crimes) nearly **552 cases (10.2%)** relate to repression of public demonstrations, **241 (4.4%)** are illegal detentions, **94 (1.7%)** are physical/psychological torture, **58**

(1.1%) are killings in a political context, 37 (0.7%) intimidation/threats and 14 (0.3%) are assassinations of journalists.

The final part of this *Report* presents a list of **20 case studies**, in which agents of the state or civilians acting with their support, consent or acquiescence, are identified as **directly responsible** for the crimes reported. We believe that it is possible to mount criminal prosecutions and other proceedings in relation to these cases, in which it will be possible to demonstrate in detail the Honduran authorities' direct responsibility.

Both the use of primary sources of information and the selection of the case type methodology, which forms the basis of the *Commission's* classification of violations, are derived from two sources. First, the experience of organizations such as **COFADEH** (Committee of the Families of the Detained and Disappeared in Honduras), with its wide experience in categorizing crimes in line with Honduran human rights and criminal law, thereby enabling it to bring legal proceedings as well as counter the political persecution which has been a feature of this country since 1980. Second, **the tireless determination of Honduran social movements which, by mobilizing, have managed to create spaces for the care and treatment of and solidarity with victims of politically-motivated repression**, which has enabled these violations by the post-coup authorities to be documented, as well as for fundamental changes to be demanded in the administration of justice.

1.3 The Mandate of the Commission of Truth

There is no single model for human rights commissions. Furthermore, the crisis within Honduran society has still not ended, and has entered another phase of social and political conflict which, although it receives relatively little attention both regionally and within Latin America as a whole, is tending to intensify as a result of the forthcoming elections planned for November 2013.

It is important to stress that the Commission's work has been carried out in a situation which is still one of conflict, not post-conflict, unlike most other commissions similar in nature. There is still a highly conflictual environment with institutional violence, albeit more silent. The fact that selective killings are still being carried out continues to be a threat for anyone involved in denouncing and protesting against the lack of respect for human rights in the country.

For the *Commission*, this situation has meant working under constant threat. Because of this, we have taken very strict security measures. All the visits to the field have been conducted observing stringent rules for the security of the team members, as well as for the witnesses and the victims when we were taking their testimony.

Despite these measures, there have been acts committed against members of the team at different times and of various kinds. To date, this is continuing. This makes us think that there are at least some state bodies which feel threatened by our work. Apparently, state officials who perceive this threat have thought it necessary to attempt to instill fear in us, so that we will stop our work. In fact, it reached such a pitch that the two Honduran commissioners received threats serious enough to force both of them to flee the country, one permanently and the other temporarily.

Therefore, it should be understood that the future of the work carried out by this *Commission*, to ensure that the truth is known about the events which have traumatized this Central American region, may take new directions and ways of broadening the mandate which organized civil society in Honduras has been able to formally implement over the past couple of years. The mandate of the *Commission of Truth* is summarized in the table below:

Basic Aspects of the Mandate Assigned to the Commission of Truth

| | |
|---------------------------|--|
| Report | <i>The voice of greatest authority is that of the victims</i> |
| Origin | Mandate of the <i>Plataforma de Derechos Humanos de Honduras (Honduras Human Rights Platform)</i> : The Human Rights Platform was formed to coordinate the efforts of six organizations to defend the rights of the population following the coup d'état of June 2009. It was made up of COFADEH, CODEH, CIPRODEH, CPTRT, FIAN and CDM |
| Members | Elsie Monge Yoder, Chair of the CoT and of CEDHU, a nun of the Maryknoll order, Ecuadorian; Luis Carlos Nieto García, Spanish judge; Mirna Antonieta Perla Jiménez, Former judge of the Supreme Court of Justice of El Salvador, CDH-HAS; Adolfo Pérez Esquivel, Nobel Peace Prize laureate, Argentinian; Nora Cortiñas, Mother of the Plaza de Mayo, Founding Line, Argentinian; Craig Scott, university professor, Canadian (resigned in 2012 for personal reasons); Francisco José Aguilar Urbina, lawyer, expert in international law, ex-diplomat, Costa Rican (resigned in 2012 for personal reasons); François Houtart, priest, social scientist, environmental expert, Belgian (resigned in 2011 for personal reasons); Helen Umaña, university professor and writer, Honduran; Fausto Milla, priest, researcher and naturopath, Honduran. |
| Period analyzed | June 28, 2009 to August 2011 (period when reports of violations were received systematically), with inevitable historical references to the human rights violations committed in the 1980s, and continuing to the time of the Report , based on information collated by Honduran human rights organizations or in the public domain. |
| Objectives | <ol style="list-style-type: none"> 1. Establish the truth surrounding the events associated with the coup d'état of June 28, 2009. 2. Promote justice for the victims of gross violations of human rights and fundamental freedoms. 3. Promote full reparation to the victims. |
| Responsibilities | <ol style="list-style-type: none"> A. To drive forward an effective, technical and impartial investigative process in order to determine the direct and indirect responsibility of those alleged to have committed gross human rights violations. B. Ensure that those responsible for these violations are subject to a fair trial in line with internationally recognized standards. C. Recommend the adoption of constitutional and legal reforms and to press for changes in the justice administration system, and in police, military and other state institutions. D. Press for the design and implementation of public policies aimed at promoting social justice. E. Produce a report on the violation of human rights and fundamental freedoms committed since the June 2009 coup d'état in Honduras, its causes and its effects. |
| Methodology | <ol style="list-style-type: none"> 1. Create mobile working teams to gather information from victims of violations of human rights and fundamental freedoms. 2. Conduct interviews with key actors. 3. Collate different technical documents already produced by internal and external sources. 4. Enter the information gathered on a database. 5. Incorporate into the Commission of Truth's report a vision of rights as holistic, inclusive and victim-focused. 6. Prepare the report and its annexes. |
| Issues to be investigated | <ol style="list-style-type: none"> 1. Gross violations of human rights and democratic freedoms committed against Honduran society after the coup d'état of June 28, 2009. 2. The involvement of Honduran and foreign actors in the planning and execution of the coup d'état. |

The mandate of any commission, whether governmental or non-governmental, which is seeking truth and justice for human rights violations, has to measure its success in terms of its contribution to finding effective remedies for the victims, that is, the *capacity for reparation*. The principles of reparation are an essential aspect of the effective remedies, embracing the right to *justice, compensation, restitution, rehabilitation, satisfaction and non-repetition*.

The principle of non-repetition or non-reversion to the position of victims is addressed through recommendations drawn up with the participation of the victims and civil society in general on constitutional, legislative and institutional reforms to help **guarantee the non-repetition of violations**.

The *Commission* explicitly takes into account this aspect in its recommendations, with an emphasis on the independence of the judiciary to able to investigate and ensure justice is done, reflecting the scale of the violations reported, particularly their widespread and systematic nature. It is therefore important to collect and work on these cases on the *database* in an effective way because they provide the foundation for historical and collective memory. It is all the more important given that it has still not been possible to verify and establish the current situation for an adequate proportion of the approximately two thousand denunciations presented by the victims. The *database* thus also gives an idea of the scale of the task ahead.

Because of this, it is important to safeguard and follow up on this testimony by the victims of the political repression in Honduras, stored on the ***Commission of Truth Database***, and the mandate should continue – that of ensuring that justice is provided by the Honduran state and the institutions which form it: the three branches enshrined in the Constitution, the executive in the form of the President, Congress and the Supreme Court. This is the mandate to which the Commission has worked.

A worsening or repetition of the violations which people have suffered, during which they have been utterly helpless in the face of the judiciary, civil authorities and the security forces, is something which cannot be contemplated – a situation where, for example, the complaints of violations, names, addresses, and the victims' work, family or social relationships come to be known and this results in greater suffering for the victims. This is something which must be made clear to the current Honduran authorities - this Commission will not fail to respond to this, and nor will the entities and international bodies which support it, and which will be permanently on the alert.

We leave the ultimate mandate and responsibility to the Honduran people and their authorities – that of ensuring that the political oppression currently suffered by this country comes to an end and that this dark period, created by competing interests, ceases forthwith, so that fresh crimes do not continue to be added to those which, since the 1980s, have stained the land of all Hondurans with blood.

Part 2: The Keys to the Coup d'état

2.1 Historical Precedents

2.2 Institutional Keys of Political Power and the State in Honduras

2.3 The keys of the United States' involvement in the Coup d'état

2.4 The Social Context

2.5 The reasons for the coup d'état of June 28, 2009

The keys to the coup d'état

On March 23, 2009, President Manuel Zelaya passed Executive Decree PCM-005-2009, calling a "(...) wide public consultation throughout the country so that Honduran citizens can freely express their agreement or otherwise with the establishment of a National Constituent Assembly, to draft and approve a new Constitution (...)". This Executive Decree failed to be published in the "La Gaceta", the Honduran Official Journal. Under Article 221 of the Honduran Constitution, laws do not enter into force until they have been published in the official journal and the period of "vacatio legis" has passed.

Enrique Santiago
Spanish lawyer

Member of the International Observation Mission on the Human Rights Situation in Honduras

The history of Honduras can be characterized by the fragility of the process of democracy-building. The feeble efforts and apparent advances observed since the 19th century to the present have not been enough. When there has been the prospect of some sort of development of democracy, human rights violations have been a constant.

The population of Honduras, over 40% rural, is **8,128,412**, with the majority, over 60%, living in poverty, and 36.2% in extreme poverty.¹¹ Per capita income, which represents the proportion of the pay of the labor sector in the economy (or its contribution per person to Gross Domestic Product) is **\$2793** which is not anywhere near the average household income, as property, assets and income are distributed in a totally unequal fashion. Every time that there has been a coup d'état in this country - as an extreme reaction to halt any possibility of change - the power groups, out of their own private or group interests, re-erect the historic barriers to limit the development of democracy for the Honduran people and to reverse this situation.

After the poverty and inequality referred to above, which serve as a backcloth, insecurity is the most significant threat to the process of regaining democracy and the effective enjoyment of human rights. In the current chaos the authorities preside over, their social and political legitimacy undermined, they persist in imposing authoritarian measures divorced from potential democratic solutions. The regression to authoritarian practices such as the enactment of discretionary laws for the restriction of rights, militarization and the criminalization of social protest are some examples of the reversals for democracy.

To understand the roots of the problem, underlying the superficial explanations, a set of factors forming part of Honduras' political reality – '**sociological keys**' – have been identified as the social, political and economic causes which extend beyond the disputes in the public arena and which, furthermore, allowed another coup d'état to occur in 2009. Of course, there are many possible determining factors which may explain the multiple causes of this country's complex reality.

¹¹ Report by ECLAC (United Nations Economic Commission for Latin America and the Caribbean), 'Time for Equality' (2010), Washington, 250pp.

However, the most notable factor was the role of the interest group which used **Roberto Micheletti Bain**, the freight and bus entrepreneur, to carry out a coup d'état with the acquiescence, connivance and complicity of the legislature, judiciary and the Honduran armed forces.

2.1 Historical Precedents

At 4:45 on the morning of 3 October 1963, the army commanded by General Oswaldo López Arellano launched a coup d'état to overthrow the government of President Ramón Villeda Morales, in order to prevent the presidential elections on 13 October, when all the indications were that the populist Liberal leader, Modesto Rodas Alvarado, would win. Therefore, it was part of a strategy to halt the process of organizing by the workers and campesinos, which had been developing since the 1954 general strike. This historic event exemplifies the political power struggles in the republican history of Honduras which, since the coup of 1827, a backlash by conservatives in alliance with conservative liberals, has been characterized by a long process of armed uprisings, revolts and coups d'état.

Edgar Soriano (historian)

Since independence in 1821,¹² Honduras has been in a permanent state of political instability, marked by incidental factors such as the absence of control over its territory, disputes between the pro-independence liberals and the conservatives, the influence of the hierarchical structure of the Catholic Church and the persistence of strongman politics (*caudillismo*) in the jockeying for power. All of them were conflicts arising from the factions formed by the creole classes once they knew themselves to be free, without the controls imposed upon them by the *Viceroyalty*, and thus with the ability to extend their practices and control over the entire post-colonial legal and judicial system.

A schism was created between the Spanish Crown and Latin America. The Roman, Spanish aristocratic and Christian tradition lost its mainstay, and henceforth the new '*Provinces of the Interior*' would be the birthplace of a new breed: **Latin American creoles**, lords and masters of their lands, wielding political and economic control of everything within them.

The **United Provinces of Central America** abandoned all attempts at Central American unity when it collapsed in 1824. Soon territorial interests and the desire for regional control dominated. The indigenous or *original peoples* and their 'Indian' populations and settlements, defenseless, having lost the protection provided by the Crown, became the booty of the Creole caste throughout the region.

Honduras was always disputed territory. Being less economically developed, politicians from the other Central American countries constantly intervened in its domestic affairs. These initiatives were always led by **creole families**, who were in rivalry with each other, with the support of the nascent *caudillos* (political strongmen) and their armies.

¹² Honduras gained independence from Spain on September 15, 1821 and from the Mexican Empire in July 1823.

History of coups d'état in Honduras

A brief glimpse at Honduran history shows that eight governments were overthrown militarily in the 19th century. They were: the governments of Dionisio de Herrera in 1827, José Trinidad Cabañas in 1855, Santos Guardiola in 1862 (assassinated), Francisco Montes in 1863, José María Medina in 1872, Céleo Arias in 1874, Ponciano Leiva in 1876 and Domingo Vásquez in 1893.¹³

The situation does not change at the dawn of the 20th century when, following his election victory, **Manuel Bonilla in 1903**, “a liberal caudillo who broke off relations with his old allies within the party” carried out a coup of parliament on February 8,¹⁴ the only one in the country's history; following the overthrow of Manuel Bonilla in 1907 by the liberals themselves, he reappears, attacking the government of **Miguel R. Dávila in 1911**, which showed, for the first time, the direct influence of the United States on the region, when it proposed an accord which was signed on the American warship “*Tacoma*”. Under this agreement, both Dávila and his vice-president, Dionisio Gutiérrez, would offer their resignations and hand over the presidency to **Francisco Bertrand (1913-1919)**. In 1919, the latter was overthrown by a fresh *coup d'état*, or armed uprising. The divisions within “Manuelismo”,¹⁵ between two factions, as a result of which one tried to impose Bonilla's relative, **Nazario Soriano**,¹⁶ meant that it lost the support of the United States.

The insurgent movements continued, along with greater US intervention, now apparent in Tegucigalpa. Victory did not go to the candidate Soriano, but instead to a member of the military again, **General Rafael López Gutiérrez (1919-1924)**. At the end of his term, the creole caudillos began to clash with each other once more. During the armed revolt in 1924 the “nationalist” caudillos were again pitched against the “liberals”.¹⁷ On this occasion 200 US marines were mobilized under the pretext of protecting their embassy in Tegucigalpa.¹⁸

The insurgents defeated General López Gutiérrez's government and installed a provisional government, convening a 'constituent assembly', under which the National Party led by General Carías would emerge the victor, leading **Miguel Paz Barahona (1925-1929)** to become president.¹⁹

Over the following four years, the liberal, **Vicente Mejía Colindres (1929-1933)** governed after elections. He had to endure the divisions within his party and share his power with the National Party.

From 1933, for 16 years, the country was under the dictatorship of **General Tiburcio Carías Andino**

¹³ Lara Víctor, *Gobernantes de Honduras en el Siglo XIX* (Rulers of Honduras in the 19th century); Tegucigalpa, Editorial Banco Central de Honduras, 1978

¹⁴ Cáceres Lara Víctor, *El Golpe de Estado de 1904* (The Coup d'Etat of 1904); Tegucigalpa, Editorial Universitaria, 1985.

¹⁵ Term used to refer to the followers of Manuel Bonilla, after 1902.

¹⁶ Argueta, Mario. *Tres Caudillos, Tres destinos, 1919-1932*, (Three Caudillos, Three Destinies 1919-1932) Tegucigalpa, Ediciones Subirana, 2007.

¹⁷ The National Party emerged from a faction of “manuelismo” in 1919. Subsequently, in 1922, General Tiburcio Carías would take the party forward. See: Argueta Mario, *Anatomía de una época (Anatomy of an Era)*, Tegucigalpa, Editorial Guaymurás, second edition 2010.

¹⁸ Introduction to the *Boletín de la Defensa Nacional* (National Defence Bulletin) cited in the magazine *Vida Laboral* (Working Life) Sep. 2012.

¹⁹ General Tiburcio Carías was the party's candidate but under pressure from the State Department he was forced to respect the Washington Treaty of 1923, which prohibited leaders of armed revolts from participating in elections.

(1933-1949), a period which brought relative stability to the government and the consolidation of presidential rule. Carías' accession to power was legal, but when he was coming to the end of his term he convened a *Constituent Assembly* to draw up a 'New Constitution' which extended presidential terms from four to six years, and which extended his own presidency for a continuous period of six years, with a further six-year term subsequently approved.²⁰

Carías was succeeded in 1949 by the lawyer **Juan Manuel Gálvez (1950-1954)**, a former Minister of War under the Carías regime, with a government considered relatively moderate. In 1954, before his term ended, Gálvez left power in the hands of the vice-president, the lawyer **Lozano Díaz (1955-1956)**, who remained the de facto president until the coup d'état of October 21, 1956, when the armed forces forced him to hand over power to a military junta.²¹ The members of the military junta were:

General Roque J. Rodríguez, Chief Director of Francisco Morazán Military College; **Coronel Héctor Caraccioli**, Chief of the Armed Forces and **Military Engineer Roberto Gálvez Barnes**. On November 17, 1956, the junta was reorganized under the leadership of **Colonels Oswaldo López Arellano and Héctor Caraccioli**, who held power until, through negotiations (in a bid to gain autonomy for themselves) they had to hand it over to the doctor **Ramón Villeda Morales (1957-1963)**, the President elected by the Constitutional Chamber, which also appointed **Colonel Oswaldo López Arellano** as Chief of the Armed Forces.

During the presidency of Villeda Morales,²² a number of important laws were passed due to public pressure following the Great Strike of 1954,²³ such as the Employment Code (*Código del Trabajo*), the Land Reform Act (*Ley de Reforma Agraria*), the Social Security Act (*Ley del Seguro Social*), and the Industrial Development Act (*Ley de Fomento Industrial*). This legislation had an impact on the interests of corporate capital, both national and transnational.

The armed forces once again came to the fore, giving three reasons to justify a fresh coup d'état in 1963: *“Communist infiltration, the existence of the Civil Guard which is a threat to the armed forces*

²⁰ Before his term ended, Carías Andino consolidated his power when he changed the Constitution; he declared the Communist Party illegal and limited freedom of the press. Through this measure, he eliminated the opposition and put an end to a long period characterized by short-lived governments, as a result of endless coups. In 1949, Carías Andino was forced out of office under pressure from the United States of America. See: Argueta, Mario. *Anatomía de una época*, Tegucigalpa: Editorial Guaymuras, second edition 2010. Dodd, Thomas J. Tiburcio Carías: portrait of a Honduran political leader: Louisiana State University Press, 2005.

²¹ Barahona, Marvin. *Honduras en el Siglo XX, una Síntesis Histórica* (Honduras in the 20th century, a Historical Synthesis), Tegucigalpa, Editorial Guaymuras, 2005.

²² Argueta Mario. *Ramón Villeda Morales, Luces y sombras de una primavera política* (Ramón Villeda Morales, Light and Dark of a Political Spring), Tegucigalpa, Editorial Guaymuras, 2009

²³ The strike of April-May 1954 has been the biggest in the country's history, and resulted from a process of organizing which had been developing since the 1920s, despite violent crackdowns by the transnational banana companies and the Honduran government, such as the San Pedro Sula massacre ten years before the general strike. A legacy of the strike was a trade union movement which, by the 1960s, had become one of the most important in Central America. See: MacCameron, Robert (1983). *Bananas, labor, and politics in Honduras, 1954-1963*: Maxwell School of Citizenship and Public Affairs, Syracuse University, 1983. Amaya Amador, Ramón/Padilla Rush, Rigoberto. *Memorias y enseñanzas del alzamiento popular de 1954* (Memories and lessons from the popular uprising of 1954), Tegucigalpa: Ediciones Juan Pablo Wainwright, 1989. Argueta, Mario. *1954 en nuestra historia* (1954 in our history); Tegucigalpa: Editorial Universitaria, 1987. Colección Cuadernos Universitarios, Núm. 58. Posas, Mario. *Lucha ideológica y organización sindical en Honduras (1954- 1965)* (Ideological struggles and trade union organization in Honduras (1954-1965), Tegucigalpa: Editorial Guaymuras, 1981

*and the launching of a candidate” - Modesto Rodas Alvarado who, according to them, showed “hatred and not the unity of the Honduran family”.*²⁴

Then **Colonel Oswaldo López Arellano (1963-1971)** assumed power; his first presidential term was from October 3, 1963 to June 5, 1965. On June 6, 1965 he began a second term of (constitutional) government, following elections disputed as fraudulent.²⁵ In 1971, power was returned to civilians, as a result of a pact between the armed forces, the Liberal Party and the National Party, through the so-called “*Government of National Unity*” headed by the lawyer **Ramón Ernesto Cruz (1971-1972)**. This government was short-lived, due, among other factors, to another military coup, on December 4, 1972, and **Colonel López Arellano** retook power. He was removed from office on April 22, 1975 by the Armed Forces Supreme Council, ostensibly because of a corruption scandal, a case of bribery by the American *United Brands Company*, known as “*Bananagate*”. In fact this coup was a reaction to the modest reforms introduced by López Arellano's government.

He was replaced by **Colonel Juan Alberto Melgar Castro (1975-1978)**, who was himself removed from office on August 7, 1978, and replaced by a military junta made up of **General Policarpo Paz García, Colonel Domingo Antonio Álvarez and Lieutenant Colonel Amílcar Zelaya Rodríguez**.

By 1981, Honduras' political and economic elites, formed by the same creole families who controlled the political parties, decided to sponsor representative democracy via elections, in response to both domestic and international pressure. **Dr. Roberto Suazo Córdova (1982-1984)** was duly elected president, replacing General Paz García, who had been confirmed as president on July 25, 1980 by the National Constituent Assembly established five days earlier.

Suazo Córdova's accession to the presidency on January 27, 1982 did not signify a reduction in the power and influence of the military on civilian governments; on the contrary, it was during his administration that the National Security Doctrine was imposed as the main strategy in the whole Central American isthmus for constraining social demands. Coups d'état did not die out completely, and their place there was a military equivalent in the so-called 'barrack coups', when groups of soldiers overthrew the heads of the *Joint Armed Forces* on three occasions: **General Gustavo Álvarez Martínez** in 1984; **Walter López Reyes** in 1986, and **Arnulfo Cantarero López** in 1990, without any explanation to the civilian authorities. Despite its importance, this issue was rarely reported or commented on in the press of that time.

There was a certain decline in the influence of the armed forces during the presidency of **Carlos Roberto Reina (1994-1998)**, who reduced their power by removing the police from their command and placing the armed forces under the control of a minister of defense directly appointed by the president. His term also saw the abolition of compulsory military service.

The coup d'état as an instrument of social and political control by the business elites is repeated when they conspire once again with the military high command, this time against the government of President José Manuel Zelaya Rosales. These groups began to speculate that the Liberal Party

²⁴ Barahona, Marvin. Op. cit.

²⁵ This is the origin of the term 'elections Honduras style' coined by the American journalist Bert Quint.

veteran was becoming rather too “liberal” for the party to accept. And so begins a relentless media campaign against his initiatives and style of government.

It was against this background that on June 28, 2009 the economic power groups, with the tacit political collusion of the two main political parties – the Liberal and National – deposed President **José Manuel Zelaya Rosales**, who was due to finish his term of office on January 2010; he was taken to the American military base at Palmerola, Comayagua, in the center of the country and, hours later, to San José, Costa Rica. That same day, the President of Congress, **Roberto Micheletti Baín**, was imposed as head of the coup d'état, with the constant support of the Honduran army and the national police.

2.2 Institutional Keys of Political Power and the State in Honduras

“Two types of forces control political power (in Honduras), according to analysts consulted by the IPS news agency. The first are the economic powers of traditional families which have assumed a more modern form and are taking over party structures and decision-making positions within government. They are the legal power groups, in a manner of speaking. But there are the others, hidden and linked to organized crime, especially drug trafficking, which have a strong presence in this country.”

Interview with Ernesto Paz, political scientist UNAH (*Universidad Nacional Autónoma de Honduras* - National Autonomous University of Honduras)

Structural conditions of the economy: concentration of wealth and unequal income distribution

During the first decade of the 20th century, there was an increasing trend towards economic policies in Honduras **favoring the business classes, as an integral part of political power**. The policy of promoting economic growth orientated externally (via exports and foreign markets) resulted in the promotion and diversification of exports, favoring foreign investment on terms which, until now, have only served to deepen the crisis and make the lives and livelihoods of the majority of the Honduran population more precarious. According to ECLAC, poverty in Honduras was at **65.7%** and indigence at **41.8%** in 2009.²⁶ Both figures were the highest of the 18 countries studied.²⁷

The Honduran economy's weak growth from 1990 to 2008 is due largely to the increase in investment in a few export products, which have historically seen a high concentration of income in a few hands. Honduras, since the beginning of the last century, has functioned as an enclave economy orientated towards fruit products, perishable and subject to seasonal agricultural systems. Honduras is linked to the world economy through banana exports.

The dependence of the Honduran economy on banana exports, with all its domestic implications,

²⁶ 'Social panorama of Latin America 2011', Table 1, Available at: http://www.eclac.cl/cgi-bin/getProd.asp?xml=/publicaciones/xml/5/45175/P45175.xml&xsl=/publicaciones/ficha.xsl&base=/publicaciones/top_publicaciones.xslt#

²⁷ This information can be found in the report by the United Nations Economic Commission for Latin America and the Caribbean (ECLAC), entitled 'Time for Equality', op. cit.

had a profound impact on the formation of political parties, the political system, and the development of the state and the exercise of power itself. No wonder Honduran politics were defined by the interests of the banana companies, and it was partly as a result of this that the US Embassy learned to sanction and exploit the actions of the political and economic groups led by local and regional caudillos.

The economic model in place since 1980 was replaced in the early 90s with the entry into force of a more liberal policy, with the implementation of measures which limited the growth of the domestic market.

Like the rest of the countries in the region, this resulted in lower public investment, together with the implementation of **structural adjustment programs** that were designed to reduce the fiscal deficit and the financing of the public sector's operation in, and management of, the economy. In this context, new industries emerged, the most dynamic being the maquila sector, tourism and telecommunications.

The primary sector of the economy (mining and agriculture) tried to diversify by moving from traditional exports to greater promotion of the production of pulses, vegetables and seafood.

While this gave a different composition to the Gross Domestic Product (GDP), it also substantially changed the primary model of agricultural exports, with a shift of emphasis to mining. In the pattern of investment accumulation of this model, agriculture has become less important and, without going through a phase of industrialization, it is the services sector which is playing the key role. In the late 1980s and during the 1990s, Honduras' service sector came to represent more than **70% of production** (or aggregate supply) (see Segovia, 2004:15-16). Among the major sources of foreign revenue, along with traditional and non-traditional export products and the maquila industry, are remittances from Hondurans living abroad, which have come to play a key role in the country's macroeconomic stability.

All this can be seen in the percentage share set out in the following table.²⁸

Honduras: Variation in the principal sources of foreign revenue from 1990 to 2010 (Percentage Share)

| Sources/Years | 1990 | 2010 |
|---------------------------------|-------|-------|
| Main traditional exports | 62.0 | 5.0 |
| Main non-traditional exports | 17.0 | 15.0 |
| Maquila industry | 11.0 | 32.0 |
| Foreign Direct Investment (FDI) | 4.0 | 9.0 |
| Remittances | 5.0 | 29.0 |
| Total | 100.0 | 100.0 |

Source: Central Bank of Honduras, *Honduras en Cifras y Memorias Anuales* (Honduras in Statistics and Annual Reports), various years²⁹

Despite the importance that the economic model accorded to foreign investment, Honduras is not

²⁸ Segovia, Alexander. «Centroamérica después del café: el fin del modelo agroexportador tradicional y el surgimiento de un nuevo modelo», ('Central America after coffee: the end of the traditional agro-export model and the rise of a new model') *Revista Centroamericana de Ciencias Sociales*, (Central America Social Science Review) no. 2, 2004 p. 13.

²⁹ Cited in: Irías, Gustavo. *Bases para la transformación democrática de Honduras* (Bases for the Democratic Transformation of Honduras); CESPAD (*Centro de Estudios para la Transformación Democrática – Centre of Studies for the Transformation of Democracy*), 2011.

among the countries that attract the most investment in the region.³⁰ It should be made clear that not all the increase in investment was foreign. For example, of the investment in the maquila sector, which had overall growth of **7.6%** in eight years, 30% was Honduran, while 70% was foreign, mostly American (43%), Asian (16%) and from other sources (11%).

This means that an important sector of Honduran industry benefited in the shadow of the concessions and incentives made for transnational investment. The new economic model has led to changes in the structures of economic groups and to other aspects of society.

National, regional and transnational groups linked to the service economy and non-traditional exports have been consistently favored. The nature of this new pattern of growth is essentially urban, which has implications for the persistence of problems in rural areas, as well as for the continuation of extreme poverty. This has led to changes in the labor markets. Nationally, it has encouraged the integration and exploitation of female labor in the service sector and maquila industry, generally with little job security and, at regional level, it has accelerated the migration process, both intra- and extra-regionally.³¹ It therefore stands to reason that business groups will defend the privileges granted to them at all costs.

The characteristics of the new economic model are various. The most relevant are highlighted, essentially those that have a clear outward focus and which depend on both exports and imports. Average economic growth over the period 1980 to 2009 was barely 3.8%. Moreover, this growth has been erratic.

By 1990, **56.7%** of this revenue was concentrated in the group of low-growth exports (bananas, coffee, lobster, chilled meat, pineapples and lead). The maquila sector accounted for just **4.4%**. However, thanks to the great dynamism of the maquila industry, over the years it has gained the status of chief export earner. By 2009, the scenario regarding the share of export revenue has changed radically. The group of goods headed by bananas sees its share fall to **14.1%**, while the maquila sector by that time has accumulated millions of lempiras in profits from devaluation. Regardless of the differences in growth rates, all exports generated by the business elite and other, smaller, exports, increased through the stimulus of the export incentives program.

These business groups and elites became rich as a result of devaluation and a raft of other government measures such as tax exemptions, laws on production incentives, concessions and the liberalization of services which were handed over to private businesses. In line with this policy, a set of laws has been passed, particularly from the 1990s to the present, to favor the business elites, such as the General Mining Act (*Ley General de Minería*), Free Processing Zones Act (*Ley de las Zonas Libres de Procesamiento*), Agricultural Sector Modernization and Development Act (*Ley para la Modernización y el Desarrollo del Sector Agrícola*), Telecommunications Act (*Ley de*

³⁰ Total investment in an economy is usually the trigger. National domestic saving is not enough to maintain a steady growth rate for the economy's Gross Domestic Product. This is because, through the national accounts, we know that domestic saving is equal to total gross investment (also known as Gross Fixed Capital Formation) less foreign saving (i.e. capital inflows or foreign investment). This means that, for an economy's GDP to grow and its development strengthened, this is only possible by increasing imports.

³¹ Segovia, Alexander. Op. cit.

Telecomunicaciones) and the Tourism Incentives Act (*Ley de Incentivos al Turismo*), among others; laws which are enacted in countries with a conservative profile for greater concentration of wealth.

The state is perceived as an instrument for the economically powerful social strata³² to use to conduct their business, reaping financial rewards at the expense of the loss of tax revenue for the state and the neglect and deepening of poverty and social inequality for most of the population, which historically has been denied the opportunity to participate effectively in the major decisions of the country, with extreme measures being deployed such as coups d'état.

The coups in the 20th century share key features: the support of the business elites (financial groups, chambers of industry, agro-exporters, major landowners and others), military control, the strength of the economic power groups which are part of and control the political parties, the interference of the United States and the complete absence of legal and public sanctions for those responsible for the crisis.

These 'institutional' conditions have become deeply ingrained in political and social culture, accentuated even further by the interference and complicity of the US as shown consistently by the chronicle of events.

The fact of having one of the most marginalized populations and the complete absence of a policy for *income redistribution*, making Honduras one of the most unequal countries on the continent, constitutes *a key for political domination* by power groups which prevent consensus being accepted as the normal way of settling political conflicts, instead using the repression suffered by Honduran society to this day.

The economic elites and military control

During each of the coups and their aftermath, the military has assumed direct control or, as in the case of the military coup of 2009, supported and imposed 'order' for the economic and media group that attacked the president.³³

³² From the 1980s a series of economic policies emerged, known as the 'Washington Consensus', which were applied in Latin America. These measures include 10 recommendations adopted by the international agencies:

1. Budgetary discipline by governments. 2. Focusing public spending on health and education. 3. Tax reform, broadening the tax base. 4. Financial deregulation and free interest rates. 5. Competitive and market-led exchange rates. 6. Free trade between nations. 7. Openness to foreign direct investment. 8. Privatization of state enterprises. 9. Market deregulation. 10. Strengthening property rights. See:

<http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20153468~menuPK:34457~pagePK:34370~piPK:34424~theSitePK:4607,00.html>

³³ On the role of the armed forces in the history of Honduras, See: Meza, Víctor. *Política y militares en la historia de Honduras* (Politics and the military in the history of Honduras), Tegucigalpa: Multicopia, 1981. Molina Chocano, Guillermo. «*Honduras: de la guerra civil al reformismo militar (1925-1973)*» ("Honduras, from civil war to military reformism"), in *América Latina historia de medio siglo*, (Latin America, a History of Half a Century) Volume II, Mexico: Editorial Siglo XXI, 1981. Fúnez, Matías. *Los deliberantes y el poder militar en Honduras* (The deliberators and military power in Honduras), Tegucigalpa: Editorial Guaymuras, 1995. Salomón, Leticia. *Militarismo y reformismo en Honduras* (Militarism and reformism in Honduras), Tegucigalpa: Editorial Guaymuras, 1982.

While the military's force ultimately ensures the success of any coup against democracy, it is not they who benefit most financially from these acts when compared to the dividends gained by the economic elites. Added to this is the "**social sanction**" directed at the military and police as the visible actors in events, while no responsibility is assigned to the economic and media power groups for their involvement. In Central America, military institutions operate *under a form of servitude to a business group*.

However, there are cases where the military has taken over lucrative businesses in various fields of economic activity and serving senior and middle-ranking officers have managed to exploit the property of the armed forces and the nation for personal gain. After the 2009 coup, the military regained some of the areas of the state that had been the responsibility of public bodies in the 1990s and which the business classes and the post-coup government returned to them. Military commanders were again given the executive directorship of HONDUTEL,³⁴ the para-statal telecommunications company, and important administrative areas such as the **Directorate General of Immigration Policy** and the **Directorate General of the Merchant Marine**.

In Honduras' democratic history, these areas of public life had been removed from the military since the mid-1990s as a result of the pressure and public sanction of social movements. For Honduran society these achievements constituted an important part of the country's efforts towards democratization. Therefore, the coup also represented a setback in this regard.

Although it is true that there are no cost estimates, or *shadow prices*³⁵ to indicate the value of a **military coup**, for families holding political power and the businessmen behind the coup, it is a lucrative venture. A clear example is the freedom they are given to profit from many economic activities that in other countries would provide the state with enormous tax revenues, such as property development and the exploitation of airwaves, airspace, and technological advances.

The freedom of action accorded by coups to a part of the business class, also guarantees them, risk-free, the support to gain the security of contracts worth millions from state companies, the deferral of bank interest (cost of money) and moratoria and complete write-offs of debts. These gains and their complexity are hidden or disguised as the defense of "fundamental freedoms and rights of society" - in reality the defense of the business group behind the power. In this, the media's role of persuasion and consolidation is crucial.

Economic groups controlling the political parties

The old political parties have not shown their policies to be ones genuinely aimed at the strengthening of the democratic system. Instead, they operate through alliances which safeguard their private interests.

³⁴ Salomón, Leticia; (1999). *Las relaciones civiles-militares en Honduras. Balance y perspectivas*, (Civil-military relations in Honduras. Balance and Perspectives). CEDOH (*Centro de Documentación de Honduras – Honduras Documentation Center*), Tegucigalpa, Honduras, p. 78-83. It refers to HONDUTEL, the Honduran Telecommunications Company.

³⁵ Shadow prices of goods in an economy are "estimated costs" for goods or services for which in reality there is no way of quantifying their value. An example of this would be to calculate the market value of the Republican Art Museum (former Presidential Palace). Not having an exact value, an assigned value is estimated as its historical and above all unique value means that it cannot be provided with one in monetary terms.

Career politicians have served the interests of businessmen and the leaders of political clans (as is the case with the military), creating and reproducing the discourse of the business and industrial classes without generating the conditions for a strong economy. Renewed economic and business interests linked to the new world order have permeated the political parties to such an extent that ownership of part of the country has been ceded to transnationals, as in the case of the maquilas, mining and the most recent project - 'model cities' or **Special Development Regions**, currently under discussion.

The business classes invest resources in the control and management of the various political party structures, thereby safeguarding their interests in the three branches of government: executive, legislative and judicial.

The other institution: impunity

There is one aspect which has been a constant in the coups in Latin America: the absolute impunity that characterizes not only the fraudulent seizure of political power - bad enough in itself - but also the failure to punish human rights violations and other offences, as well as the denial of basic freedoms to society as a whole.

Those responsible, far from being tried for public order offences are, under the best scenario, rewarded with greater power and economic benefits. The culture of impunity has serious consequences not only because of its destructive influence on the social fabric but also for the economic interest groups themselves. Although, in the short term, it safeguards the economic interests of the power groups, in the long term it has a negative impact on the economy.

This whole situation is disguised and distorted by the mainstream media which provides those responsible with 'social recognition' in order to ensure their loyalty to the economic groups.

The business groups and conflicts of economic power

In the course of Honduras' economic growth there have been various industrial sectors from which an entrepreneurial class has emerged. At first, they were descendants of traditional families linked organically to politico-military power and to the two major parties, the Liberal Party and the National Party, and later there was a very pronounced presence in the businesses and franchises of well known transnational corporations.

This growth in the business classes can be partly explained as the result of the first wave of liberal reforms that emerged from the mid-1980s and continued into the 1990s and which included not only far-reaching reforms of public administration, legislation and macro-economic policies, but also the increasing adoption across Latin America of '*long-term financial policies*', according to the orthodoxy promoted by the international financial bodies such as the International Monetary Fund (IMF) and the former International Bank for Reconstruction and Development, the World Bank today (IBRD-WB).

While these reforms explain the recent strengthening of the country's most powerful industrial groups, they are not sufficient in themselves to understand the state's total abdication of responsibility for the provision of basic social services nor the high level of wealth concentration that has intensified in the last twenty years.

The concentration of wealth in these groups linked to and presiding over political power has advanced more or less silently over the years. It would be understandable if, with such a concentration of economic power, due to convenient links and alliances with political parties, this relationship were the object of analysis and concern, not only for this Commission, but for Honduran civil society as a whole. However, the truth is that it is clearer each day that the structures of business groups are not only above the political parties and dictate their political direction once they are in elected office, but also doubts are being raised widely about the origin of their resources. Civil society regards this as a serious risk for politics, putting the legitimacy of the democratic system in jeopardy

The research report *Integración Real y Grupos de Poder Económico en América Central* (True Integration and Economic Power Groups in Central America), published in 2005 by the German foundation, Friedrich Ebert, highlights the fact that these groups take over the political parties in the region.

“They are the legal power groups, in a manner of speaking. But there are the others, hidden and linked to organized crime, especially drug trafficking, which have a strong presence in this country.”³⁶

The above mentioned study refers to 'corporate governments' (*gobiernos empresariales*), such as the Salvadoran one, and 'pro-corporate governments' (*gobiernos pro-empresariales*) such as those of Honduras and other Central American countries where the link between government structures and the private sector has been less direct than in El Salvador.

According to the Jesuit priest **Ismael Moreno**, these groups "are interrelated, and within the Honduran political system, their influence is very strong, to the extent of putting presidents into power, dictating the news agenda in the media and being the main contributors to political campaigns." For Father Moreno, who is the director of ERIC (Team for Reflection, Investigation and Communication), of the Jesuit community in Honduras, in an interview with IPS, *"The presence of big names, some in Congress (legislative) and others in the executive branch, is not accidental. They know how to intervene, make requests and demands. The State seems in thrall to them, and governments are the instrument for gaining power and profit. Although they used to conceal their ambition better, it has got out of control in the last decade, and it seems that this country, stripped and torn to pieces, still has flesh to be eaten."*

Also in the study entitled *Honduras, Poderes Fácticos y Sistema Político* ('Honduras, De Facto Powers and the Political System') published by CEDOH (Honduras Documentation Centre) and written by a research team formed by Ramón Romero, Manuel Torres and Jorge Yllescas, under the direction of Víctor Meza and Leticia Salomón, the authors use the term *"de facto powers"* to refer to those groups which, although they do not refer to themselves as such, operate in effect as 'power groups', that is, they influence and even make the decisions of the state even though ostensibly power is held by a party or president. Governments come under pressure from some of these groups, when they are not being dictated to regarding the decisions they should be taking.

³⁶ Interview for the International Press Society with the political scientist Ernesto Paz of UNAH.

From 1980, in the so-called democratic period, to the current date, the power groups have supported fledgling democracy and the modernization of the State, provided that their interests have been safeguarded as suppliers of government contracts and procurement, by-passing public tendering processes, in line with the vision of a *patrimonialist state*. As an economic power they have been at the heart of decision-making processes and the adoption of important measures in economic policy and governance.

In that decade they were able to gain political support for their interests across the party system because the members of corporate power groups tended to apply for elected office directly. Bankers, members of building industry associations, maquila factory owners, ranchers, transport businessmen, etc., appear on the payroll as career politicians. A brief historical overview of these major entrepreneurs shows the exorbitant amounts of government money that has ended up in the accounts of the main business consortia, purely because of their control of and access to the economic decision-making processes of the Honduran state.

Between 1994 and 2001, the Honduran government spent **over three billion lempiras** of public funds to prop up several failed private banks.

In 1998, the hurricane and tropical storm 'Mitch' was a disaster for most Hondurans, but for transnational corporations it was just a temporary setback because even that tragedy was exploited by the private sector to promote a second wave of neoliberal reforms that expanded their corporate power and therefore their profits. The Commission has noted that, in the early 1990s, all branches of transnational investment grew, the most prosperous areas being manufacturing (maquila), investment in agriculture, mining, telecommunications, as well as trade and tourism; that is to say, those areas favored by liberal reforms, such as legislation expanding the maquila industry, the General Mining Act, the Agricultural Modernization Act, the Telecommunications Act and the Tourism Incentives Act. The country's 'reconstruction' failed to save ordinary Hondurans from the crisis, but it presented a great business opportunity for the multinationals, and for Honduran private enterprise.³⁷

³⁷ The most significant reforms of the first half of the 1990s were the following: 1) *Ley de la Zona Industrial de Procesamiento para la Exportación* (Export Processing Industrial Zone Act) (Decree No.37-87 of 7 April 1987), which introduced the so-called 'Industrial Parks', with investment, both domestic and foreign, which was clearly private; 2) The adoption of the *Ley de Inversiones* (Investment Act) (Decree 80-92) which guarantees equal treatment for Honduran and foreign businessmen; access to foreign currency; free transfer of capital, dividends or other gains; freedom in trading, manufacturing, marketing, procurement, pricing, access to government incentives and recognition of joint venture agreements based on land, capital, services and any other asset. 3) The commodification of state lands and forests through the adoption of the *Ley de Modernización Agrícola* (Agricultural Modernization Act) which included reforms to the *Ley de AFE-COHDEFOR* (State Forestry Administration - Honduran Forestry Development Board Act) (1992) to promote the private exploitation of land and forests (returning the forest to private hands, previously state-owned) and prohibit the state from investing in these sectors, which put paid to the 1974 Land Reform Act; 4) The supply of electricity by private companies, through the adoption of the *Ley Marco del Subsector Eléctrico* (Electricity Subsector Framework Act) (1994) which broke the monopoly of the ENEE (National Electrical Energy Company) and opened up the sector to private investment, both Honduran and multinational; 5) The regulation of national and international banks through the *Ley de Instituciones del Sistema Financiero* (*Financial Institutions Act*) and the *Ley de la Comisión Nacional de Bancos y Seguros* (The National Banking and Insurance Commission Act) (1995) which ended the protectionism of the national banking system; 6) The opening up of the telecommunications sector to foreign investment through the adoption of the *Ley Marco del Sector de Telecomunicaciones* (Telecommunications Sector Framework Act) (1995), the creation of CONATEL (Comisión Nacional de Telecomunicaciones - National Telecommunications Commission) and reforms to the *Ley Orgánica de HONDUTEL* (HONDUTEL (Honduran Telecommunications Company) Act) (1995), including a commitment to privatize it within 10 years. In the field of social service provision, the 'modernization of the state' (Legislative Decree No. 190-91 of January 7, 1992) brought about institutional changes resulting in central government discharging many of its

It is difficult to understand why it is that chain restaurants are treated as formal businesses subject to the normal laws governing such enterprises in other Latin American countries, the United States and most European countries where they operate, while in Honduras, these restaurant chains such as Burger King and Kentucky Fried Chicken enjoy subsidies and grants awarded under the Tourism Incentives Act and are registered as tourist companies, thereby receiving tax breaks from the Inland Revenue.

Powerful companies such as Grupo Intur, S.A. and Grupo Comidas, S.A. own the franchises to the biggest restaurant chains. The Intur group, which is owned by the Ferrari Villeda family together with the Kafaty family, are also the proprietors of *Televisión Centro, S.A.* (television channels *Telecadena 3/7, Canal 5* and *7/4*), and manage *Burger King, Popeyes, Dunkin Donuts, Baskin B Robbins* ice-creams, *Little Caesar* pizzerias, *Chili's grill & Bar, Church's Chicken* and *Pollo Campero* fried chicken outlets. Grupo Comidas of the Canahuati Larach family, as well as being the proprietor of *El Heraldo* and *La Prensa* newspapers, and *Estilo* and *Deportiva diez* magazines, also owns the franchises to *Pizza Hut, Kentucky Fried Chicken, and Denny's, Wendy's* and *Apple Bee's* restaurants. All these businesses benefit from tax exemptions, without any justification whatsoever. Generally, in democratic countries, such concessions are granted to the most vulnerable, and to people in extreme poverty.

Another sector which operates in the same way is the thermal energy industry which benefits from substantial tax incentives.

Slowly but systematically, successive governments have contributed to the ruin of state companies. This policy of 'industrial development' has led to the failure of public enterprises which, through the imposition of draconian terms and conditions, were left with no option but privatization, with contracts then awarded to the Honduran private sector without any oversight by society.

The most significant cases are ENEE (*Empresa Nacional de Energía Eléctrica* - National Electrical Energy Company) and HONDUTEL (*Empresa Hondureña de Telecomunicaciones* - Honduran Telecommunications Company), state-owned companies which, from being the most profitable of the government, had to be rescued financially by the public purse after the corporate sector had driven them into technical bankruptcy.

Thus, the 'de facto powers' - Honduras' biggest businessmen – rapidly became disproportionately rich, exploiting their power and links with the government, either by manipulating laws and administrative decisions, such as exemptions, waivers, tax breaks, concessions and licenses, or by extra-legal deals involving tax evasion, smuggling and extra-legal writing off of debts with the Inland Revenue, not to mention government purchases, contracts and tenders for all purposes.

The *Informe Nacional de Transparencia 2006* (2006 National Transparency Report) by the CNA (*Consejo Nacional Anticorrupción* - National Anticorruption Council) described the control exerted

responsibilities through private operators, non-governmental organizations (NGOs) or by decentralizing public services to municipal level. This is the case with the *Ley del Instituto Hondureño de la Niñez y la Familia* (Honduran Children and Family Institute (IHNFA) Act) that promotes mixed state and NGO funding of centers for children and adolescents (1996); the *Ley Orgánica de la Policía* (Police Act) (1998) which completes the formal separation of the police from the armed forces but also opens the door to private security companies; and the *Ley del Régimen de Aportaciones Privadas* (Private Contributions Scheme Act) which provides for a support fund for housing, financed from workers' contributions.

by these groups of wealth and political power as 'state capture or kidnapping'. The report states that these business groups, through the media that they themselves own, "*design and impose the agenda of their corporate interests, over and above - and despite - society's own agenda*" and that "*the State is at the mercy of the de facto power groups and subordinates the general interests of society to the desires and interests of a few groups holding the economic power and political influence needed to translate their will into a subtle expression of public policy.*"

However, this disproportionate influence of businessmen and private investors has been present in all economic sectors in Honduras. We refer below to the impacts in the most relevant sectors of the Honduran economy.

Economic privileges

1. Land

In any analysis of the country's recent history, it is not possible to ignore one of the sectors most affected by conflict and exclusion - the rural population and its constant struggle for access to this productive asset and the confrontation with the power groups, which through various means concentrate property, including agricultural land.

Within Honduras, a relationship of interdependence has been maintained between the landowners who need a workforce of small-holders and rural workers, who in their turn need access to land and other inputs, a scenario where the parties' search for a satisfactory outcome requires the establishment of unfair relations of production, traditionally expressed in the practice of tenant farming, share-cropping, land rental and wage labor, negatively affecting the weaker party - the small-holder and landless farmer.

The country's pattern of land tenure has been marked by the practice of giving land as a reward for services rendered or to be rendered, as in the case of the banana transnationals, who were provided with huge tracts of land in exchange for building railways. In other cases, it has been pure theft, the appropriation by military leaders, local caudillos and others, in collusion with local or national authorities. A typical example of this form of land-grabbing is manifested in the agricultural frontier areas such as the Aguán, particularly in those cases where no legal title is attached to the land. Another mechanism, driven by the state, has been the granting of land to campesino groups and cooperatives under land reform.

The amendments that the 1994 Agricultural Modernization Act made to the Land Reform Act opened up the possibility of selling the land that had been subject to agrarian reform, thus increasing unrest in the countryside.

2. Banking and Financial Services

The retreat from the concept of a welfare state was an extremely difficult process in Latin America. This historic change gained momentum in the 1990s, through the reforms made during Rafael Leonardo Callejas' presidency, supported by the successive administrations of Carlos Roberto Reina, Carlos Flores Facussé and Ricardo Maduro.

In this period, the country's economic policy was largely determined by the international multilateral financial agencies, which implemented recommendations for Stabilization Plans and

Structural Adjustment with the stated aim of correcting the '*internal and external macroeconomic and financial imbalances*'. The real purpose was to carry out a complete restructuring of the state, the productive apparatus and economic flows to banks, finance and factoring companies in order - according to them - to consolidate the market, industry and trade, both domestic and foreign. As a result, from then onwards the liberal model has deepened social injustice and affected the poorest, who are deprived of government support for their survival. This model has thus become a set of measures and policies that fail to observe the human rights enshrined in **the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights**, as well as instruments on environmental rights, on children, young people, ethnic groups and generally the most vulnerable in society.

President Zelaya also espoused the concept of competitive liberalism, applied in his policies towards the financial sector.³⁸ Traditionally, at the end of the financial year, Honduran banks sell their cash surplus to the government through so-called **monetary absorption certificates** whereby the government pays trading desks and bank treasuries 12% interest for the liquidity necessary to meet its financial requirements.

Zelaya's government often refused to buy such quantities of liquidity surplus, which amounted to approximately **10 billion lempiras**. By doing this, President Zelaya forced banks to compete to place money on the financial market at lower rates and not at the assigned wholesale rate of 12% interest.

Zelaya's government justified this measure on the grounds that, by refraining from acquiring this 'domestic credit' or buying this supply of funds available to banks, production would be stimulated because there would be cheaper credit from the banks. The opposite effect is known as 'crowding out' (when the government takes money and interest rates rise affecting medium and small businesses that borrow at high rates).

Due to this policy by Zelaya's government, bank interest rates to the public fell from 18% to 12%, that is, to the same wholesale rate offered to the government. Thus competition between the banks themselves meant that money had a lower cost, thereby benefiting the country's industrial sector, small and medium businesses.

The banks agreed to the measure; however, this did not prevent an initial backlash by the bankers who, of course, saw their profit margins reduced by the government measure.³⁹ Although the intention was to encourage free competition, the laws on the concentration of capital governing the capitalist system ended up by strengthening the strongest competitors and

³⁸ Commission of Truth (documents) Andino Mencía, Tomás (2011). "*Transnacionalización y golpe de Estado en Honduras (resumen de hallazgos)* (Transnationalization and the coup d'état in Honduras (summary of findings)), Tegucigalpa, 30 August 2011, 61pp.

³⁹ According to Enrique Flores Lanza's testimony, "Guillermo Bueso, of Banco Atlántida, Jorge Bueso Arias of Banco de Occidente, Jacobo Atala of FICOHSA, and the other Atala of BAMER, and Jaime Rosenthal, all arrived immediately, the latter in all honesty being the only one who did not speak aggressively, and they began to effectively tell Mel that he knew nothing about economics, and that the country would be finished, because it would result in high inflation; but there was no way they could convince him, and then they began to compete, to place this money on the market – they were in a difficult position. The result was that interest rates immediately fell."

encouraging oligopoly and monopoly. In addition, the measure to encourage interbank competition led to a greater concentration of capital in foreign firms.

As shown in Table No.1, by the end of 2009, banks operating in Honduras with majority foreign equity represented **58.8%** of the banks operating in the Honduran commercial banking system.⁴⁰ In other words, banking, via the laws of capital, tended to become concentrated progressively in transnational banks, reflecting the fact that free competition does not work in a society where a sector dominates which benefits from privileges and measures preventing competition.

Table No.1. Honduras: Foreign banks' share of the commercial banking sector, 2001-2005

| | 2001 | 2002 | 2003 | 2004 | 2005 | 2009 |
|---|------|------|------|------|------|------|
| Number of banks with majority foreign equity in Honduras | 7 | | | | | 0 |
| Banks with majority foreign equity in Honduras/Total of banks (%) | 3.3 | 2.1 | 3.7 | 3.7 | 3 | 8.8 |
| Total assets (%) | 6.2 | 0.2 | 1.2 | 1.3 | 2.9 | 6.8 |
| Loan portfolio (%) | 23.8 | 5.9 | 8.0 | 9.1 | 1.6 | 4.8 |
| Deposits (%) | 5.7 | 8.9 | 7.5 | 7.2 | 7.2 | 4.3 |
| Capital and Reserves (%) | 7.4 | 9.5 | 0.2 | 3.3 | 3.3 | 6.4 |
| Profits (%) | 1.2 | 5.8 | 8.1 | 6.6 | 6.6 | 4.1 |

Sources: Produced by Tomas Andino based on: 1) Tabora, Marlon; *“Competencia y Regulación en la Banca: el Caso de Honduras”* (“Competition and Regulation in the Banking Sector: The case of Honduras”, ECLAC, Studies and Perspectives Series No. 91, November 2007, Mexico City, P. 66; and 2) Sierra Landa, Mario Oswaldo: *“Análisis de la composición de la banca extranjera comercial en Honduras”* (“Analysis of the composition of the foreign commercial banking sector in Honduras”), August 2010 (available at; <http://www.buenastareas.com/ensayos/Banca-Extranjera-En-Honduras/629428.html>)

Despite the benefits to the business sector, in practice, Zelaya met with Honduran big business' refusal to abandon its speculative oligopolistic practices in the face of the state and also had to confront powerful transnational private corporations which were equally oligopolistic, with consequently more interference from the multilateral financial institutions like the IMF and the criticisms which, through the embassies such as the US, they could gather from their subsidiaries in small and easily influenced countries like Honduras.

According to the testimony of Mayra Mejía, the former Minister of SERNA (*Secretaría de Recursos Naturales* - Ministry of Natural Resources) and the former Foreign Minister, Patricia Rodas, the government was targeted by media campaigns in reprisal for requiring the private sector to compete without market advantages or privileges and, furthermore, had to face the interference and aggressiveness of embassies such as the American⁴¹ and Italian⁴² which lobbied on behalf of

⁴⁰ Sierra Landa, Mario Oswaldo: *“Análisis de la composición de la banca extranjera comercial en Honduras”* (“Analysis of the composition of the foreign commercial banking sector in Honduras”), Graduate thesis, Universidad Católica de Honduras, (Catholic University of Honduras) 2010.

⁴¹ Interview with Patricia Rodas, former Foreign Minister.

⁴² Interview with Mayra Mejía, ex Minister of SERNA.

their countries' companies.

This clash meant that the government of President Zelaya moved closer to the agenda of social movements, creating support which he had tried in vain to build at the beginning of his administration to provide backing for his reforms.

3. The Timber Industry

In Honduras, logging is in the hands of a small group of national and foreign companies, all connected and acting as a cartel for timber operations.⁴³ Zelaya's government had already taken steps to try to ensure that these companies could not continue their predatory activity, also affecting companies in the United States which profit from trade in Honduran timber, such as **Home Depot, Wood Products International and Heritage Creation, and banks financing their activities, such as Citibank, Wachovia Bank and the International Bank of Miami.**⁴⁴ Thus, President Zelaya's government policy ran counter to the interests of the oligopoly of predatory Honduran companies and American transnational timber companies.

4. The Media

In Honduras, most of the traditional media is owned by private television and radio companies. These are treated as corporations, displaying complete independence and autonomy in their management. At the time of the coup, with the breakdown of constitutional democracy, the Honduran media chose from the beginning to support the actions of the military coup by broadcasting messages opposing and stigmatizing the people against the coup. The *Commission of Truth* studied the role of the media which encouraged and imposed an agenda, not on the political reality at issue, but instead openly taking sides in favor of the coup, presenting it as a constitutional act in defense of democracy.

Once the coup had been accomplished, a single narrative emerged of full political and ideological support for it, encouraging the armed forces and discrediting the civilian resistance to the military coup; most criminalized legitimate social protest, disregarding the arguments and demands of the social movements.

The radicalization and bias in the output of Televisión Centro, Audio Video, *La Prensa*, *El Heraldo*, and *La Tribuna* newspapers, and Emisoras Unidas, among others, was a consequence of a media monopoly which, at the same time, resulted in the emergence of alternative media and the strengthening of the independent media already in existence.

⁴³ See Environmental Investigation Agency (EIA) with the support of the Centre for International Policy (CIP), *The Illegal Logging Crisis in Honduras*, 2005. Available at <http://www.eia-international.org/the-illegal-logging-crisis-in-honduras>

⁴⁴ The same study by EIA and CIP states that José Lamas, one of the Honduras timber magnates trades with the US company Home Depot, despite the fact that this company supposedly has a policy of not accepting timber from illegal logging. (EIA, op cit, p 26). It also states 'José Lamas is also the President and main stockholder of Banco Mercantil, S.A of Honduras (BAMER), which lists U.S.-based Citibank, the world's biggest banking group, as one of 10 "correspondent banks" on its website. Citibank recently announced a far-reaching policy against illegal logging in response to environmentalists' complaints that its loan portfolio funded illegal destruction of rainforests. Also listed as correspondent banks are Wachovia Bank and the International Bank of Miami. BAMER is one of several Honduran banks that play a key role in the country's timber production by determining who receives loan financing for forestry management plans granted by COHDEFOR.' (Ibid. p.26). The same source states 'U.S. import data reveals that Noriega also exports timber to Wood Products International in Savannah, Georgia, and to Heritage Creation in Jupiter, Florida' (Ibid. p.27).

Honduran society still remembers the polarization that resulted in the closure of media opposed to the military coup, the physical attacks on journalists and correspondents during demonstrations, the damage and theft of broadcasting and computer equipment and the direct threats to journalists and media by the police, military and authorities of the de facto government.

It is clear to this *Commission* that the press linked to the power groups encouraged and promoted the coup, and even went as far as to justify the violence and repression against the press which refused to collude with the coup, and which defended the human right of the population to keep itself informed and express itself freely.

5. The Energy and Fuel Industry

The market for fuel distribution has been dominated by transnational corporations: **Esso Standard Oil, SA Limited, Shell Honduras, SA and Texaco Caribbean Inc.**⁴⁵ To these should be added the now defunct company, **DIPPSA** (*Distribuidora de Productos de Petróleo, S.A.* - Petroleum Products Distributor, S.A.), then owned by the Honduran businessman **Henry Arévalo Fuentes**. President Zelaya's government implemented measures to regulate fuel prices, including price cuts, with both the government and transnational importers and distributors absorbing the price cut.

The government's proposal to these companies was that they would absorb 50% of the price cut and the government would subsidize the other 50%.⁴⁶ They did not accept the deal and, instead, sought to prevent the government from implementing the price reduction. The bitterness of this economic and political battle between the government and transnationals was no accident, taking into account the fact that the conflict arose following the biggest increase in international oil prices in history.

In the face of opposition from the transnationals and their Honduran allies, President Zelaya introduced an '*International Fuel Bidding Process*'; not an original idea from his government but instead from the **Eminent Persons Committee** which proposed it in 2005 as a solution to the price crisis that year. Under this proposal, the multinationals had to abandon their oligopolistic practices which maintained a captive market and compete with other companies, being forced to lower their prices, with the risk of 'earning a little less'. Accordingly, this proposal was also opposed and boycotted from the outset by the multinationals in alliance with Honduran business sectors that would see their profits affected.

The process by which the government tried to get the transnational corporations to agree to participate and respect the results of the international tender for the purchase of fuel was dogged by conflict, since they refused to participate in it or hire out their storage tanks for the fuel imported as a result of the tender.

⁴⁵ Esso Standard Oil, S.A. Ltd., at that time was a subsidiary of Exxon Mobil (in 2011 bought by the Swiss transnational group Puma Energy International); Shell Honduras, S.A., then a subsidiary of Shell Group (as were all the Shell in Central America), was acquired in November 2009 by Grupo Terra, owned by the Honduran businessman Fredy Nasser); and Texaco Caribbean Inc. Continues to be a subsidiary of Chevron-Texaco Group. (See: *Revista Summa* magazine, November 4 2009, www.revistasumma.com; and *Revista Honduras Laboral*, (Honduras Employment Magazine) April 7, 2011) www.honduraslaboral.org

⁴⁶ Juliette Handal, *Idem*

The government then resorted to invoking the contract signed with DIPPSA, which required it to make its storage tanks available in the event of an energy emergency, one having been declared at that time by the government. DIPPSA's owner refused, supported by the **Supreme Court**, which ruled in his favor when he lodged an appeal against the government.⁴⁷

The process initiated by the government in February 2007 failed because Conoco Phillips, the company which won the bid, made it a condition that it would only sign the contract if the government reached an agreement with DIPPSA, and as that did not happen, this option was lost. According to the **Coalición Patriótica de Solidaridad** (Patriotic Solidarity Coalition), Conoco Phillips came under pressure from Senior US state officials to refrain from signing the import contract.⁴⁸ With the Conoco option blocked, President Zelaya's government hesitated over whether to continue with the tendering process but, under pressure from the *Coalición Patriótica*, it continued trying with PETROCARIBE, as was also recommended by the Eminent Persons Committee in their 2005 report.⁴⁹

At the same time, it decided to change the formula that determined fuel prices so that part of the reduction in the final price to the consumer, in the order of 4.50 lempiras a gallon, would be funded out of the profits of the multinationals.⁵⁰ Thanks to the change in the import price index, **the government saved \$243 million between January 2007 and October 2009**. A year later, Zelaya had the Council of Ministers adopt the *Ley de 60 Grados* (60 Degrees Law), saving consumers a further \$138 million. In total, fuel prices fell by 6.00 lempiras a gallon.⁵¹

As would be expected, these measures were also opposed by **Shell, Texaco and Esso**, as well as by their Honduran ally, DIPPSA, which again refused to store fuel in its tanks. Ambassador Charles Ford⁵² openly intervened in the issue, advocating a change of policy. The *Coalición Patriótica de Solidaridad*, led by Juliette Handal, took to the streets in support of the government in peaceful demonstrations, the first stage in a successful partnership between Manuel Zelaya's government and a section of civil society against the alliance between the transnationals and the Honduran business sector.

6. Reforms to the General Mining Act

There are 19 mining companies, but there are three which stand out because of the volumes they mine and export: 1) **Minerales Entre Mares Honduras S.A. de C.V.** a subsidiary of **Glamis Gold Ltd.**, which operates the **San Martin gold mine** in the El Porvenir and San Ignacio municipalities, Francisco Morazán department; 2) **Minerales de Occidente**, a subsidiary of **Yamana Gold Inc.**,

⁴⁷ Juliette Handal, Idem

⁴⁸ 'The president of the *Coalición Patriótica*, Juliette Handal, reported that about eight people from the State Department went to Houston, United States, to convince executives of Conoco Phillips, the company winning the fuel tender, not to supply products to Honduras. She did not name the people who allegedly pressured Conoco, but said they included some Hondurans who wanted the fuel procurement process through the international fuel bidding process to fail. "We've received information that Conoco is coming under pressure from a very high level in the United States not to sign the contract. Then it would be great – whoever prepared this strategy will be wanting to celebrate, as the process has been delayed for enough time for there to be all this lobbying ". (*La Tribuna* newspaper, January 22, 2007).

⁴⁹ PETROCARIBE is a Venezuelan company that offered the same price to the final consumer with the advantage of allowing it to use 40% of the debt in public social investment. The offer was very attractive from an economic and social standpoint.

⁵⁰ Juliette Handal, Idem

⁵¹ Juliette Handal, Idem

⁵² Patricia Rodas, Ibid.

which operates the San Andrés gold mine, in La Unión municipality, Copán department; and 3) **American Pacific Honduras, S.A. de C.V. (AMPAC)**, a subsidiary of **Breakwater Limited**, which operates El Mochito zinc mine, in Las Vegas municipality, Santa Bárbara department. These three transnationals are Canadian, as are most of the transnationals in the sector, with a few American ones and some minor Honduran companies.⁵³

Mining activity was regulated in Honduras from 1968 by the **Mining Code (Código de Minería)**, which placed moderate controls on companies established in the country, mostly transnational corporations. However, in November 1998, it was replaced by the **General Mining Act (Ley General de Minería)**, approved in the *midst of the tragedy of Hurricane Mitch*. This new law has been fiercely criticized, as it damages the interests of the State of Honduras.⁵⁴

One of the first moves by the government of President Zelaya was to impose a moratorium in 2006 on further concessions to mining companies until amendments had been made to the **General Mining Act**. Of course, this measure sparked opposition from the companies affected, especially COHEP (*Consejo Hondureño de la Empresa Privada* - Honduran Private Enterprise Council) and the mining company organization **ANAMIMH (Asociación Nacional de Minería Metálica de Honduras – Honduras National Association of Metal Mining)**.

During his administration, the social movement advocating for such reforms was revived under the leadership of the **ACD (Alianza Cívica por la Democracia** - Civic Alliance for Democracy), headed by Bishop Luis Santos, of the Catholic Church in western Honduras. This movement demanded the adoption of a new mining law, in line with national interests. Affected communities organized themselves nationally and held mass demonstrations between 2006 and 2008 that forced Congress to revisit the issue and establish a dialogue between the conflicting sectors.

President Zelaya's government initially had an ambivalent attitude towards this social movement because, on one hand, it cracked down on its protests, but on the other, sought to reach an agreement with the ACD so that a proposal could be presented jointly to **Congress**, which indeed occurred in April 2008. Subsequently, the Zelaya government moderated its repressive attitude and instead acted in concert with the ACD to influence the legislature. The business groups affected, particularly COHEP and ANAMIMH, reacted by undertaking a major media offensive to discredit this government policy.

Over time, the lobbying by the mining companies paid off. In June 2008, President Zelaya replaced Mayra Mejía, the then Secretary of State of SERNA (Ministry for Natural Resources and the Environment), who had had a policy of containment towards the pro-metal mining bloc and had opened

⁵³ See: www.anamimh.hn

⁵⁴ The Act provides for regulations so permissive, so harmful to national sovereignty, to the environment, to the availability of natural resources essential to human life, to the domestic economy and people's human rights, that it can be considered a legal atrocity perpetrated to meet the interests of transnational mining companies established and to be established in the country. Some of the most damaging are: a) it allows the natural resources – minerals, water and organic materials - within the concession to be handed over in an indiscriminate and unlimited fashion, violating national sovereignty and the security of communities, b) it authorizes practices prejudicial to human health, such as the use of cyanide in open cast mining, c) it provides the legal means - also harmful to national sovereignty – for converting concessions into disguised forms of property d) it violates the rights of communities to decide on the use of the natural resources which in theory they possess, e) it undermines campesinos' right to private property, subjecting their land to arbitrary expropriation f) it creates an unfair and privileged tax regime that allows companies to extract wealth from our subsoil in exchange for leaving just 1% in royalties to municipalities; g) it violates the rights of mine-workers etc. (see: Andino, Tomas, "*Por qué no aprobar las Reformas a la ley de Minería*" ("Why the Reforms to the Mining Act should not be passed").

channels of communication with the ACD. She was replaced by the new minister, Tomás Vaquero, who practically shut off all dialogue with the ACD and lowered the profile of the executive branch regarding the new law, ceding decision-making on this case to the legislature.

This change indicated that the mining companies' lobbying to remove Mejía bore fruit, a result that was also in the interests of the hydro-electric power companies, as the minister had also become a barrier to achieving their ambitions. Zelaya's government thus gave signs of withdrawing, at least temporarily, from its original policy and of not continuing its initial impetus on this issue, thereby ceasing to be a source of conflict with ANAMIMH.⁵⁵

7. The conflict over oil reserves in the Caribbean

The most conservative corporate power groups were uncomfortable with the idea of Honduras joining ALBA, both from an ideological and economic point of view. One reason for this unease were the economic cooperation agreements concluded between the Honduran government and ALBA's South American Alliance, which would help to empower the government of Zelaya.

These agreements can be summarized as follows: Agreements for solidarity with the disadvantaged; intergovernmental cooperation agreements and investment agreements. For purposes of this report, we are interested in the intergovernmental investment agreements and, in particular, the agreement for oil exploration, production and marketing in the Honduran Caribbean by ALBA's **Energy, Gas and Oil Company**.⁵⁶ This agreement was tied to the Zelaya government's interest in exploiting crude oil, a strategic resource, the existence of which on Honduran territory has been recognized, but not officially certified.⁵⁷

Before granting any concessions, the government hired the Norwegian company **Petroleum Geo Services (PGS)** to conduct oil exploration in the Honduran Caribbean, and on the basis of which an international tender could be opened for its extraction. Although former officials consulted denied that there was a formal commitment to **Petrobras** or to any Venezuelan company to extract the oil, it is also true that the fact that Zelaya's government was willing to grant concessions for the Honduran oil reserves to companies from countries opposed to the dominance of the United States, amid the worst global crisis in fuel prices, presented a major strategic challenge to American interests, not only economically but geopolitically, as argued by the expert **Fernando Travieso Lugo**.⁵⁸

⁵⁵ In fact, Congress approved 72 articles of the reform which did not include the issue of open cast mining or banning the use of cyanide, as promised to the ACD by the relevant Congressional committee (*Comisión de Dictamen*), to which the Executive failed to react. In that sense, the reforms adopted up until 2008 ultimately favored mining companies, with issues such as the tax regime left pending. However, the failure to continue that debate also seems to have favored them because that way the replacement of the Articles relating to the taxes these companies must pay was left in a vacuum; the Articles had been declared unconstitutional in 2006 by the Supreme Court (according to its line of thinking, as there are no articles on this subject, there is nothing that requires them to pay taxes). Therefore, also on this issue Zelaya government bowed to corporate pressure.

⁵⁶ See: Point 3 of the Joint Declaration by Presidents Daniel Ortega, Hugo Chávez, Evo Morales, Rafael Correa, and the Vice-President of Cuba. August 25, 2008.

⁵⁷ "A delegation of experts from the Russian Institute of Oil Exploration confirmed to the Ministry of Natural Resources and the Environment (SERNA) the existence of an oil field on the Atlantic coast of Honduras. Geologists Aleskesei E. Kontorovich, Michael D. Belonin and Leonid F. Khilyuk reviewed all existing documentation and conducted tests that indicate to them there is an oil field in the Tela and La Moskitia regions on the Atlantic coast of Honduras and that it extends into Nicaragua. The combined area of Tela and La Moskitia, where the existence of oil in commercial quantities has been confirmed, is about 150 square kilometers." (Available at: <http://www.cedoh.hn2.com/NOTI73.html>)

⁵⁸ "The coup in Honduras" according to Travieso "is part of the war for control of the remaining oil reserves, given that the weakening of the alliances that the Bolivarian government has established in Latin America, especially through ALBA, is a

According to the testimony of former Minister of the Presidency, the PGS report should have been available in August 2009,⁵⁹ with the oil extraction then subject to tendering, as was done in the case of the fuel purchases, but the coup thwarted the process and to date there is no news of the exploration results, which remained in the hands of the de facto government. The analyst Julio Escoto states that the timing of submission of the PGS survey results coincides exactly with the timing of the coup, establishing a direct relationship between the two.⁶⁰

Moreover, President Zelaya explicitly blamed the coup on the results of this exploration.⁶¹ It can hardly be a coincidence that the coup occurred precisely when the country was about to submit to international tender a resource of such strategic importance for the economy and security of the United States, with a high probability that the concession would be granted to countries considered rivals on its geopolitical map and for the national oligarchy.

8. Drug-trafficking

One of the main problems that built up under President Zelaya's government were the marked disagreements with certain economic power groups. One of the groups with which there was an 'institutional' rapprochement was the Rosenthal family and other business sectors not tied to traditional structures. President Zelaya tried to keep his distance from the most conservative groups that favored business corporatism and the most lucrative earnings, and which therefore had no qualms about inviting new groups to join them that could potentially be linked to the drugs trade.

The most sensitive issue was the extensive penetration of businesses by organized crime. According to Central American Parliament deputy Gloria Oquelí, this situation *"threatens the stability of the parties, because the penetration by these groups is so obvious that we're effectively being left without political leaders."* Of course, for a party system with support from business groups, as is the case with Honduras, the concern that the party system itself could be co-opted by the drugs trade is alarming and serious. Honduran society cannot be oblivious to the fact that, because it is not possible to have political parties which are independent of business groups, it is difficult to prevent the penetration of organized crime in the financing of political campaigns, as has consistently happened in other countries where there is drug trafficking.

According to the US Drugs Enforcement Administration (DEA), about 100 tons of cocaine pass through Honduras annually, but recent years has seen a massive increase in domestic consumption.

strategic aim in line with the neoconservative Republican and liberal Democrat ideal of preventing the emergence of other regional powers and of systematically weakening the defensive capacity of countries with oil reserves, or which constitute key routes for oil supplies, as exemplified by Iraq, Afghanistan, Ukraine, Sudan, Somalia, Gaza Strip, Bolivia, and others"(quoted by Escoto, Julio, Ibid).

⁵⁹ Interview with Enrique Flores Lanza.

⁶⁰ According to the author, "the first analyses are ready within 90 days from the beginning of the investigation. In other words if the ship, Falcon Explorer, started out in March, it would have produced results by June [a preliminary report should have been available in May] and in June the coup happens, exactly three months later" (See: "El Golpe del Oro Negro", (The Black Gold Coup), Julio Escoto).

⁶¹ "I ordered all the oil exploration to be done. There's oil in Honduras and **this was one of the causes of the coup**. They said that I was going to give the oil to Hugo Chávez (President of Venezuela), even though Hugo Chávez has more oil than anyone", (Cuba-Debate of January 6, 2010)". Available at: <http://www.tercerainformacion.es/spip.php?article11973>

For Alfredo Landaverde, an expert on drug trafficking and a government advisor on security, assassinated on December 7, 2011, in Honduras the 'narco' penetration is seen in money laundering, car thefts, forgery of documents, trafficking in arms and people, all activities linked to the *maras* or youth gangs. The phenomenon of drug trafficking has been apparent since 1977, with Honduran territory invariably used as a bridge or transit point. However, in the last decade, this perception has changed in view of the large amounts of cocaine seized. In 2006, police seized more than 3,000 kilograms of the drug. Activity, according Landaverde, is focused on the Atlantic and Caribbean coast (northeast), in the west and in the north-eastern department of Olancho. According to UNAH's Observatory on Violence (*Observatorio de la Violencia*), these are the regions with the highest incidence of crime and violence. For the analyst Landaverde, traffickers launder the money they gain *"investing in the purchase of luxury homes, ranches, shops and fishing boats, in small- and medium-scale commercial businesses. But they also do so by investing in politics."* There are no official figures on the impact of money laundering. In national press reports, former mayors from the country's interior have reported that at least five of their peers in the same number of municipalities in the departments of Copán, Lempira and Ocotepeque, in the far west of the country, have had their campaigns funded by drugs money. The ex-mayors refused to disclose names, for fear of reprisals by organized crime.

According to the Honduran police and the DEA, cocaine usually comes from Colombia bound for the United States, which has been used to justify the establishment of an anti-narcotics military base in 2008 in the jungle region of La Moskitia, on the Atlantic coast, one of the major centers for drug trafficking because of the isolation of its virgin forests, without land connections with the rest of the country. In Landaverde's opinion, the operation of local economic groups linked to drug lords has already been established in the country, where they evade justice through bribery, threats and bloody attacks.

2.3 The importance of the United States' involvement in the Coup d'état

The history of Latin America and the United States is the history of successive political, economic and military interventions in the region. Therefore it is not surprising that there is a backlash from the northern power when various scenarios arise that appear to jeopardize its hegemony in the region. A cursory glance at the last 50 years (roughly from the Cuban revolution to the present) leads to the conclusion that the US government and the economic interests that it protects have always applied a diverse strategy, involving a range of actors - state and non-state, military and civilian, public and clandestine - in order to achieve their objectives.

Recent experience shows its active role in Honduras. Reviewing history we can see that the US has been present in all kinds of conflict in the country and it has been notable for its closeness to the private sector, the armed and security forces and Honduran politicians. Under these circumstances, it was a historic moment in January 2007 when, because they failed to comply with the law, President Zelaya took control of the oil terminals of the US transnational corporations Exxon Mobil and Chevron, something totally unheard of in Honduran politics.

The presence of US agents in Honduras is a continuing form of American intervention in Central America which, during the 1980s, was mainly through the so-called 'dirty war', behind which lurked

the United States which gave all kinds of support, including the establishment of bases and the presence of military personnel, converting Honduras into the headquarters for intervention throughout in the region. For that reason, the country deserved the names it was widely known as internationally - a 'rented republic' and 'a US aircraft carrier'.

In 1981, Hugo Llorens first came to the US Embassy in Honduras, which, at that time, was headed by John Dimitri Negroponete. When he was 7 years old, Llorens was one of the 14,000 children who were removed from Cuba in the CIA program known as 'Peter Pan'. Both Negroponete and Llorens therefore have a proven and extensive track record of 'fighting against communism'.

Although Negroponete's term as Deputy Secretary of State ended in 2008, he stayed on as personal adviser to Hillary Clinton. It is difficult to believe that Negroponete was not involved in directing or advising on the situation regarding the coup from within the State Department. Indeed, there were many people who were put on the alert when he visited Honduras in June 2008. At that time there was talk that President Zelaya intended to turn Palmerola base into a civilian airport. One of the people who met Negroponete during that visit was Roberto Micheletti Baín, then President of Congress and a key player in the coup.

As another part of the political picture, we must remember that the area of the Honduran **Moskitia** reached international attention in the 1980s, when, through the imposition of the *National Security Doctrine*, the USA tried from Honduran territory to reverse the advances in the Sandinista revolution in Nicaragua and also halt the revolutionary process in El Salvador. With this dual aim, runways were built in the area of Puerto Lempira, on the northern border with Nicaragua, to facilitate the landing and takeoff of large military aircraft such as the C-130, capable of transporting troops and military vehicles. In addition, the United States signed the agreement to establish a **military air base in Palmerola**, Comayagua (in the center of the country), now the largest in the whole region - and founded the **Regional Military Training Centre (CREM - Centro Regional de Entrenamiento Militar)** in Trujillo (in the north).

There are only a few Honduran senior military officers who have not been trained at the *School of the Americas* and in other US military programs and institutions. In addition, in the 1980s, the USA sent 'military counterinsurgency experts' to Honduras – including some from countries outside Central America, such as Argentina. They trained six Salvadoran and three Honduran battalions in terrorist counterinsurgency operations. As well as these high and low intensity military operations, they also trained death squads to persecute torture and disappear political opponents, leaders of Honduran social movements.

The north east was recently militarized again, on the grounds that La Moskitia is easily accessible to aircraft which cross the Caribbean Sea from Colombia to unload drugs and money destined for Guatemala and Mexico, and ultimately for the United States. In 2005 **Caratasca Naval and Air Base** was established, from which both Honduran and American military personnel intercept ships and aircraft, according to official announcements.

After the coup, the Honduran armed forces regained, and increased, areas of political and economic power they had had to surrender in previous years. The USA, meanwhile, took the opportunity to increase its presence noticeably as well as its budget, and intensified its military intervention in the

country. A prominent role has been played by private contractors, DEA agents and marines on the Caribbean coast of Honduras, from **Puerto Castilla Naval Base** to the plains and jungles of La Moskitia, always sheltering behind a powerful public discourse on 'the war on drugs' and following a manual used simultaneously in Mexico, Guatemala, Costa Rica and countries in the south. In December 2011, **Guanaja Naval Base** was opened, fully funded by the United States and equipped with high technology to exert control over the Atlantic area.

Weeks before this report's completion, the US organized the signing of a new security agreement giving it virtually free rein to intervene both in the development and implementation of all 'Honduran' security policies. Furthermore, the 2013 budget drawn up by the Obama administration includes further increases for Honduras, covering the expansion of Soto Cano (Palmerola) base and the consolidation of other mobile operation centers.

Given the closeness of the relationship and mutual benefits outlined in this report, it is not surprising that the Honduran military played a leading role in the coup d'état, the aim of which, so dear to the US, was to stop any attempt by Honduras to set its own sovereign course, regardless of the interests of global economic power groups.

The United States' political intervention has varied in intensity under different US administrations but has never ceased. The center of power and its hegemony in the region has shifted in recent years, after a series of election victories by parties emerging from the guerrilla movements, such as the FMLN party in El Salvador and the FSLN (Sandinista) party in Nicaragua, and the subsequent membership of the Venezuelan initiative ALBA by a bloc of countries. It is precisely when Honduras, under the Zelaya administration, decides to join ALBA and takes other decisions running counter to the interests of Exxon Mobil and Chevron (to cite just two cases) that the attitude of the United States, in the relation to the coup in Honduras, can be seen as highly controlling. By first standing in the way of its membership and then removing it from the bloc, it sent a clear message to the other countries in the region and, of course, to the ALBA leaders themselves, especially to President Hugo Chávez.

In effect, the political and economic measures announced by President Zelaya, representing a change in relations historically dictated by the strategic interests of the United States, began to set off alarm bells with the most conservative politicians involved in foreign policy. The statements of some of its most prominent representatives have highlighted the fact that the US was not prepared to tolerate the slightest change in direction from a country traditionally submissive to its policies and interests, as well as being the headquarters and main bastion of its interventionist presence in the Central America and Caribbean region.

Given the above, the United States' role in the military coup of June 2009 and in the situation created afterwards was investigated by the *Commission*. The *CoT's activities* included presenting various US government bodies with over 200 requests for information and documents on this country's involvement in the military coup in Honduras.⁶² These requests were made under the

⁶² The agencies from which the Commission requested information include: the State Department, USAID, the Air Force (USAF), Army Intelligence and Security Command (INSCOM), the Department of Commerce, the Central Intelligence Agency (CIA), the Drug Enforcement Administration (DEA), the Defense Intelligence Agency (DIA), Federal Aviation Administration (FAA), the Federal Bureau of Investigation (FBI), the Department of Homeland Security (DHS), the National Endowment for Democracy

Freedom of Information Act (FOIA) and have above all aimed to clarify the extent to which the various US government agencies knew about the coup. We sought to establish, for example, if there was knowledge of the stopover at the US-controlled base at Palmerola by the plane deporting President Zelaya to Costa Rica, and of its subsequent flight to Costa Rica. In addition, we wished to find out whether they knew about the alleged funding of Zelaya's opponents, widely reported by various sources.

Verifying the allegations of its involvement entailed, among other things, dashing the hopes raised by the Obama administration just two months before, during the **Summit of the Americas** in Trinidad and Tobago. To the approval of many of the heads of state present, the new president had announced that the government of the United States of America would begin a relationship with the countries of the region as equal partners, based on mutual respect, common interests and shared values.⁶³

However, apart from these rulers' condemnation of the coup d'état, this commitment was not honored. In fact, a *Time magazine* article published in December 2009 noted that "Obama's Latin American policy looks like Bush's".⁶⁴ Judging by developments in Honduras, that statement is true. Up to the date of completion of this report, the US government agencies have refused to hand over most of the documents requested.⁶⁵ However, based on the documents formally submitted and other investigations, the *CoT* has been able to confirm that the US government keeps detailed records on senior military personnel in Honduras, including comments on those who have been promoted. Given this information, alongside the public history of the relationship between the armed forces of Honduras and its American counterpart, which is so entrenched and dependent, it is not credible that US government operators in Honduras, the State Department, as well as the Pentagon and the CIA, were unaware of the preparations for the coup and do not hold files on the subject. It is not credible, for example, that all records of incoming and outgoing flights at the Soto Cano Base (Palmerola) around the days of the coup have been destroyed, as US military personnel have stated in response to the *Commission's* requests.

Even more importantly, it is not credible that the Honduran military, along with its associates in business, parliament and the judiciary, had decided to carry out an act of the political and military magnitude of the coup on their own initiative, without first seeking the approval of US government representatives. At the very least, they needed the security of knowing that, after the coup, as indeed was the case, the USA not only would not take any retaliatory action, but would work to ensure the impunity of those directly involved. It could even be predicted that it would increase its support and that the power of the Honduran military and security forces, business elite and their

(NED), the Office of the Secretary of Defense /Joint Chiefs of Staff (OSD / JCS), Southern Command (SOUTHCOM), the Special Operations Command (USSOCOM), the Transportation Command (USTRANSCOM) and the Department of the Treasury.

⁶³ Official Remarks of United States President Barak Obama at the Opening Ceremony of the Fifth Summit of the Americas. April 17, 2009. http://www.summit-americas.org/V_Summit/remarks_usa_en.pdf

⁶⁴ <http://www.time.com/time/world/article/0,8599,1945440,00.html>

⁶⁵ The Commission received responses from many of the agencies contacted, but they have provided very little information or have been of little use. A small set of military records related to the days around the coup has been handed over to the Commission in response to the lawsuits filed by the US non-governmental organization Center for Constitutional Rights (CCR), together with the Commission, against the US Department of Defense and the CIA. The judge involved recognized the right to receive the requested documentation but the lawsuit is still outstanding because of lack of compliance. A full response to the request was expected before the end of 2012.

political associates would increase significantly, to the detriment of the social and democratic gains achieved by the working class.

The vast majority of the documentation that has become public is what has been provided in the form of State Department telegrams, published by Wikileaks on November 26, 2010 - in a version edited by news agencies - and then, in September 2011, in uncensored form.⁶⁶ This information should be viewed in that context.

As a starting point, these documents demonstrate the complicity of the US, in having prior knowledge of the planning of the coup and remaining silent. However, it also shows active government involvement in setting the scene and in preparing the arguments and defenses necessary for the success of the efforts to change the direction of Honduran politics. In the same way, the fact that the Obama Administration never publicly demanded the reinstatement of President Zelaya clearly indicates its acquiescence in the situation created by the coup. The fact that, despite all the evidence, it never formally classified the coup d'état as a military coup (recognition that would have required the suspension of all economic and military aid, as opposed to its increase, which is what actually happened) shows that, in the US government's assessment, this was "mission accomplished".

For the *Commission*, the US role in the international arena after the coup was also instrumental in determining the course of events. Despite the staunch opposition expressed by the majority of member states of the OAS and the United Nations General Assembly, which demanded the immediate and unconditional return of President Zelaya to Honduras, no such statement was made by any US official throughout 2009. In fact, at a press conference the day after the overthrow of Zelaya, Secretary of State Hillary Clinton never responded affirmatively when asked if "restoring the constitutional order" meant the return of the constitutional president to Honduras.⁶⁷

While President Zelaya was received with all the honors befitting a head of state in each of the Latin American countries he visited after the coup, President Obama rejected the opportunity to meet him on many occasions. On September 28, 2009, US representatives to the OAS blocked a resolution that would have refused to recognize the Honduran elections called by a de facto government. Furthermore, the announcement of the *Tegucigalpa-San José Dialogue*, in the hands of President Oscar Arias, a firm US ally in the region, introduced even more delays with the aim of ending the crisis with the call for elections in November 2009. Despite objections from many countries and institutions that refused to send observers, such as the OAS, the European Union and the Carter Centre, the United States immediately recognized as valid elections that many, even now, dispute.⁶⁸

Neither did the Obama administration condemn the mass human rights violations that occurred, and continue to occur, after the coup. It expressed concerns about some specific issues (such as the persecution of the LGBTTI community) but it never acknowledged that what occurred in Honduras was a military coup - which would have led to the suspension of all economic and military

⁶⁶ Despite the fact that these documents were widely available, the US State Department continued to censor them before handing them over to the CoT in response to its FOIA requests.

⁶⁷ <http://www.state.gov/secretary/rm/2009a/06/125487.htm>

⁶⁸ <http://www.time.com/time/world/article/0,8599,1945440,00.html>

aid to the country – and it shows no concern about the systematic deterioration in the human rights situation and the impunity for those responsible.

The U.S. Embassy in Honduras

In interviews conducted by the Commission, former government officials and Zelaya himself described how, when he was taking office as President, Charles Ford, the then US Ambassador to Honduras, handed him a letter containing the names of people who would be "acceptable" to his government as ministers in the cabinet of the Zelaya administration. This type of behavior gives an idea of the degree of interference and influence the US has had in the country's internal affairs and the role to which its sovereignty has been relegated.

Another significant development which came to the Commission's attention, from interviews with ministers from Zelaya's government, also involved Charles Ford. When Manuel Zelaya was a newcomer to the presidency, the ambassador made him a very specific request. He asked him to grant political exile status to a known terrorist, a friend of the United States, Luis Posada Carriles.⁶⁹ Obviously, Zelaya ignored the request.

With Zelaya's refusal to carry out his two 'suggestions', Ambassador Ford received the first intimations that the President would not follow his instructions and recommendations. It is telling that, before leaving his post as ambassador to assume a new role as adviser to the Pentagon's Southern Command, Ford left a letter for his successor, Hugo Llorens. According to Wikileaks, he painted an unflattering portrait of Manuel Zelaya in it and stated, incisively, that the US would have to decide what actions it would take to stop or neutralize him.

Thus began an extremely strained diplomatic relationship, which deteriorated further as the US government was suspicious of other decisions taken by Zelaya's government, which marked some distance from the interests promoted by the US. A couple of examples, as we have seen, are the tendering policy for fuel imports introduced by the president in an attempt to lower its domestic price and the decision to raise the minimum wage. Worse still, from the US government's point of view, was the fact that Honduras joined PETROCARIBE and the ALBA group of countries.

This can be appreciated through the statements that President Zelaya himself made to the CoT, when he explained that the figure of Hugo Chávez was a real obsession for President Bush. Zelaya recounted that, in a joint meeting that the two presidents held with his ministers, Bush insisted that Zelaya broke off his relationship with Chávez. He was obsessive about advocating against Honduras joining the Bolivarian bloc. Zelaya also said that Cardinal Óscar Rodríguez Maradiaga himself, in a formal meeting, said to him quietly: "The problem is Chávez '.

According to a CIA telegram provided to the *Commission* as a result of FOIA requests, another issue that greatly annoyed the US government was the speed with which President Zelaya intended to begin using the American air base in Soto Cano (Palmerola) for commercial purposes.⁷⁰

While many of the details of US involvement in the preparations for the military coup are still

⁶⁹ Posada Carriles has been accused of planting the bomb which destroyed a Cuban plane in 1976, killing 73 people.

⁷⁰ CIA document entitled 'Honduras, President's Hasty Airport Closure Creating Problems' June 21, 2008.

unknown, including, in particular, the roles played by the Southern Command of the Pentagon and the CIA, the Obama administration itself has publicly acknowledged that it was talking to the Honduran military up to the day of the coup. It has also been confirmed that Ambassador Hugo Llorens had knowledge of its preparation and, only days before the event, even held meetings at the Embassy with the key players, including prominent members of the economic elite, Congress, the judiciary, the military and the media.

It is in this light that Ambassador Llorens' efforts must be viewed - not in order to prevent the overthrow of a constitutionally elected president, as was his duty, but to ensure that such action took a less strident form than a traditional coup. In his role implementing the US government's global strategy, the ambassador appeared to be seeking a 'judicial coup' sponsored by Congress following the controversial public consultation on the 'fourth ballot box' scheduled for June 28, for which all the indications were that there would be the certain victory of a 'yes' vote. In other words, instead of repeating the coup-style acts perpetrated by the US against the constitutional president of Haiti in 2004, he apparently aspired to achieve something closer to the style of the failed coup against President Hugo Chávez of Venezuela, in 2002, or the one successfully carried out in June 2012 against President Fernando Lugo of Paraguay.

It is important to bear in mind that Hugo Llorens has a track record as far as coups d'état are concerned. In 2002 and 2003 he was Director of Andean Affairs at the National Security Council, dealing with issues concerning Colombia, Venezuela, Bolivia, Peru and Ecuador for the US government, then headed by George Bush. Considering the important post he held, disturbing questions could be asked which are very relevant to Honduras. What role did Hugo Llorens play during the coup d'état against President Hugo Chávez in 2002? Could it be that he was chosen for the post in Honduras with a specific brief, in September 2008, when he arrived at almost the same time as Simon Henshaw, his deputy at the Embassy in Tegucigalpa, and regarded by many as a CIA agent?

Llorens knew how to play his role very well. A cable dated July 24, 2009, for example, signed by him in Tegucigalpa and published by Wikileaks, meticulously sets out the illegality and unconstitutionality of the military, congressional, and judicial actions concerning the coup, weeks after most of the governments in the region and in the entire world had condemned them on similar grounds. Furthermore, it also presents his own opinion about the 'probable illegality and unconstitutionality' of some of the Zelaya administration's actions which served as a pretext for the coup. The document ends up being an expression, at best, of the conflicts that undoubtedly exist within the US government itself and, at worst, of President Obama's possible lack of control of the various foreign policy staff under his command. But above all, it is conclusive proof of the use – also historical – of lies and obfuscation as privileged tools of the misnamed American diplomacy, under which the end apparently justifies all means.

In fact, the Commission has discovered that, both before and after the military-civil coup, Ambassador Llorens collaborated closely with the circle of Honduran businessmen who planned it (whom in his communiqué he is careful to call "the coup defenders"). In particular, as noted in the cables released by Wikileaks and other sources, he had no qualms about repeatedly holding meetings in his office with Miguel Facussé, one of the most powerful and bloodthirsty businessmen in Honduras, frequently noted for his involvement in the coup as well as in the repression of

campesinos in the Aguán area and Zacate Grande, in the south of the country. To this must be added his links to narco-terrorism, widely reported by the media, which has plagued the region with even greater intensity since the coup.

It is likely that the documents held by Southern Command (SOUTHCOM) and the CIA, which the *Commission* has requested under the FOIA, may include further evidence to support the struggle for democracy and against impunity in Honduras. Therefore, the judge's decision on the lawsuit filed by the Center for Constitutional Rights (CCR) and *CoT* is extremely important, as is the ability to continue with this claim until all the FOIA requests filed have been met. Seeing the documentation will help to provide details of the role played by each of the US government agencies in the coup in Honduras. This is all in order to demand compliance with the law and with the right to know the truth which protects Honduran and US citizens alike, and both of them are prerequisites for the achievement of the inalienable right to justice: trial and punishment of those responsible, reparations to the individuals and communities affected and non-repetition of the abuses.

Report released by Wikileaks. This report would apparently have been declassified by 23 July 2019, ten years after the events referred to in this confidential report.

Date 07/24/2009 00:23:00

C O N F I D E N T I A L TEGUCIGALPA 000645 SIPDIS WHA FOR A/S TOM SHANNON L FOR HAROLD KOH AND JOAN DONOGHUE NSC FOR DAN RESTREPO E.O. 12958: DECL: 07/23/2019 TAGS: PGOV [[Internal Governmental Affairs](#)], KDEM [[Democratization](#)], KJUS [[Administration of Justice](#)], TFH01, HO [[Honduras](#)] SUBJECT: TFHO1: OPEN AND SHUT: THE CASE OF THE HONDURAN COUP REF: [TEGUCIGALPA 578](#) Classified By: Ambassador Hugo Llorens, reasons 1.4 (b and d)

¶1.

(C) Summary: Post has attempted to clarify some of the legal and constitutional issues surrounding the June 28 forced removal of President Manuel "Mel" Zelaya. The Embassy perspective is that there is no doubt that the military, Supreme Court and National Congress conspired on June 28 in what constituted an illegal and unconstitutional coup against the Executive Branch, while accepting that there may be a prima facie case that Zelaya may have committed illegalities and may have even violated the constitution. There is equally no doubt from our perspective that Roberto Micheletti's assumption of power was illegitimate. Nevertheless, it is also evident that the constitution itself may be deficient in terms of providing clear procedures for dealing with alleged illegal acts by the President and resolving conflicts between the branches of government. End summary.

¶2. (U) Since the June 28 removal and expulsion of President Zelaya by the Honduran armed forces, the Embassy has consulted Honduran legal experts (one cannot find a fully unbiased professional legal opinion in Honduras in the current politically charged atmosphere) and reviewed the text of the Honduran Constitution and its laws to develop a better understanding of the arguments being parlayed by the coup's supporters and opponents.

Arguments of the Coup Defenders

¶3. (SBU) Defenders of the June 28 coup have offered some combination of the following, often ambiguous, arguments to assert its legality: -- Zelaya had broken the law (alleged but not proven); -- Zelaya resigned (a clear fabrication); -- Zelaya intended to extend his term in office (supposition); -- Had he been allowed to proceed with his June 28 constitutional reform opinion poll, Zelaya would have dissolved Congress the following day and convened a constituent assembly (supposition); -- Zelaya had to be removed from the country to prevent a bloodbath; -- Congress "unanimously" (or in some versions by a 123-5 vote) deposed Zelaya; (after the fact and under the cloak of secrecy); and -- Zelaya "automatically" ceased to be president the moment he suggested modifying the constitutional prohibition on presidential reelection.

¶14. (C) In our view, none of the above arguments has any substantive validity under the Honduran constitution. Some are outright false. Others are mere supposition or ex-post rationalizations of a patently illegal act. Essentially: -- the military had no authority to remove Zelaya from the country; -- Congress has no constitutional authority to remove a Honduran president; -- Congress and the judiciary removed Zelaya on the basis of a hasty, ad-hoc, extralegal, secret, 48-hour process; -- the purported "resignation" letter was a fabrication and was not even the basis for Congress's action of June 28; and -- Zelaya's arrest and forced removal from the country violated multiple constitutional guarantees, including the prohibition on expatriation, presumption of innocence and right to due process.

Impeachment under the Honduran Constitution

¶15. (U) Under the Honduran Constitution as currently written, the President may be removed only on the basis of death, resignation or incapacitation. Only the Supreme Court may determine that a President has been "incapacitated" on the basis of committing a crime.

¶16. (U) There is no explicit impeachment procedure in the 1982 Honduran Constitution. Originally, Article 205-15 stated that Congress had the competence to determine whether "cause" existed against the President, but it did not stipulate on what grounds or under what procedure. Article 319-2 stated that the Supreme Court would "hear" cases of official or common crimes committed by high-level officials, upon a finding of cause by the Congress. This implied a vague two-step executive impeachment process involving the other two branches of government, although without specific criteria or procedures. However, Article 205 was abrogated in 2003, and the corresponding provision of Article 319 (renumbered 313) was revised to state only that the Supreme Court would hear "processes initiated" against high officials. Thus, it appears that under the Constitution as currently written, removal of a president or a government official is an entirely judicial matter.

¶17. (U) Respected legal opinion confirms that the removal of a president is a judicial matter. According to a 2006 book by respected legal scholar Enrique Flores Valeriano -- late father of Zelaya's Minister of the Presidency, Enrique Flores Lanza -- Article 112 of the Law of Constitutional Justice indicates that if any government official is found to be in violation of the Constitution, that person should be removed from office immediately with the ultimate authority on matters of Constitutionality being the Supreme Court.

¶18. (U) Many legal experts have also confirmed to us that the Honduran process for impeaching a President or other senior-level officials is a judicial procedure. They assert that under Honduran law the process consists of formal criminal charges being filed by the Attorney General against the accused with the Supreme Court. The Supreme Court could accept or reject the charges. If the Court moved to indict, it would assign a Supreme Court magistrate, or a panel of magistrates to investigate the matter, and oversee the trial. The trial process is open and transparent and the defendant would be given a full right of self-defense. If convicted in the impeachment trial, the magistrates have authority to remove the President or senior official. Once the President is removed, then the constitutional succession would follow. In this case, if a President is legally charged, convicted, and removed, his successor is the Vice President or what is termed the Presidential Designate. In the current situation in Honduras, since the Vice President, Elvin Santos, resigned last December in order to be able to run as the Liberal Party Presidential candidate, President Zelaya's successor would be Congress President Roberto Micheletti. Unfortunately, the President was never tried, or convicted, or was legally removed from office to allow a legal succession.

The Legal Case Against Zelaya

¶19. (C) Zelaya's opponents allege that he violated the Constitution on numerous grounds, some of which appear on their face to be valid, others not:

-- Refusing to submit a budget to the Congress: The Constitution is unambiguous that the Executive shall submit a proposed budget to Congress by September 15 each year (Art. 367), that Congress shall approve the budget (Art. 366) and that no obligations or payments may be effectuated except on the basis of an approved budget (Art. 364);

-- Refusing to fund the Congress: Article 212 states that the Treasury shall apportion quarterly the funds needed for the operation of the Congress;

-- Proposing an illegal constitutional referendum: The Constitution may be amended only through two-thirds vote of the Congress in two consecutive sessions (Art. 373 and 375); a constituent assembly to rewrite the constitution,

as Zelaya promoted, is therefore unconstitutional; however, it is not clear that proposing a constituent assembly in itself violates the constitution, only that any changes ensuing from that assembly would be invalid;

-- Defying the judgment of a competent court: Zelaya insisted on pushing ahead with his constitutional reform opinion poll after both a first-instance court and an appeals court ordered him to suspend those efforts; however, while he clearly intended to follow through with the poll, he never actually did it;

-- Proposing to reform unreformable articles: Since Zelaya's proposed constituent assembly would have unlimited powers to rewrite the constitution, it violated Article 374, which makes certain articles unamendable; once again, though, Zelaya never actually attempted to change the so-called "carved in stone" articles; it was only assumed he intended to;

-- Dismissing the armed forces chief: The Supreme Court's Constitutional Hall ruled June 25 that Zelaya was in violation of the Constitution for dismissing Defense Chief Vasquez Velasquez; the Constitution (Art. 280) states that the President may freely name or remove the chief of the armed forces; but the court ruled that since Zelaya fired him for refusing to carry out a poll the court had ruled illegal, the firing was illegal.

¶10. (C) Although a case could well have been made against Zelaya for a number of the above alleged constitutional violations, there was never any formal, public weighing of the evidence nor any semblance of due process.

The Article 239 Cannard

¶11. (U) Article 239, which coup supporters began citing after the fact to justify Zelaya's removal (it is nowhere mentioned in the voluminous judicial dossier against Zelaya), states that any official proposing to reform the constitutional prohibition against reelection of the president shall immediately cease to carry out their functions and be ineligible to hold public office for 10 years. Coup defenders have asserted that Zelaya therefore automatically ceased to be President when he proposed a constituent assembly to rewrite the Constitution.

¶12. (C) Post's analysis indicates the Article 239 argument is flawed on multiple grounds:

-- Although it was widely assumed that Zelaya's reason for seeking to convoke a constituent assembly was to amend the constitution to allow for reelection, we are not aware that he ever actually stated so publicly;

-- Article 239 does not stipulate who determines whether it has been violated or how, but it is reasonable to assume that it does not abrogate other guarantees of due process and the presumption of innocence;

-- Article 94 states that no penalty shall be imposed without the accused having been heard and found guilty in a competent court;

-- Many other Honduran officials, including presidents, going back to the first elected government under the 1982 Constitution, have proposed allowing presidential reelection, and they were never deemed to have been automatically removed from their positions as a result.

¶13. (C) It further warrants mention that Micheletti himself should be forced to resign following the logic of the 239 argument, since as President of Congress he considered legislation to have a fourth ballot box ("cuarta urna") at the November elections to seek voter approval for a constituent assembly to rewrite the constitution. Any member of Congress who discussed the proposal should also be required to resign, and National Party presidential candidate Pepe Lobo, who endorsed the idea, should be ineligible to hold public office for 10 years.

- Forced Removal by Military was Clearly Illegal

- ¶14. (C) Regardless of the merits of Zelaya's alleged constitutional violations, it is clear from even a cursory reading that his removal by military means was illegal, and even the most zealous of coup defenders have been unable to make convincing arguments to bridge the intellectual gulf between "Zelaya broke the law" to "therefore, he was packed off to Costa Rica by the military without a trial."

-- Although coup supporters allege the court issued an arrest warrant for Zelaya for disobeying its order to desist from the opinion poll, the warrant, made public days later, was for him to be arrested and brought before the competent authority, not removed from the country;

-- Even if the court had ordered Zelaya to be removed from the country, that order would have been unconstitutional; Article 81 states that all Hondurans have the right to remain in the national territory, subject to certain narrow exceptions spelled out in Article 187, which may be invoked only by the President of the Republic with the agreement of the Council of Ministers; Article 102 states that no Honduran may be expatriated;

-- The armed forces have no/no competency to execute judicial orders; originally, Article 272 said the armed forces had the responsibility to "maintain peace, public order and the 'dominion' of the constitution," but that

language was excised in 1998; under the current text, only the police are authorized to uphold the law and execute court orders (Art. 293);

-- Accounts of Zelaya's abduction by the military indicate he was never legally "served" with a warrant; the soldiers forced their way in by shooting out the locks and essentially kidnapped the President. ¶15. (U) The Armed Forces' ranking legal advisor, Col. Herberth Bayardo Inestroza, acknowledged in an interview published in the Honduran press July 5 that the Honduran Armed Forces had broken the law in removing Zelaya from the country. That same day it was reported that the Public Ministry was investigating the actions of the Armed Forces in arresting and deporting Zelaya June 28 and that the Supreme Court had asked the Armed Forces to explain the circumstances that motivated his forcible exile.

¶16. (C) As reported reftel, the legal adviser to the Supreme Court told Poloff that at least some justices on the Court consider Zelaya's arrest and deportation by the military to have been illegal.

Congress Had no Authority to Remove Zelaya

¶17. (C) As explained above, the Constitution as amended in 2003 apparently gives sole authority for removing a president to the judiciary. The Congressional action of June 28 has been reported in some media as acceptance of Zelaya's resignation, based on a bogus resignation letter dated June 25 that surfaced after the coup. However, the June 28 Congressional resolution makes no mention of the letter, nor does it state that Congress was accepting Zelaya's resignation. It says Congress "disapproves" of Zelaya's conduct and therefore "separates" him from the office of President -- a constitutional authority Congress does not have. Furthermore, a source in the Congressional leadership told us that a quorum was not present when the resolution was adopted, rendering it invalid. There was no recorded vote, nor a request for the "yeas" and "nays."

¶18. (C) In sum, for a constitutional succession from Zelaya to Micheletti to occur would require one of several conditions: Zelaya's resignation, his death, or permanent medical incapacitation (as determined by judicial and medical authorities), or as discussed previously, his formal criminal conviction and removal from office. In the absence of any of these conditions and since Congress lacked the legal authority to remove Zelaya, the actions of June 28 can only be considered a coup d'état by the legislative branch, with the support of the judicial branch and the military, against the executive branch. It bears mentioning that, whereas the resolution adopted June 28 refers only to Zelaya, its effect was to remove the entire executive branch. Both of these actions clearly exceeded Congress's authority.

Comment

¶19. (C) The analysis of the Constitution sheds some interesting light on the events of June 28. The Honduran establishment confronted a dilemma: near unanimity among the institutions of the state and the political class that Zelaya had abused his powers in violation of the Constitution, but with some ambiguity what to do about it. Faced with that lack of clarity, the military and/or whoever ordered the coup fell back on what they knew -- the way Honduran presidents were removed in the past: a bogus resignation letter and a one-way ticket to a neighboring country. No matter what the merits of the case against Zelaya, his forced removal by the military was clearly illegal, and Micheletti's ascendance as "interim president" was totally illegitimate.

¶20. (C) Nonetheless, the very Constitutional uncertainty that presented the political class with this dilemma may provide the seeds for a solution. The coup's most ardent legal defenders have been unable to make the intellectual leap from their arguments regarding Zelaya's alleged crimes to how those allegations justified dragging him out of his bed in the night and flying him to Costa Rica. That the Attorney General's office and the Supreme Court now reportedly question the legality of that final step is encouraging and may provide a face-saving "out" for the two opposing sides in the current standoff. End Comment.

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<http://www.cablegatesearch.net/cable.php?id=09TEGUCIGALPA645>

2.4 The Social Context

In Honduras, as in many other countries, the movements for change which oppose the system, contesting huge social injustice, are the result of a dynamic which combines domination, repression and struggle based on different visions.

The coup in Honduras is the product of a confluence of diverse factors within the social order, both internal and external. On the one hand, this social and political process could be considered to be unique to this country but, on the other hand, there is an unprecedented regional and international interrelationship which influences these social, economic and political processes in a variety of ways.

Repression has been an instrument that has adapted to each new era, but which is always used to put a stop to alternative social and political projects. Thus, the state response has been the same, denial, when it has not disregarded and failed to accept the leaders as valid spokespersons of these social movements, and those who refuse to listen to arguments promoting social change do not tolerate them either.

The most prominent examples of sectors engaged in social activity in situations of conflict are: human rights organizations, campesinos in land disputes, women's organizations and feminist groups, indigenous communities, the various workers' and professional organizations such as the teachers' and other trade unions, and the sexually diverse community.

In the first two years of his administration, President Manuel Zelaya Rosales broadly continued with the policies inherited from the government of **Ricardo Maduro (2002-2006)**, promoting projects to exploit natural resources, such as hydroelectric dams. This led to strong disagreements with social movements, particularly with indigenous peoples defending their ancestral lands and the environment.

In this period,⁷¹ Zelaya's government showed the usual deference to national and transnational private business; his administration was characterized by its general acceptance of most of the guidelines of the international financial institutions, notably the World Bank and the Inter-American Development Bank; "without this influencing our decision making" according to one of his officials⁷². For example, the government of Zelaya signed cooperation agreements for 2007-2010 with the WB and the IDB containing the same policies for privatization and decentralization of municipal services applied by President Maduro.⁷³ However, the fact that these agreements with the World Bank and IDB were not very effective did not prevent the government of Zelaya approving schemes for the benefit of transnational and national corporations, such as the **Tela Bay** tourist megaproject, the construction of hotels and cruise ship docks in the **Bay Islands**, facilities for maquilas, and for biofuel production in the Bajo Aguán, and the initial steps were taken for the

⁷¹ Commission of Truth (documents) Andino Mencía, Tomás (2011). *Transnacionalización y golpe de Estado en Honduras (resumen de hallazgos)* (Transnationalization and the coup d'état in Honduras (summary of findings)) Tegucigalpa, 30 August 30, 2011

⁷² Enrique Flores Lanza, interview for the CoT by Tomás Andino Mencía.

⁷³ See: World Bank Country Assistance Strategy 2007-2010.

construction of huge dams like **El Tigre, Jicatuyo, Los Llanitos and Patuca III**.⁷⁴

A negative consequence of taking this route was that the Zelaya's government policies clashed with some of the demands of social movements, such as **COPINH (Civic Council of Popular and Indigenous Organizations of Honduras)** and **OFRANEH (Honduran Black Fraternal Organization)**, which opposed the construction of mega dams and anti-environmental tourism schemes in their territories.

On various issues on the social agenda, President Zelaya's government distanced itself from the grassroots movements forming the **CNRP (National Coordinating Body for Popular Resistance)** in the first two years of its term. It even responded to the protest movements with violence⁷⁵.

In 2006 and 2007, the grassroots sectors regarded Zelaya's government as an ally of the most powerful business families, which is why the social movements showed no interest in establishing an alliance with him.⁷⁶ This rift between the government and a significant proportion of the social movements prevented the establishment of an early political alliance between them, through which President Zelaya could have had a solid social base from which to confront the interests of the families owning the large companies.

Nevertheless, from the beginning, there were **strong disagreements between Zelaya's government and the business families** that have controlled governments' decisions for years. The conflicts worsened later, during the third year of the administration, which allowed President Zelaya and the popular movements to move closer together. The following are a number of expressions of this significant shift:

- agreements with the environmental movement to reduce logging; a ban on open-cast mining;
- opposition to Congress regarding its bills against sexual education guides and emergency contraceptive pills;
- the creation of a state television channel and a newspaper (*El Poder Ciudadano* - Citizen Power), along with forging a closer relationship with the local, regional and national press to confront the media campaign against the government;
- opening mobile phone band C to international public tender, awarding it at a higher price than previously;
- revising the oil formula in order to generate savings on payments; the recovery of the multi-million debt for electricity services⁷⁷ owed by some of the large private business users of

⁷⁴ See: "*Empresa privada no debe temerle al ALBA*", ("Private enterprise should not fear ALBA") President's Office. Available at:

http://oas.poderciudadano.gob.hn:7778/portal/page/portal/presidencial_group/pagina_principial/principal/empresa%20privada%20no%20debe%20temerle%20al%20ALBA

⁷⁵ For example, in 2006, the teachers went on strike demanding the implementation of the salary clause of the Teaching Statute (*Estatuto del Docente*) and the inclusion of academic qualifications in the calculation of bonuses, amid a harsh crackdown on their demonstrations, and although that year saw the signing of an attractive agreement called PASCE (Salary Plan and Social Adjustment and Educational Quality Program - *Propuesta Salarial y Programa de Ajuste Social y Calidad Educativa*), the teachers were to go on strike again in 2007 because it was not implemented, and once more suffered repression as a result..

⁷⁶ Interview with Patricia Rodas, Foreign Minister 2006-2009.

⁷⁷ The total arrears of energy users that President Zelaya was trying to recover was close to **1,629.8 million lempiras** by the end

electricity⁷⁸;

- the 62% increase in the minimum wage in the face of the industry's failure to reach an agreement with the workers;
- fuel purchases by public tender and the agreement with Petrocaribe and ALBA membership; the direct purchase of medicines for the health system and of weapons and supplies for the police and army, and finally
- the Zelaya government's '*public consultation*', known as the "fourth ballot box" that served as the trigger for the military coup against the Honduran President and State.

The complexity of these social problems has increased and has created an institutional environment in which there is no possibility of solving these problems.

Human Rights Organizations: 1980-2009

One of the most sensitive issues in the contemporary history of Honduras has been human rights and civil liberties following the restoration of electoral democracy in 1982. From the 1963 coup onwards, the armed forces were involved in the systematic violation of human rights and brutal repression, committing extrajudicial executions, forced disappearances and assassinations of figures working on behalf of campesinos and other disadvantaged groups, as in the case of **Father Guadalupe Carney**.

When President Roberto Suazo Córdova came to office, the military continued its repression. This historical period has been one of the bloodiest, a time when the military took political and administrative decisions in various key state institutions.

The power was exerted by the armed forces through high budget allocations, illegitimate use of authority, illegal detentions, disappearances of political opponents, interception of communications, forced recruitment, violation of the freedom of the press, freedom of information and expression, pacts of silence and the complicity or blackmailing of political parties. Business groups were always behind the military leadership's intervention in domestic and foreign policy, economics, and social issues, as well as in policy on natural resources, business and investment promotion and they 'peacefully' resolved the country's social and political conflicts.

When Suazo Córdova took office he issued an *anti-terrorist law* prohibiting the right to strike, considering it "*inherently subversive*", a measure clearly intended to guarantee the profits of a

of 2009. The breakdown by sector is as follows: in the residential sector, the debt increased from 547.7 million lempiras in December 2006, to 757.6 million lempiras by December 2009, in the commercial sector it increased from 488.9 million lempiras in December 2006, to 670.3 million by December 2009. The same happened with the industrial sector, increasing from 115.9 million lempiras in 2006 to 201.9 million lempiras in 2009. (The data is from the 2010 ENEE report).

⁷⁸ The state company ENEE holds 38% of the electricity generation market in Honduras, with the other 62% accounted for by private companies. It is estimated that ENEE's debt for purchasing electricity is close to 6.2 billion lempiras, of which a significant proportion is owed to thermal energy companies. The state electricity company's financial problems were created during President Ricardo Maduro's government, because it was then that it began to issue bonds to cancel the debts to electricity generation companies; a similar measure was taken during the government of Manuel Zelaya. <http://www.laprensa.hn/Secciones-Principales/Economia/Economia/Deuda-de-la-Enee-suma-L4-mil-llones#.UDuzQaCaNKO>

section of the business classes. Paramilitary death squads operated with impunity and the disappearance of political opponents became systematic. Most of the **184 forced disappearances** later officially recorded by the state were committed between 1980 and 1984.

Suazo's government, confronting a severe recession, had US support in the face of the 'threat' posed by revolution such as Nicaragua's revolutionary Sandinista government and civil war such as the one in El Salvador. Close political and military cooperation with the US was complemented by social and economic development projects sponsored by the **US Agency for International Development (USAID)**.

Honduras came to host the world's largest **Peace Corps** mission and NGO aid and international volunteers proliferated. Since then, the country has been occupied, literally, by the United States military, without forgetting the marked presence of CIA agents, the State Department and counterinsurgency forces. In parallel, the military maintained their influence in political life.

In 1986 the first trial was conducted against the state for forced disappearance, launched in the **Inter-American Court of Human Rights** and with judgments issued in 1988 and 1989.⁷⁹ This was a hard blow to the proponents of militarism. However, it is important to emphasize that these cases represent **barely 2% of the people disappeared** in the 1980s and that the debt to truth, justice and reparation remains.

In 1990, the conservative **National Party**, with Rafael Callejas, won elections that were deemed fraudulent. Backed by the United States and the business community, the Callejas government began an aggressive campaign of privatization, liberalization and deregulation of the economy. His government increased consumer taxes, raised fuel prices by 50% and devalued the currency, among other measures under the structural adjustment program for the economy. The same year, after the defeat of the Sandinistas in the Nicaraguan elections (on February 25, 1990), the Bush administration significantly reduced economic aid to Honduras. Callejas then moved closer to the armed forces to prevent a worsening of social unrest. In December, the government declared an amnesty for political prisoners and those being pursued and announced "*no more dark nights of the disappeared*".

According to the **National Human Rights Commissioner (CONADEH)** along with these amnesties, Callejas ensured that all military personnel denounced for human rights violations were promoted to prominent positions in the armed forces, starting with Luis Alonso Discua Elvir, the first commander of the **military death squad Battalion 3 – 16**.

According to information gathered by the Commission, the rape and execution of a high school student in 1991⁸⁰ had a huge impact on public opinion. This enabled three military officers, headed by an army colonel, to be imprisoned. In addition, in 1993, an officer from the investigation police revealed and confirmed the human violations systematically committed by the police, which had been under military command since 1963. President Callejas was thus forced to appoint a High Level Commission to propose institutional reforms regarding security and at the same time

⁷⁹ Case of *Velásquez Rodríguez vs Honduras*, whose judgment on the merits was issued by the Inter-American Court of Human Rights on July 29, 1988; *Godínez Cruz vs Honduras*, with a judgment issued by the same Court on January 20, 1989 and *Fairen Garbi and Solís Corrales vs Honduras*, judgment issued on March 15, 1989.

⁸⁰ The Ricci Mabel Martínez case.

establish the office of the **National Human Rights Commissioner**.

Some of the most significant developments are the following:

1. The Ad Hoc Commission chaired by Archbishop **Óscar Andrés Rodríguez**, worked on the following institutional reforms: the proposal to abolish the criminal **National Investigations Directorate** (*Dirección Nacional de Investigaciones* – secret police jointly responsible for the forced disappearance and extrajudicial execution of political opponents), the creation of the **Ministerio Público** (the Public Prosecutor's Office), the establishment of a **Criminal Investigation Directorate** (*Dirección de Investigación Criminal*), reform of the judiciary and the separation of the National Police from the armed forces.
2. At the same time, the Human Rights Commissioner prepared the *First Report of the Commission*, through which the Honduras state acknowledged **184 forced disappearances**. It made recommendations that have still not been fulfilled and the impunity of human rights violators became institutionalized. In addition to an increase in the power of the military and political instability, the economy was weak, having lost the dollars from US military aid. With the economic reforms of the Callejas administration, public dissatisfaction about the cost of living and widespread government corruption was expressed at the polls.
3. The elections held in November 1993 were won by the **Liberal Carlos Roberto Reina**, a former president of the **Inter-American Court of Human Rights**. His policy aim was to reduce the influence of the army in national political life. To do this, he cut defense budgets, appointed civilians to head the police and, under public pressure, abolished compulsory military service, replacing it with one which was voluntary and democratic.
4. The COFADEH report of that time explains that Reina was forced to negotiate the impunity of the remnants of the senior ranks of Battalion 3-16, but even so, before leaving office, he was able to push through the abolition of the post of Commander-in-Chief (parallel to the President) and the decision-making body, the **Armed Forces Supreme Council** (*Consejo Superior de las Fuerzas Armadas* - parallel to Congress).

During Carlos Roberto Reina's government, there were three prominent cases, illustrative of the violation of human rights, the **Servellón García and Others case**, known as the 'Four Cardinal Points case', the **López Álvarez Case and the Jeannette Kawas case**, for which the Honduran state has been found guilty by the Inter-American Court of Human Rights.

5. The government of Carlos Flores Facussé abandoned the reforms of the police and judiciary initiated in 1993. It promoted the impunity of the soldiers tried for crimes against humanity, allowed former senior officers of the military police to control the 'new' **Civil Police** and removed the technical police for criminal investigations from the **Public Prosecutor's Office** and attached them to the 'new' police body. New law, but with the same instrument; civilian by decree, but military in mindset and training. During this period the number of violent deaths of youths and allegedly criminal people rose markedly,

without their cases being investigated and brought to trial, and there was an unprecedented increase in organized crime controlled by or involving former police officers, former military officers or active members of both institutions. The new police entity was not cleaned up and judges and magistrates were appointed because of their political affiliation.

6. During the administration of **Ricardo Maduro (2002-2006)**, major human rights violations were mainly related to **so-called social cleansing**, particularly of young people in poor neighborhoods who were branded as criminals. During this government, daily raids were conducted in neighborhoods against the so-called *maras* (gang of youths), raids which seemed more like shows for public relations purposes. These acts of persecution were made under **the amendment to article 332 of the Penal Code**, better known as the 'anti-*mara* law'.⁸¹ During this government, there were two major cases of human rights violations, the **El Porvenir Prison case**⁸² - on April 5, 2003 – and the second in San **Pedro Sula Prison** on May 17, 2004,⁸³ where dozens of prisoners died violent deaths.

The campesino movement and land conflict

In any analysis of the country's recent history, it is impossible to ignore one of the sectors most affected by conflict and exclusion. We refer to the rural population and their constant struggle for access to productive resources and their confrontations with local power groups in whose hands are concentrated large tracts of land, essential to the survival of thousands of families.

Honduras' history has been marked by inequality in land ownership.

The mechanisms promoted by the state to generate a process of land reform in the second half of the 20th century were the result of pressure exerted by the campesinos of the north coast. Villeda Morales's government, in response to the climate of discontent and policies aimed at halting reform processes (and the threat posed to the subcontinent by the Cuban model), issued the Land Reform Act in 1962 (*Ley de Reforma Agraria*), a measure which also led to the creation of the **National Agrarian Institute (INA)** and the establishment of the first campesino organization, the **Central Committee for Campesino Unity** (*Comité Central de Unificación Campesina*), which later became the **FENACH (National Campesino Federation of Honduras - Federación Nacional de Campesinos de Honduras)**. The coup d'état led by General Oswaldo López Arellano, in October 1963, was one of the main reasons for the Land Reform Act having little impact on the structure of land tenure and the welfare of the rural population. From 1962 to 1972 only 2,824 families benefited from land reform measures, having settled on 10,663 hectares, of which only 6,780 hectares were cultivable.⁸⁴

⁸¹ According to official sources cited by Nizkor, the number of people detained for the alleged crime of illicit association, from August 14, 2003, the date when the amendment to Article 332 entered into force, to December 31 of the same year, was 1458. At <http://www.derechos.org/nizkor/honduras/doc/sula.html>

⁸² On Saturday April 5, 2003, at El Porvenir, there was one of the most tragic prison riots ever witnessed in Honduras and Latin America, resulting in 39 injured and 69 people murdered, 61 of which were members of Mara 18, 5 were ordinary prisoners or not belonging to gangs and 2 women and a girl who were visiting the prison.

At <http://www.derechos.org/nizkor/honduras/doc/porvenir.html>

⁸³ Of the 183 people crowded into cell 19 in San Pedro Sula Prison, 107 died and 26 were seriously injured in a fire <http://www.cidh.oas.org/demandas/12.680Eng.pdf>

⁸⁴ National Agrarian Institute records.

The 1963 coup would hinder the process of campesino organization and transform the structure of land reform. It was not until the second López Arellano coup government that the process was driven forward more extensively through *Decree 170* of 1974. In the period between 1974 and the enactment of the **Agricultural Sector Modernization and Development Act (LMDSA)** in 1992,⁸⁵ only 385,310 hectares were awarded, of which 75% or about 288,959 hectares were cultivable.

Although the new law (LMDSA) was adopted by the neoliberal government of Callejas Romero, it failed to establish the *National Rural Savings and Credit Bank System*, the *Seed Capital Fund* and *Campesino Co-operative Restructuring* which, according to that law, would be the ideal instruments for the consolidation of the co-operatives (*empresas campesinas*) in the reformed agricultural sector.

The situation did not change for landless campesinos and most co-operatives in the reformed sector remain at risk of disappearing or barely survive. This law ensured that the land sales process would be for the benefit of major landowners, and that it would be manipulated and coercive, with the acquiescence of the **National Agrarian Institute**.

Thus, the **Land Access Program (PACTA - Programa de Acceso a la Tierra)**, begun in 2001, ended as had been predicted by some agricultural specialists, despite this initiative being supported by a wide range of state institutions (INA and the Ministry of Agriculture and Livestock), **the commercial banks** and **microfinance organizations; local technical units**, the **United Nations Food and Agriculture Organization (FAO)** and the **World Bank** all made common cause with PACTA's Management Unit.

In the first decade of this century, the land conflict deepened, which pressured the government, basically President Zelaya Rosales' administration, into seeking a solution, as a result of which it issued *Decree 18-2008*. When passing the decree, Congress took into account the following factors:

- a) the need to resolve the conflicts created by the land occupation and ownership rights exercised by the campesinos;
- b) the Constitution provides that land reform is a comprehensive process and an instrument of transformation of the structure of land tenure to ensure social justice and national development;
- c) Honduras is a signatory to international conventions that require it to legislate for and implement urgent measures to combat poverty, social exclusion and ensure food security and sovereignty,
- d) The Agricultural Sector Modernization and Development Act is not the appropriate instrument to solve the problem of land disputes.

When Decree 18-2008 was adopted, the private sector, primarily land reform's old enemy, the **National Federation of Farmers and Ranchers of Honduras (FENAGH)**, launched an aggressive campaign of delegitimization, challenging the decree on constitutional grounds, as a result of which it was eventually repealed by the Supreme Court in 2010. Since the 2009 coup, the historic violence against campesinos has escalated; murders, kidnappings, detentions and torture have increased, mainly in the Bajo Aguán. There has been a militarization of the area since the coup, converting

⁸⁵ The amount of land granted after 1992 was insignificant.

campesinos into victims of crime and of well-orchestrated media campaigns against campesino organizations.

Women's organizations and feminist groups

Women's organizations and feminist groups in Honduras have historically demanded equal rights, the exercise of full citizenship and the questioning of power relations between the sexes. From the 1990s women and feminists' demands for recognition of their rights became stronger, particularly specific demands for governments to address immediate problems such as the violence, both private and public, waged against them, and issues related to the construction of real and effective citizenship, allowing them to participate in decision-making and have access to rights such as land, resources for production, integral health, and decent work.

Thanks to the efforts of women's and feminist organizations, progress was made nationally in the formal recognition of their rights and in reflecting the advances made internationally, including that of the International Conference on Human Rights, Vienna 1993, where it was recognized for the first time that women's rights were human rights, and the signing by Honduras in 1994 of the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women*, and its ratification in 1995.

At national level, the Domestic Violence Act (*Ley contra la Violencia Doméstica*) was passed in 1997; 1999 saw the creation of INAM (National Institute for Women - *Instituto Nacional de la Mujer*); in 2000 the Equal Opportunities for Women Act (*Ley de Igualdad de Oportunidades para la Mujer*) was passed, and in 2004 there was success in reforming the Election and Political Organizations Act (*Ley Electoral y de las Organizaciones Políticas*) to include quotas for women.

These formal advances have not translated into practice – there has been no genuine enjoyment of rights, as indicated in the *Alternative Report to the Committee on the Elimination of Discrimination against Women* submitted jointly by CDM (*Centro de Derechos de Mujeres* - Centre for Women's Rights) and CLADEM (Latin American and Caribbean Committee for the Defense of Women's Rights):

*"While in Honduras women as a group achieved significant advances in the last decade, especially in the construction of a formal legal framework for the recognition of rights in relation to some of the most important problems, the gap between formal recognition and the genuine exercise of rights is still very large and at certain times this gap is widening and there is an increasing threat that this progress will be reversed."*⁸⁶

From the evidence gathered by the Commission of Truth, for women the coup meant setbacks in some of the progress made. One such reversal has been the prohibition on the use and distribution of emergency contraceptive pills (or ECPs) under the Ministry of Health **Executive Agreement PCM-2744** of October 21, 2009, on the grounds that they are abortifacients and therefore violate the right to life. Before the coup, Zelaya's government had vetoed a draft decree abolishing ECPs, passed in **early April 2009 by Congress, chaired at the time by Roberto Micheletti**. The use and distribution of ECPs had been part of public health policy in Honduras since 1999 and had

⁸⁶ CLADEM-CDM, *Alternative report to the CEDAW. Honduras 1997-2007*, submitted for the 39th period of sessions, July 23 to August 10 2007. [Unofficial translation of text extract].

represented an important victory for the Honduran feminist movement.

However, women's mass participation in the anti-coup protests also meant for them repression and direct violence to their bodies. The brutality unleashed by the police and military was aimed at them as sexual objects, at their status as women, such as blows to the hips, breasts, and genitals. In most of the testimonies gathered, women reported being the victims of groping and blows to their breasts and vagina, and being the targets of sexual innuendo and insults with sexually violent connotations. Women's organizations documented 10 rapes in the first few months of the coup following demonstrations that were crushed by the police and army in Tegucigalpa, San Pedro Sula, Choloma, Danli and El Progreso. The common denominator of some of these violations is that they were multiple, committed by police officers and took place after demonstrations or during curfews.

Women taking part in mass protests received insulting comments such as "whores", "Why don't you stay at home and look after your husband and children?", "That's what happens when you go out in the street" from their attackers, expressions based on a patriarchal culture which divides the world into two spheres: the private (the home, the hearth, the family) and the public (the street), where women have been traditionally excluded because they are women.

It is important to emphasize that following President Zelaya's return to Honduras on **September 21, 2009**, and the adoption of **Decree PCM 016-2009** on September 22nd, the peaceful demonstrations moved from the streets to residential areas. To suppress these demonstrations, the de facto government deployed all its military might and made use of guns, rubber and wooden bullets, tear gas, pepper spray, water cannons, batons, metal pipes and wooden clubs studded with nails to beat the demonstrators, justifying the use of force and violence as necessary to prevent violent acts and "vandalism".

This repression in neighborhoods particularly affected women because they had to flee with their children to protect themselves when the army and police violently stormed their homes. Some women were even the victims of gunshots when they went out into their yards. The security forces not only beat, tortured and insulted women, but also illegally and arbitrarily detained them as another form of intimidation and punishment for taking part in marches against the coup d'état. An emblematic case is that of Professor Agustina Flores, detained and charged with sedition. She was arrested by eight female police officers on September 22, 2009 and released after 21 days in jail, after paying bail of 100,000 lempiras (about \$ 5,300).

Women teachers, lawyers, students, human rights activists, and other women involved in the resistance were constantly threatened via mobile phone calls and texts – threats of death and sexual assault. It was a strategy used by the armed groups to force women to abandon the defense of human rights and the rule of law. Many women had to hide, living separately from their children and their families to protect both them and themselves and to prevent raids on their homes.

The Lesbian, Gay, Bisexual, Transgender, Transvestite and Intersex Community

In Honduras the defense of human rights, especially of the lesbian, gay, bisexual, transgender, transvestite, and intersex (LGBTTI) community, concerns a range of different aspects of a minority still not truly recognized by the state. These communities are part of society and are a reality that is not served by policies either in social matters or in their cultural expression.

These groups present an alternative, not in the way in which they show their sexual nature, but rather in the representation of their cultural or sub-cultural practices and their creation of a natural community, one which is still not understood or taken into account by the authorities, especially when it comes to the constant violations of its human rights.

Trans-sexual communities fight to secure not only their individual guarantees as citizens, but also to fully enjoy their reproductive, sexual, economic, civil, cultural and social rights which lag far behind these individual guarantees.

Prior to June 28th 2009, organizations defending the rights of this community, including the Cattracha Lesbian Network (*Red Lésbica Cattracha*), had reported and demanded investigations into the murders of 15 transgender women in the space of five years; other attacks had also been documented. All these were human rights violations and all were committed by the police.

Sexual diversity activists adopted a stance of opposing the coup, demonstrating in the streets side-by-side with the other groups and individuals forming the nascent "resistance" (*"resistencia"*). Due to this visible opposition, these groups suffered many acts of violence against them which, during the de facto regime of Roberto Micheletti, resulted in the murders of 22 members of the LGBTTI community, the highest number ever recorded in a six month period in Honduras.

This was compounded by the denial of the right to investigations, even if it is accepted that not necessarily all murders of gay men were the result of a 'state policy'. The authorities allowed paramilitary and conservative groups to make this community a target, a response which was homophobic, lesbophobic and transphobic.

By June 30, 2009, four murders had already been recorded, three in San Pedro Sula, Cortés department, and one in Tegucigalpa. The ability to respond was very limited, because of curfews, protests, and persecution, as it was for the traditional human rights organizations. The situation was very difficult, and as a result the first murders of transgender women were not considered to be political killings.

The daily reports from women's, indigenous and Garífuna organizations and the LGBTTI community to the international community on what was happening to the Resistance aroused international interest in the violations specifically targeted at sexual diversity groups, as a result of which committees, delegations and international observatories visiting the country took account of these issues in their reports.

This social and cultural group within Honduran society is still hoping for an end to persecution and for those responsible for the murders of their community's members to be investigated and punished, so that these crimes do not remain in impunity.

The Resistance and Social Movements

The poverty left in the wake of Hurricane Mitch,⁸⁷ coupled with the impact of the structural adjustment programs, caused a resurgence of social unrest but also of social organization, creating the conditions for the emergence of a movement of resistance to neoliberal measures. This new type of social movement was represented by several coalitions, among the most prominent being the National Coordinating Body of Popular Resistance (*Coordinadora Nacional de Resistencia Popular* - CNRP), the Patriotic Solidarity Coalition (*Coalición Patriótica de Solidaridad*), the Civic Alliance for Democracy (*Alianza Cívica por la Democracia*) and Father Andrés Tamayo's March for Life Movement (*Movimiento Marcha por la Vida*). This new movement had as its base the United Federation of Honduran Workers (*Federación Unitaria de Trabajadores de Honduras* - FUTH), the Teachers' United Front of Honduras (*Frente de Unidad Magisterial de Honduras*, which later became the FOMH, *Federación de Organizaciones Magisteriales de Honduras* – Federation of Teachers' Organizations of Honduras), student and campesino organizations, and political movements, which in 1999 formed the *Bloque Popular* (People's Bloc) to fight against the privatization of public services and other expressions of neoliberalism. Their model was extended to other cities in the form of regional coordinating groups, such as the Coordinating Body of Popular Organizations of the Aguán (*Coordinadora de Organizaciones Populares del Aguán* - COPA), the Western Regional Council (*Patronato Regional de Occidente* - PRO) in Santa Bárbara and El Progreso Permanent Assembly (*Asamblea Permanente de El Progreso* - APP).

These organizations were joined by others already in existence, such as the United Workers' Confederation of Honduras (*Confederación Unitaria de Trabajadores de Honduras* – CUTH), Civic Council of Popular and Indigenous Organizations of Honduras (*Consejo Cívico de Organizaciones Populares e Indígenas de Honduras* - COPINH), the Coordinating Council of Campesino Organizations of Honduras (*Consejo Coordinador de Organizaciones Campesinas de Honduras* - COCOCH) and newly formed federations of secondary school students, to establish a national entity in 2003 called the National Coordinating Body for Popular Resistance (*Coordinadora Nacional de Resistencia Popular* - CNRP). The CNRP emerged to oppose the privatization of drinking water, as well as focusing on other issues, primarily privatization programs more generally, reductions in social spending, repression, the high cost of living and corruption. Regional movements later also became part of the CNRP, such as the Environmental Movement of Olancho (*Movimiento Ambientalista de Olancho*), the Civic Alliance for Democracy (western region), the COMAL Network (*Red de Comercialización Comunitaria Alternativa* - Alternative Community Marketing Network), made up of small-scale farmers, and new social activist groups such as women's, youth and campesino organizations from various regions.

These movements united different social sectors, from the working class to medium-sized businesses, becoming the main focus for social resistance to the plans to dismantle state institutions providing public services, the plundering of natural resources and the general weakening of the state. The international situation was a factor in this, as production costs and the cost of living had risen due to hikes in fuel prices.

⁸⁷ Ibid Commission of Truth (documents) *Andino Mencía, Tomás (2011); "Transnacionalización y golpe de estado en Honduras (resumen de hallazgos)"* (Transnationalization and the Coup d'état in Honduras (summary of findings)), Tegucigalpa, August 30, 2011

The Mobilization of Original Peoples: The Case of COPINH

As members of social movements in Honduras, indigenous and black peoples work in defense of their cultural identity and territory, but in many cases, they have also fought alongside organizations involved in anti-capitalist, anti-patriarchal, anti-racist and anti-colonial initiatives. There are currently repeated violations of the individual and collective rights of the indigenous and black peoples of Honduras, of ILO Convention 169 on Indigenous Peoples, of the rights to autonomy, territories, culture and spirituality, and to the rights to nature.

Indigenous peoples, from various alternative platforms, base their actions and mobilization on their consciousness of the Spanish genocide and their steadfast struggle against persecution, looting and murder. In their recent history they have been subjected to a range of state initiatives such as the 'integration' of indigenous communities throughout Mesoamerica from Chiapas to South America as part of a *national project* in the 1960s.

This integration has been in line with government policies that attempt to justify 'development'. In addition, there are businesses which gain bigger profits in subjugated communities. This approach has also been reinforced by the racist attitude which justifies indigenous peoples' poverty by their supposed ethnic inferiority.

In recent years, there have been attempts by the state to focus on other aspects of indigenous life, such as their culture, going beyond commercial 'folklore', but these efforts have not been consistent. Cultures such as the Garífuna have salvaged part of their cultural heritage and traditional knowledge, while having control over their territories.

The indigenous marches (*peregrinaciones*) in 1994, in Honduras, brought the existence of indigenous peoples and their capacity for struggle and national mobilization to public attention, thereby establishing a new political era for the popular movement.

COPINH (Civic Council of Popular and Indigenous Organizations of Honduras) is one of the most prominent groups, an indigenous and grassroots organization based in the Lenca territories of Intibucá, Lempira and La Paz. It was founded 19 years ago by a group determined to create a movement based on the 'indigenous spirit in rebellion'.

Similarly, **OFRANEH (Honduran Black Fraternal Organization)** is another grassroots organization, fighting for the rights of the black population. **COPINH** and **OFRANEH** were among the first organizations in favor of ALBA, as it provided the possibility of regional integration with benefits for the people. They also showed their support for the so-called 'fourth ballot box'. In their relationship with President Zelaya, they supported some initiatives consistent with their positions, such as the fight against mining, but also had some criticism of his policies.

A few months before the coup, COPINH organized the **First National Conference for Re-Founding the Country** (*Primer Encuentro Nacional por la Refundación del País*) and since then organized collectives have been formed. Its 're-foundational' proposal for Honduras was to create a new

social covenant or contract:⁸⁸

"under which we would not accept foreign representation, we would speak in our own words and we would participate in all plans affecting the Honduran people. This meeting brought together many people, not only indigenous peoples but also movements from the population as a whole."

The military mobilization after coup resulted in **'security committees'** (*'mesas de seguridad'*) being set up in rural communities in order to control the population and increase selective surveillance, as occurred in the 1980s. This militarization has resulted in the civilian population being treated with great contempt, especially indigenous peoples and their rights, and particularly those related to their land and natural resources. Military forces have been involved in specific cases where they have given support to corporations which have been favored with better conditions for exploiting Honduras' human and natural resources. The indigenous movement has condemned **the military occupation by the Honduran army, and the new US military bases in areas where there is a wealth of natural resources in indigenous communities.** *"Immediately after the coup, more gringo military bases were opened, for example, on Guanaja Island, in Karataska, in Mocerón, and another closer to Puerto Lempira, and the Patuca and Plátano Rivers have been militarized under the pretext of countering the drugs trade. There are threats that American bases that operated in Lenca territory in the 1980s will be reopened."*

The coup criminalized the social movements' struggle and has led to killings of its activists, arbitrary detentions, the theft of documents, and members being beaten, evicted and repressed, among other human rights abuses.

In January 2010, OFRANEH reported that *Radio Bimetu Faluma* (Sweet Coconut) in the Garífuna community of Triunfo de la Cruz had been burnt and looted and blamed economic groups linked to the political repression and racism against the Garífuna people.

Guarajambala and *La Voz Lenca* community radio stations, which broadcast from La Esperanza and Intibucá, have been sabotaged on two occasions (January 5, 2011 and April 12, 2012).

In addition, during the Porfirio Lobo's current administration, there was a fire at the Santa Rosita School, in San Francisco Lempira, on March 10, 2011. Media campaigns laden with racism, criminalization and vilification have been waged against COPINH through national media such as Channel 10 and Channel 5.

The regime has continued with its plan to privatize major areas as is occurring in black and indigenous territories. In September 2010, *47 river concessions* were granted, many of which located in indigenous territories, which furthers the process of privatizing them, while environmental impact assessment systems have been virtually discontinued

The concerns about transnational mining companies in Honduras center on the concentration of

⁸⁸ Societies in many European countries and the United States seem to be becoming somewhat desperate because globalization has eroded if not changed entirely the terms of the **Social Contract** which the people regarded as their birthright, such as foundational structures and social security. They question whether they have progressed or regressed in their civil rights.

land, as these companies - Canadian, American and European - now own 30% of the country, representing more than 35 000 km²; rivers are being privatized for up to 50 years; and so-called 'green' projects imposed. As well as mining operations and concessions, the hydro-electric power and logging industries have indigenous and black communities in their sights.

Municipal mayors, the **Forest Conservation Institute** (*Instituto de Conservación Forestal* - ICF), international organizations, foundations and political, economic and military power groups have been involved in this. Work is under way to grab land from the Intibucá and Yamaranguila municipalities for a major private wind-power scheme which will have similar consequences to those suffered by the Lenca community of Santa Ana, in the department of Francisco Morazán.

The movement also denounces the fact that mining companies are operating without any consent from the communities, and in some cases without official authorization, threatening the biodiversity of indigenous land, as in the case of Minitas in La Paz, Río Blanco and San Rafael in Intibucá, where hydro-electric schemes have also been imposed, involving the **Energy Development Scheme**, **Minitas Hydro-electric Scheme** and the following companies: Ríos Power, Proyecto Hidroeléctrico de Agua Zarca and Prointer, S.A

The Honduran trade union movement and its impact on political life

Perhaps one of the actors that has historically played the biggest role in the social and political transformation of Honduras has been the unions and therefore, their struggle could be seen to have particular relevance in the fight to reform the legal structure and social conditions that determine the distribution of wealth and poverty.

The emergence of the Honduran labor movement coincides with the incursion of foreign capital into mining and farming in the Sula Valley. An industry developed around the banana business of the transnational companies - Tela Railroad Company and Standard Fruit Company - 'that was complementary or an accessory to it, and financed by the same foreign capital'.⁸⁹

Trade unions in Honduras achieved legal status as a result of the 1954 banana strike. There are three types of trade union organizations: trade unions as first tier entities, federations as second tier and confederations as third tier entities. The legal recognition of the unions, under the auspices of the Labor Code, led to the establishment of the Federation of Workers' Unions of the North (*Federación de Sindicatos de Trabajadores del Norte* - FESITRANH) and the Central Federation of Free Workers' Unions of Honduras (*Federación Central de Sindicatos de Trabajadores Libres de Honduras* - FECESITLIH) on the North Coast and in Tegucigalpa, respectively. Both organizations, following the doctrinal principles of the International Confederation of Free Trade Unions – Inter-American Regional Organization of Workers (ICFTU-ORIT), then joined together in the third tier organization known as the Confederation of Workers of Honduras (*Confederación de Trabajadores de Honduras* - CTH). The CTH was the first trade union confederation, founded on September 27, 1964.⁹⁰ It was made up of the FESITRANH, FECESITLIH and the National Association of Honduran

⁸⁹ Funes and Zelaya: 1998.

⁹⁰ On October 3, 1963, the then air-force colonel, Osvaldo López Arellano, led a coup against the Liberal government of Ramón Villeda Morales, under the pretext of "abolishing the Civil Guard, which had a political orientation, and establishing an apolitical force to combat the infiltration of the government that was damaging our democracy and our religious tradition." James

Campeños (*Asociación Nacional de Campesinos de Honduras - ANACH*). The confederation defines itself as an organization with social democratic tendencies⁹¹.

Through the trade union organizations, Honduran workers fought a range of battles against the ruling regime, such as the struggle against the dictatorship of Osvaldo López Orellana, who took power in a bloody coup on October 3, 1963.

In September 1982 a new Honduran Constitution was adopted. In that decade, workers were divided into three distinct ideological currents. The conservative line was represented by CTH, with trade unions which belonged to ICFTU-ORIT, and with the influence of US unions through the American Institute for Free Labor Development (AIFLD); the social Christian tendency (CGT) supported by the CLAT (*Central Latinoamericana de Trabajadores – Latin American Central of Workers*), based in Venezuela, which at that time covered the whole of Latin America, and the Socialist line (FUTH), affiliated to the Permanent Congress of Trade Union Unity of Latin American Workers (*Consejo Permanente de Unidad Sindical de los Trabajadores de América Latina - CPUSTAL*) and the World Federation of Trade Unions (WFTU).

This division in some respects marked out the paths of the various ideological tendencies within the Honduran labor movement, with some trade unions in favor of preserving the status quo while others were committed to the workers' struggle to gain such victories as liberation, peace and the transformation of the archaic state structures in Central America. In this period, many trade union leaders and activists were killed, disappeared or forced into exile.⁹²

These were the years of the so-called *import substitution model*, with an emphasis on promoting national companies and direct investment in the public sector, as recommended by the economists of the **Economic Commission for Latin America and the Caribbean (ECLAC)**, a United Nations agency. In this climate, trade unionism and employment protection legislation developed and grew.

In the 1980s, the neoliberal model totally changed, now favoring export products, especially non-traditional exports, and employment protection was deregulated. Under the Callejas government, the economy was liberalized, there was a devaluation of the lempira⁹³ and many public services and bodies were privatized. The government launched a policy of intolerance towards workers' organizations, co-opting trade union leaders who, through gifts and money from state coffers,

Rowles. *The El Salvador - Honduras conflict of 1969 and the international legal process*, Educa, 1980. The workers used the Congress building as it was empty following the coup and the dissolution of parliament.

⁹¹ Subsequently, in 1970, the General Confederation of Workers (*Central General de Trabajadores – CGT*) was founded with support from progressive sectors of the Catholic Church. In April 1981 at the San Pedro Sula headquarters of STIBYS (*Sindicato de Trabajadores de la Industria de la Bebida y Similares - Union of Beverage and Related Industry Workers*), the United Federation of Honduran Workers (*Federación Unitaria de Trabajadores de Honduras - FUTH*) was formed by unions which had separated from FESITRANH and FECESITLIH, as they were opposed to their links with the governments of the day, their anti-democracy and the surrender of working class principles.

⁹² Palma (1980); " *Sindicalismo y Nuevas Formas de Cooptación*" (Trade Unionism and New Forms of Cooption).

⁹³ Companies benefitting from the devaluation are those which export their products, such as the banana and mining companies, and those trading in non-traditional products, such as melons, watermelons, tilapia, shrimps, lobsters, as well as textile firms, which place their products on the international market in dollars. "These companies have increased their profits as a result of the devaluation of the lempira against the dollar which has lowered production costs, particularly labor, services and the use of natural resources, and their tax burden has also been reduced " (Mark Virgilio Carías. *La Guerra del Banano (The Banana Wars)*, Tegucigalpa, 1981).

surrendered the independence of their organizations to the government, a very common practice throughout Latin America.

As part of this policy, over 1200 workers were sacked from ENEE (*Empresa Nacional de Energía Eléctrica* - National Electrical Energy Company) who were members of its trade union, STENEE (*Sindicato de Trabajadores de ENEE* – ENEE Workers’ Union). The same happened in SECOP (*Secretaría de Comunicaciones y Obras Públicas* – Ministry of Communications and other Public Works) and the institution’s equipment was sold at a derisory price to former leaders of the trade union. With the handover of this equipment, the following companies emerge: *Comunistas*, *Brazos de Honduras* and *La Familia*, owned by former workers’ leaders.

*"The adjustment measures introduced by the Callejas government deepened poverty, especially among the working class, who saw a drastic reduction in their wages as a result of the devaluation of the lempira. Other sectors severely affected were small businessmen and craftsmen, whose raw materials became much more expensive. Agricultural workers were condemned to unemployment because they were unable to access credit."*⁹⁴

Globalization, trade liberalization, regional integration and deregulation impacted on companies, leading to changes in corporate behaviors.

*"Further uncertainties arose from outsourcing, job cuts and introducing flexibility in the labor market. This resulted in job insecurity and unemployment creating difficulties and obstacles to the development of trade union activity."*⁹⁵ In the case of Honduras, unionization and collective bargaining fell drastically.

The violation of the right to organize was a factor in allowing ‘solidarism’ to penetrate and develop in Honduras as a form of organization of workers promoted by employers and the state structural adjustment policies. The corporate control and financial support of solidarism and the marked anti-union tendencies violated **ILO Convention 87 and 98** on freedom of association and the protection of the right to organize which the state is obliged to provide. Solidarism systematically violates the ILO Convention concerning the Application of the Principles of the Right to Organize and to Bargain Collectively when it *"practices what is specifically set out in Article 2 of the Convention."*⁹⁶

Solidarism was originally founded in Costa Rica in 1972 by Alberto Montes and Father Claudio

⁹⁴ Palma: *Partidos Políticos, Militares y Corrupción*. (Political Parties, the Military and Corruption).

⁹⁵ For greater insight into the effects of globalization, outsourcing and labor flexibility, see, *"Sindicalismo y Globalización la Dolorosa Inserción en un Mundo Incierto"* ("Unionism and Globalization: The Painful Integration in an Uncertain World.") *Nueva Sociedad*, Venezuela, 1999 and Palma, *Sindicalismo, Flexibilización y Globalización*. (Trade Unionism, Labor Flexibility, and Globalization).

⁹⁶ Article 2 of ILO Convention 98 states: ‘Workers’ and employers’ organizations shall enjoy adequate protection against any acts of interference by each other or each other’s agents or members in their establishment, functioning or administration. In particular, acts which are designed to promote the establishment of workers’ organizations under the domination of employers or employers’ organizations, or to support workers’ organizations by financial or other means, with the object of placing such organizations under the control of employers or employers’ organizations, shall be deemed to constitute acts of interference within the meaning of this Article’.

Solano, Director of *Escuela Social Juan XXIII* (John XXIII Social School). However, it reached its apogee in the early 1980s, with the structural adjustment programs in Central America.

One of the challenges faced by the Honduran trade union movement was the promotion of industry through the maquilas. To that end, the Callejas government, *'promoted foreign investment, strengthened the export sector to attract dollars to repay foreign debt and export the profits of capitalism. The state would no longer subsidize domestic production and public services were privatized, the currency was devalued, interest rates liberalized, workers laid off, jobs cut and land reform legislation repealed, with the imposition of the LMDSA (Agricultural Sector Modernization and Development Act) jeopardizing freedom of association. Employment legislation was relaxed and various professional statutes were left in abeyance.'* (*Bloque Popular*: 2005).

In support of these measures, **COHEP (Honduran Private Enterprise Council)** mounted a media campaign to raise awareness and soften public opinion so that structural adjustment measures would be accepted.

Special legislation to promote maquilas coincided with the **Caribbean Basin Trade Partnership Act (CBTPA)**. The CBTPA is a US trade law that applies to 24 countries in Central America and the Caribbean. This law enhances the trade benefits covered by the **Caribbean Basin Initiative (CBI)** by according duty-free status to exports of textiles and clothes made with US fabric.

Through the **North American Free Trade Agreement (NAFTA)** and the **CBTPA** the US-owned maquila companies can secure cheaper labor in the countries of Latin America, especially in Honduras 'while also maintaining access to the US market.'⁹⁷

The success of the maquilas in Honduras is due to **low labor costs, the low level of trade union organization** and high production efficiency, especially in the textile industry where most of the workers are women aged between 16 and 35. Many companies prefer to close maquilas rather than allow their employees to organize. One such example was the Canadian tee-shirt company Gildan Activewear, which closed one of its plants in Honduras where there had been serious attempts to form a trade union. The company chose to shift operations to Nicaragua and Haiti where production costs were lower.⁹⁸

The development of maquila production in Honduras is due not only to low labor costs, tax exemptions, and the provision of port and municipal facilities, but also to the following strategies employed by maquilas in general: a) a working week known as 4x4 in which production workers work two alternate shifts, 12 hours a day for four consecutive days, followed by four days off, b) modular production in which workers work in teams, c) low wages insufficient to meet workers' basic needs, d) high production targets and monetary and other bonuses when team meet their target, thereby fostering team discipline to achieve greater production in order to secure higher income for the team.

⁹⁷ International treaties such as CAFTA (Central America Free Trade Agreement) and other FTAs with different countries in Europe, Asia and America, eliminate any obstacles such as unions and professional organizations that have 'statutes'. In this model trade unions and collective bargaining have been destroyed (*Bloque Popular*: Op Cit).

⁹⁸ Document by Maquila Solidarity Network. Ontario, Canada, September 2005.

The maquila workers "are afraid of losing their jobs when they find out that some trade union activist is trying to organize them into a union to defend their rights".⁹⁹ It is made worse by the fact that most of the employees of maquilas are young women from rural areas, in most cases without sufficient training to be able to market themselves as skilled labor.

The liberalization and facilities enjoyed by the maquilas in Honduras has made their existence and development possible, in particular the conditions to which the working class has been condemned which in practice prevents unionization and collective bargaining. Special legislation has been passed so that not even the minimum wage has to be paid, which itself is well below the rate of inflation. The damage to working conditions under the maquila regime is one of the sources of protest for the Honduran trade union movement which is daily witnessing reversals in its gains, setbacks which are accompanied by political repression.

Following the coup, progressive trade unions along with other political and social movements took to the streets to protest at the breach of the constitution and to demand a national constituent assembly.

Under this regime all kinds of facilities have emerged to encourage investments, with wide-ranging deregulation and labor flexibility. One such example is the idea of establishing 'free trade zones and industrial parks', and attempting to exempt them from the territoriality principle of employment law.

In line with this policy, in 2011 the Honduran Congress, on the initiative of its president, Juan Orlando Hernández, and Porfirio Lobo Sosa's government, adopted the law on **Special Development Regions (RED - Regiones Especiales de Desarrollo)**, more commonly known as 'Model Cities' or 'Charter Cities', which would become modern enclaves outside the jurisdiction of the state's employment laws. Flexibility in the labor market implies adapting the rules on employment rights to a new social reality, by eliminating and weakening employment protection legislation to increase jobs, investment and international competitiveness.

Labor flexibility is at odds with job security. As a result, trade unions and collective bargaining are regarded as obstacles to be avoided. Through a range of different mechanisms (Letters of Intent) of financial institutions and **COHEP**, the Honduran government has been pressured into amending the Employment Code (*Código del Trabajo*), which the trade union federations and confederations have unanimously opposed to avoid the reduction in legal forms of protection by the state.

The reforms promoted by the business sector are geared to the relaxation of the employment codes and to the reduction in costs which employers still consider to be safeguarded through employment protection legislation, and an end to the requirement for collective bargaining, the imposition of negotiations with the trade unions and eight hour working days. Recently, Congress, with the opposition of trade unions and workers' confederations, passed the **Law on National Jobs Solidarity Anticrisis Plan (Ley Plan Nacional Solidario de Empleos Anticrisis)**¹⁰⁰ which will run for 36 months, extendable depending on its results.

⁹⁹ Statement from a maquila worker who prefers to remain anonymous.

¹⁰⁰ Decree 230-2010 passed by Congress, presided over by Juan Orlando Hernández, of the National Party and published in the Official Journal, *La Gaceta*, N.32558 of November 5, 2010. Predictably, the President of Honduras, Porfirio Lobo Sosa, passed it a day later and it was published in *La Gaceta* the same day.

This employment plan is part of what the government calls its Plan for the Nation and Vision for the Country (*Plan de Nación y Visión de País*) that states in its preamble: *"it is imperative to promote programs and projects that permit an increase in employment opportunities and access to work, by promoting the creation, expansion and improvement of sources of work, as well as by encouraging the solidarity of the trade unions, for the sake of the most vulnerable population groups which are excluded from the benefits derived from employment. "*

At no time did the trade union confederations agree to this plan, but it was supported by COHEP and the Tegucigalpa Chamber of Commerce and Industry (*Cámara de Comercio e Industria de Tegucigalpa*) which, in the end, have received direct benefits while failing to undertake a healthy process of negotiation with the trade unions. This law threatens the Employment Code and collective bargaining, freedom of association and various laws concerning social welfare, including the one on the Honduran Social Security Institute (*Instituto Hondureño de Seguridad Social*).

2.5 The reasons for the coup d'état of June 28, 2009

The reasons for the coup of June 28, 2009 cannot be understood without taking into account the structural causes which underlie and explain the immediate triggers for the governance crisis culminating in the coup. It is these immediate factors that we deal with in this section.

The apparent trigger for the coup was President Manuel Zelaya's initiative to consult citizens on whether or not they were in favor of adding a fourth ballot box (*'la cuarta urna'*) in the **elections scheduled for November 2009** to decide on a **national constituent assembly**.¹⁰¹

Months before this presidential initiative was announced, there was constant talk in the mainstream media of the President's plans to extend his mandate, with the same intensity that questioned his government's decisions, arguing that they represented attacks on democracy, the rule of law and the country's own interests.

This same press promoted a campaign based on fictitious social homogenization whereby the interests of certain power groups were presented as the interests of society as a whole. The strength and scale of these private interests had already been denounced by the President when he stated publicly at the end of his second year in office that, in Honduras, state power was not held by the President, but rather it was the economic groups which had historically determined state affairs.

This was one of the president's reactions to these business groups' opposition to and veto of his major decisions. However, without their support and despite a constant boycott by the mainstream media and even by the state institutions themselves, the executive implemented a series of measures which generated and increasingly exacerbated the conflict with the major economic groups, strongly represented within the State.

Thus, unlike previous coups in which the business sector and the military acted against the legally constituted authorities of the state, in this case, the business sector's conspiracy, availing itself of

¹⁰¹ Executive Decree PCM-020-2009 would have asked *'Are you in favor of there being a fourth ballot box in the 2009 elections through which the people would decide on whether a national constituent assembly should be convened?'*

the two branches of government, the **Legislature** and the **Judiciary**, ‘faithfully representing the interests of the constituted powers’ **used the armed forces to attack the executive and stop the reforms being carried out.**

The obvious rift between the business classes and the President, the political tension with the groups within the two major parties and frequent political and social conflicts within a context of broader ungovernability, made evident the breakdown of the pact made by the economic and political elites to govern the country since the end of military rule in 1982.

The following measures, in terms of their impact, are among those that generated the most controversy and opposition, which the media linked to the power groups, took it upon themselves to magnify and distort in order to turn public opinion against their implementation and against the President himself:

1. A new approach to foreign policy that changed the principles that had historically directed the country and which were subordinated to US interests in the region. Relations became noticeably closer with Latin American governments, the strongest expression of which was membership of ALBA. This was coupled with a clear position in the **OAS Assembly held in San Pedro Sula** in favor of Cuba's readmission, among other expressions of support where US interests clashed with those of the ALBA member governments.
2. The decision to change the procedure for managing national fuel supplies, consistently and publicly opposed by the US Ambassador who argued that it represented an attack on the free market, as well as, obviously, by the transnational oil companies,¹⁰² which had never before had their business practices challenged. Similar situations occurred with pharmaceutical transnationals because of the changes in import policies for generic medicines.
3. The President's involvement in setting a new minimum wage, increasing it by **62%**, unanimously opposed by private businesses, not only because of the size of the increase, but also because it created a precedent of government intervention in a decision that had historically been under the business sector's control.
4. The decision to convert **Palmerola Air Base**, under US control, into a commercial airport, which was heavily criticized by business leaders and politicians concerned about the United States' reaction and its potentially serious consequences, according to them, for relations between both countries and its possible negative impact on trade and investment in Honduras.
5. The issuing of **Decree No. 18-2008 (repealed)** aimed at resolving long-term land disputes. The decree was based on the recognition that the **Agricultural Modernization Act (LMDSA)**, still in force, was not the appropriate instrument to address the problems of Honduran agriculture (later repealed in 2010, at the request of **FENAGH - the National**

¹⁰² US companies such as Shell Oil and Texaco.

Federation of Farmers and Ranchers of Honduras).

6. In terms of human rights, for the first time a president recognized the state's responsibility for human rights violations and crimes against humanity committed during the application of the national security doctrine, and a willingness to hold the perpetrators to account and provide reparations to the victims and their families through the creation of the National Reparations Program under the direct control of the President's Office.¹⁰³

Some of these measures, with direct implications for foreign policy, were used by leading US conservatives as a pretext to justify advising on and supporting the coup. This is clear from news stories that circulated at the time. The **June 22, 2009** issue of *La Prensa* newspaper refers to a meeting held at the **US Embassy** the day before, attended by the country's political leaders, the **Joint Chiefs of the Honduran Armed Forces** and the US Ambassador, **Hugo Llorens**, himself in order to find a solution to the crisis. According to the newspaper, the proposal put to the President was the abandonment of the public consultation on the fourth ballot box.

It follows from the above that it also created a groundless fear in the private sector - mainly the big companies - on basis of the changes embarked upon, of the possibility of mass civil participation in a way which would run counter to its interests.

Thus, a geopolitical perspective on the causes of the coup is unavoidable. By its position, the US government made clear the purely rhetorical nature of President Obama's statement at the Summit of the Americas (Trinidad and Tobago, April 2009) that, under his presidency, a new stage had begun in its diplomatic relations, which would be based on mutual respect. Investigations by the *Commission* into its involvement in the coup found that its policy in the region had changed only in certain forms and nuances, and that ultimately, its geopolitical and strategic interests still dominate.

Both the domestic and foreign justifications for the coup indicate a determination to prevent any possibility of change in the country and in the sub-region, even though a thorough analysis of the measures implemented shows that these did nothing to place in jeopardy the foundations of the economic order or the political system.

On the contrary, judging from the limited results from the short time the measures were in place, it can be concluded that President Zelaya tried to invigorate liberal representative democracy by introducing some mechanisms of *direct democracy* and to achieve a redistribution of wealth which in the long term would also invigorate the economy for the benefit of the business sector.

Moreover, the Commission has analyzed the substance of the draft law for the fourth ballot box that provides for a form of citizen participation in accordance with the *Constitution of Honduras*, which is a means of strengthening democracy within society. It is important to remember that the Inter-American Democratic Charter, adopted by the OAS General Assembly on September 11, 2001, after defining representative democracy as indispensable for stability, peace and development in the region, refers to the participatory nature of democracy in the different spheres of political activity and its contribution to the consolidation of democratic values, freedom and solidarity.

¹⁰³ Executive Decree 028-2008 published in *La Gaceta* on December 5, 2008.

Article 2 expressly states that *'representative democracy is strengthened and deepened by permanent, ethical, and responsible participation of the citizenry'* and Article 6 specifies that citizens' public participation in decisions relating to their own development is a right and a responsibility and a necessary condition for the full and effective exercise of democracy.

The **Citizen Participation Act** (*Ley de Participación Ciudadana*) passed by the **Congress of Honduras** (Decree 3/2006) on January 27, 2006 develops these principles contained in the Charter when it states that participatory democracy *'provides equal opportunities for the people, for the adoption, implementation and evaluation of public policies without political, religious, racial, ideological, gender or any other kind of discrimination'* with co-responsibility, understood as a shared commitment by the people and government to comply with the results of mutually agreed decisions; recognizing and guaranteeing the rights of citizens to propose and decide on public issues; postulating that freedom of citizen participation is a prerequisite for good governance and is not a substitute for the state's responsibilities, with inclusion the *'foundation of socially responsible governance, which includes the views of those involved in civil activities, recognizes inequalities and promotes equitable development of society and of the individuals who form it'*. (Article 2 of the Honduran Citizen Participation Act in Honduras develops the principles of this democratic form).

As can be seen, the legislative development of citizen participation in Honduras was based on the principles and terminology of the Inter-American Democratic Charter itself.

To promote these measures, in the face of opposition from his own party and the other historically relevant players in decision-making processes who have engineered the capture of the Honduran state,¹⁰⁴ President Zelaya sought support from the trade unions, campesinos, workers and other grassroots sectors historically excluded from major national decisions. These groups welcomed the possibility of a change in the direction of the government, not only because of the new measures being implemented but also because of the real possibility of expanding citizen participation with the use of mechanisms of direct democracy.

The political, business and religious elites, far from the supporting the changes demanded by Honduran society after three decades of frustrations and disappointments suffered by a growing number of citizens (as shown by the high levels of voter apathy, approaching **50 %**), reacted immediately to prevent these changes, using the branches of the state - paradoxically, the very institutions created to make a reality of the fledgling *'democracy'* inaugurated in 1982.

The crisis in state institutions is not new, but it has reached a new extreme with the coup. State capture, which safeguards and perpetuates privilege and impunity for the few at the expense of the efficiency and legitimacy of the state itself, had been publicly demonstrated during the strike of state prosecutors in 2008.¹⁰⁵ The institutional crisis it sparked became a spearhead to maintain impunity, ensure the privileges of the few and to prevent any possibility of change, at the cost of increasing poverty, deepening social inequality and more precarious lives for the majority of the

¹⁰⁴ For further information on the scale and consequences of state capture see the 2007 transparency report by the National Anticorruption Council (*Consejo Nacional Anticorrupción - CNA*).

¹⁰⁵ The ground floor of the Congress building was the venue chosen by a group of prosecutors who maintained a hunger strike for 37 days to expose the gravity of this institutional crisis to Honduran society.

population.¹⁰⁶

The various manifestations of the institutional crisis, the erosion of liberal representative democracy and of the very principle of representation that sustains it, as well as the political, economic and social impacts of a captured state underlying the coup were reduced to the old justification of the 'fight against communism' which was the basis of the national security doctrine during the 1980s.

Taking advantage of the multiple meanings of the word 'democracy', a discourse was constructed that converted those who broke the rules of the game (the procedures which constituted the only demonstrable progress in so-called democracy) into its defenders. After overcoming dictatorial regimes which, at most, could aspire to protect life, under democratic governments, by contrast, there is the aspiration to participate in the decisions concerning the quality of life and the unrestricted enjoyment of the full spectrum of human rights. Otherwise, democracy becomes meaningless and devoid of substance for most of the population.

The alliance of business, political, military and religious interests made up a force that made it clear that in Honduras, both then and now, attempts at reform have no place. This alliance's decision carry out a coup put an end to the so-called *citizen's illusion* that votes at the polls would possibly be respected, even if they were contrary to the dominant interests, and that there was the right to be consulted on matters of national interest.

The tradition of repression and authoritarianism that has characterized the exercise of political power in Honduras was once again evident in all its magnitude. This is demonstrated by the interminable list of violations of human rights and democratic freedoms during and after the coup. The repressive organs of the state *par excellence* - the police and the army – played the leading role in applying these authoritarian and repressive practices in order to create a climate of terror and fear as a means of containing grassroots demands. However, it is also necessary to point the finger at civil, political and business groups that promoted the breakdown of the constitutional order to benefit their own interests.¹⁰⁷

Finally, it should be stressed that democracy is not an abstraction; it is not conceived independently of the society and the historical conditions that provide its context. Nor is it created spontaneously or strengthens and progresses in a linear fashion. On the contrary, in societies with a scant democratic tradition, characterized by an authoritarian political culture and weak institutions, democracy is more a kind of hostage to economic power, and that leads to de-democratization processes,¹⁰⁸ as is the case with Honduras.

¹⁰⁶ ECLAC: Social Panorama of Latin America 2011. Report states that Honduras and Mexico are the two countries with least success in poverty reduction. Honduras appears as the country with the highest level of poverty (67.4%) of the 18 countries studied.

¹⁰⁷ Civil society groups such as NGOs and FOPRIDEH (Federation of Non-Governmental Organizations for the Development of Honduras) which never condemned the coup.

¹⁰⁸ Charles Tilly defines de-democratization as the risk democracies face by limiting participation, by opening themselves to new forms of political inequality or by reversals in levels of protection.

Part 3 Patterns of Human Rights Violations

3.1 Patterns of human rights violations

3.2 Cases which illustrate patterns of human rights violations

3.3 Statistical analysis of human rights violations

3.4 Victims of human rights violations registered by the Commission of Truth

3.5 Psychosocial impact of human rights

3.1 Patterns of Human Rights Violations

Introduction

After carefully examining information on the different cases which came to its attention, the Commission of Truth has identified patterns of human rights violations.

These are a series of interrelated behaviors employed by state agents or by private individuals working with the state's consent, backing or acquiescence, to the detriment of human rights.

These practices or patterns of conduct are systematic in nature, and in the case of Honduras under the coup, were employed to achieve specific political ends.

A pattern of human rights violations can therefore be understood as a characteristic mode of operation - and thus distinguishable by specific features and signs - which follows consistent and well-defined models which, in short, become a kind of *modus operandi*.

The Commission has identified characteristic features of these patterns of violations, such as:

- The pattern is instrumental in the sense that it is designed for specific purposes;
- The pattern is linked to other patterns and therefore described as interconnected and;
- The pattern as a whole represents a context and mechanisms which have led to human rights violations.

The patterns of human rights violations analyzed by the Commission are: i) repression of public demonstrations, use of excessive force during repression by state security agents and the criminalization of public protest; ii) selective or targeted repression of people considered by the de facto government as attempting to destabilize the regime; and iii) dysfunction of institutions meeting the needs of the coup regime to the detriment of the population.

The Commission considers that these patterns, which are neither exhaustive nor unique, may be used as a guide and as a technical tool to analyze the situation in Honduras, particularly in relation to the severe impairment of the constitutional order which occurred three years ago.

Pattern 1: Repression of public demonstrations, use of excessive force during repression by state security agents and the criminalization of public protest.

Honduran domestic law and international human rights law recognizes the right of persons to engage in unarmed, peaceful assembly, in order to disseminate and exchange ideas. Correspondingly, the state has an obligation to ensure the enjoyment and exercise of this fundamental right.

Since June 28, 2009, the Commission has recorded 76¹⁰⁹ mass public demonstrations in different parts of the country, organized to express opposition to the breakup of democratic institutions and the rule of law.

The de facto government violently cracked down on the participants in these demonstrations, many of them at times when constitutional guarantees were suspended.¹¹⁰

According to witness statements received by the Commission, this repression was characterized by a disproportionate use of force by state security agents. To repress the demonstrators, the police and armed forces used large quantities of tear gas, bullets, armored tanks, bombing from helicopters, beatings with *garrotes* (clubs)¹¹¹, metal batons and chains, axe and hoe handles, jets of water containing chemicals, among others.

Security forces abused the powers granted to them in the “Handbook on the Use of Force by Police Institutions in the Republic of Honduras”, which in Article 5 establishes that:

“The appropriate levels of non-lethal force shall be applied in the following order: Persuasion. Physical restriction of movement. Preventive corralling. Use of spray irritants that do not cause permanent injury to persons. Use of police batons. Use of flashlights. Use of police vehicles.”

Worse still, surprise repression was carried out by corralling the demonstrators from all sides, using, as noted above, excessive force that left hundreds of people injured and several dead. Security agents did not limit themselves to repressing the demonstrations, they also pursued them, removing them from buses, and many people who were not participating in the demonstrations were also victims of this abuse of authority.

The Commission would like to highlight the repression of women demonstrators, which focused on their sexuality, their status as women, and their femininity. The police and military concentrated their aggression on the parts of women’s bodies that identified them as women, such as their hips, breasts and buttocks.

Women told the Commission that they had been groped and beaten on their breasts and vaginas, and that they had been the victims of sexual innuendo and insults with connotations of sexual violence.

During the early months of the coup, feminist organizations documented 10 rapes which occurred following demonstrations that were suppressed by the police and the army in Tegucigalpa, San Pedro Sula, Choloma, Danlí and El Progreso. The most common kind of rape was gang rape, committed by police officers after demonstrations or during curfews.

¹⁰⁹ *The Commission of Truth* recorded repression of demonstrations: in 2009, 48. In 2010, 6. In 2011, 16. In 2012, 6.

¹¹⁰ Demonstrations in El Paraíso, in Tegucigalpa (22 to 28 September, 2009).

¹¹¹ Extremely heavy pieces of cylindrically-shaped wood, used by the police as non-lethal weapons which, in the way they are deployed by the Honduran police, violate the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Physical assaults against women were accompanied by verbal abuse, such as “Whores, go home”, “You're being unruly, go away and look after your children”, “I'll hit you until you are crippled, bitch”, “Do you want us to rape you so that you don't get involved in this stuff again?”.

The above quotes show that women were being verbally attacked because they were in the streets neglecting their 'family obligations', a charge which is based on the dominant social stereotypes defined by patriarchy, which divide the world into two main spaces: the private (house, home, family) and the public (the street), where women have traditionally been excluded because they are women.

Furthermore, the CoT has identified the political crisis as an important step in the process of organizing and raising awareness in young people, and it is this very factor that led to the *de facto* government increasing the level of repression against this sector of the population, in response to their highly organized and sustained demonstrations, especially on 22 September when Tegucigalpa districts and neighborhoods awoke to a siege by military platoons.

The National Autonomous University of Honduras (UNAH) and the National Francisco Morazán Teacher Training University (UPNFM) in Tegucigalpa; and the Regional University of the Sula Valley, in San Pedro Sula, as well as institutes and secondary schools nationwide, were militarized and subjected to attacks with tear gas and water jets with chemicals, resulting in students being injured by baton blows and rubber bullets. There were also arrests.

The CoT recorded ten cases of attacks on children, two¹¹² of whom were injured by gunshots fired by police. Moreover, the Commission notes the displacement of entire families due to this repression, which has had a direct impact on children and young Hondurans who have been uprooted as a result of this political conflict.

The Commission also notes that the repression was only applied to groups of citizens who were carrying out peaceful, unarmed demonstrations, exercising their right to assemble and demonstrate against the coup. The Micheletti government did not crush demonstrations held by supporters of the *de facto* regime; on the contrary, these demonstrations were protected by the army and police.

Another feature of the pattern of violations under analysis is that, as a result of the repression, hundreds of people were arrested and criminally charged, with the aim of dismantling the opposition.

Arrests were also indiscriminate, and detainees generally suffered threats, torture and cruel, inhuman and degrading treatment, at the hands of both the military and the police.

The organization CPTRT documented several cases of torture and noted in its 2009 report that the crime of torture had been taken up again as a method of political repression, to intimidate sectors of the population who were demonstrating against the coup. The victims supported by CPTRT suffered physical, psychological and sexual trauma as a result of actions by members of the police, military and Special Forces during the crackdowns and arrests.

¹¹² Ángel David Osorto (13), Gerson Ariel Zelaya (16).

In the days following the coup, from June 28 to July 12, 1,029 arrests were made. By October 10, 3,033 had been reported.¹¹³ These figures do not take into account the thousands of detentions¹¹⁴ by the military and the police in the department of El Paraíso, in late July and early August 2009.

In the light of the events described above, this Commission can conclude that the army and the police were allowed to decide the fate of detainees, who could be beaten, humiliated, threatened, sexually abused or released.

When the demonstrators were charged with crimes, they were accused of offences related to the internal security of the State, in combination with other offences such as participation in illegal demonstrations, damage and theft, in order to lend the cases social relevance. The rules established for determining types of offences and the application of laws and other principles of criminal law designed to prevent double jeopardy were not applied and had no place in the view of the administrators of justice who supported the regime.¹¹⁵ There was abuse of the indictment system (people were charged with up to 6 different offences for a single incident); there was no attempt to establish the varying extents of involvement of the accused and sentences were issued that ran counter to logic, sound judgment and common sense.¹¹⁶

As reported by COFADEH, in March 2011, “the criminalization of social protest is the new way to violate the right of association and freedom of assembly in Honduras. Social protest has grown as an expression of citizens’ discontent against government decisions and to further their demands for a return to democracy, or because measures are being introduced which are detrimental to them. To discourage this, the regime has adopted a policy of repression and criminalization of social protest that involves repressive police actions which are not investigated or punished, while at the same time the law is used to punish those who confront the state in the struggle for their rights ...”

For the Commission of Truth it is clear that the repression of demonstrations against the coup regime, the use of excessive force during the repression and the criminalization of social protest aimed to deter protesters and discredit the struggles and demands of various social actors. The growing discontent within Honduran society because of the breakdown of democracy was contained through a policy of force with a marked authoritarian bias. This policy is part of a vision of social control through the use of terror.

For the Commission, the pattern of repression and human rights violations are caused by government policy. The rights to life, physical integrity, liberty, freedom of assembly, expression, due process, and many other rights, were consciously violated during the crackdowns and the ensuing arrests. The *de facto* government and the Honduran state are responsible for these violations.

¹¹³ According to the Ministry of Security, between June 29, and August 15, 213 people were arrested *for crimes and offences and 3,430 people for breaking the curfew.*

¹¹⁴ According to local human rights organisations, from 24 to 28 July 2009, four thousand people were held at checkpoints set up along the eastern highway.

¹¹⁵ “*Independencia judicial post golpe de Estado en Honduras: ¿Existe en efecto Independencia judicial post golpe?*” (“Judicial independence post coup in the State of Honduras: Does judicial independence really exist post coup?”) P. 22. CIPRODEH Report

¹¹⁶ *Ibíd.* pp. 22.

The first death caused by this repression, of the young man Isy Obed Murillo, which occurred on July 5, 2009, should have served as a warning to the *de facto* government and the Honduran state about the need to control the use of excessive force by the security forces. State responsibility is compounded by the fact that public institutions called upon to denounce and stop these abuses failed to fulfill their mandate, as this Commission will examine later in this report.

It was the duty of these institutions to guarantee the free and full exercise of the rights of the demonstrators. The state as a whole should have organized structures through which public dissent could have been expressed and demands for the restoration of democracy heard.

Pattern 2: Selective repression or repression targeted at people considered by the *de facto* government as attempting to destabilize the regime.

According to civil society organizations for the defense and promotion of human rights, as the coup was being consolidated, widespread violence was accompanied by sector-based or selective violence. The new model of oppression was aimed at identifying and neutralizing opposition leaders and people who, in the eyes of the *de facto* regime, could pose a risk to stability. On a number of occasions, this violence also spread to their families and friends.

After hearing witness statements and observing the Honduran political context, the Commission agrees with this view, and would like to add that the accession to power of President Porfirio Lobo Sosa in January 2010 did not herald the renunciation of selective repression and moreover, did not lead to a change in social control policies, in spite of the 'conciliatory' discourse used by the current administration.

This pattern of selective or targeted repression, according to the evidence gathered by the Commission, has the following characteristics:

1. Multiple and undue interference in the private lives of people affected by this pattern, for example, a ban on phone calls, text messages and email
2. Monitoring, surveillance and repeated threats and
3. Kidnapping, torture and arbitrary executions.

These characteristics may have different nuances or emphases depending on the sector at which this targeted violence is directed and the particular objectives pursued by the regime. For example, teachers, lawyers and feminists who participated in resistance activities were continually threatened via cell phones and emails. These cases included death threats and, predominantly, threats of sexual assault. This was a strategy used by armed groups working with the *de facto* regime so that women leaders would abandon their work defending human rights and the rule of law.

This pattern has sought to paralyze leaders of local, regional and national resistance movements, and also to silence journalists and deter human rights organizations from carrying out their work.

The CoT received information that, in the development and implementation of this method, 13¹¹⁷ teachers died in circumstances suggesting that they were executed for political reasons. At least 10 human rights defenders have been killed, their offices openly subject to surveillance and the most prominent ones have been threatened. The trade union sector reported that four trade unionists were killed, 8 prominent leaders were attacked, their offices were surrounded by military squads and their cars sabotaged. Journalists have suffered different types of persecution, ranging from death threats, wrongful dismissal, kidnapping, torture and the death of 25¹¹⁸ journalists during the exercise of their profession.

The CoT has identified two important stages in the implementation of this pattern: the identification phase and the implementation phase of violent action, accompanied by official denial of the facts.

In this regard, the Commission has received information that the security forces began their anti-resistance work by gathering information to identify the victims. The *de facto* government set up an office known as the 'crisis room' to monitor public demonstrations and activities carried out by the population in resistance. It is believed that selective profiles were created in this office as part of Operation Peace and Democracy led by Commissioner Danilo Orellana Laínez and Colonel Herberth Bayardo Inestroza Membreño,¹¹⁹ a top Armed Forces lawyer and former pupil at the School of the Americas.

According to information obtained, the crisis room could have been located in the Ministry of Security premises in Casa Mata or in an office in the Presidential Palace.

Pattern 3: Institutional dysfunction - responding to the needs of the regime imposed by the coup d'état to the detriment of the population.

In a democratic constitutional state, the various state institutions are assigned a list of functions and powers established to preserve the rule of law. After the coup, the key institutions for maintaining democracy and the balance of powers used their mandate to favor the imposed regime, thereby hampering the objectivity of their activities. The Commission has termed this phenomenon *institutional dysfunction* and examines it in this report because of its negative impact on the compliance with fundamental rights and freedoms.

¹¹⁷ Roger Abraham Vallejo (2009), Martín Florencio Rivera (2009), Félix Orlando Murillo (2009), Rubén Estrada (2009), Mario Fidel Contreras (2009), Sergio Eliseo Juárez (2009), Gradi Espinal (2009), Karen Yesenia Hernández (2009), Blas López (2010), José Manuel Flores (2010), Miriam Yaneth Romero (2010), José Luis Sanabria (2010), Ilse Ivania Velásquez (2011).

¹¹⁸ Gabriel Fino Noriega (2009), Joseph Hernández Ochoa (2010), David Enrique Meza Montecinos (2010), Nicolás Asfura (2010), Nahúm Elit Palacios Arteaga (2010), José Bayardo Mairena (2010), Manuel de Jesús Juárez (2010), Luis A. Chévez Hernández (2010), Jorge Adalberto Orellana (2010), Carlos Humberto Salinas (2010), Luis Arturo Mondragón (2010), Israel Zelaya Díaz (2010), Henry Suazo (2010), Héctor Francisco Medina (2011), Luis Mendoza (2011), Adam Benítez (2011), Nery Jeremías Orellana (2011), Medardo Flores (2011), Luz Marina Paz (2011), Saira Fabiola Almendares (2012), Fausto Elio Hernández (2012), Noel Alexander Valladares (2012), Erick Alexander Martínez (2012), Ángel Alfredo Villatoro (2012).

¹¹⁹ "In 1980, I was a lieutenant, we fought the subversive movements here and we were the only country that did not have a fratricidal war like the others. With our training, it's difficult for us to have a relationship with a leftist government. That's impossible. I personally would have retired, because my thinking, my principles, wouldn't have allowed me to accept that". Interview with digital newspaper *El Faro*. 8 July 2009.

To analyze this pattern, the Commission will refer to the actions of some of the institutions directly related to different forms of repression; we will place special emphasis on institutions related to the administration of justice because it is precisely these which are called upon to investigate, prosecute and punish the human rights violations which characterized the coup.

1. National Human Rights Commissioner (Comisionado Nacional de Derechos Humanos)

The National Human Rights Commissioner (CONADEH) is a national constitutional institution established by Decree No. 2-95 of the National Congress, by amending Article 59 of the Constitution of 1982, to guarantee the rights and freedoms recognized in the Constitution and in human rights treaties, covenants, conventions and protocols ratified by the Honduran government.

CONADEH, which could have played a significant role in condemning the coup and denouncing human rights violations, instead adopted from June 28, 2009 onwards a position of total support for the government of Micheletti, ignoring the breakdown in the constitutional order, justifying the actions of the *de facto* regime and denying human rights violations. This position has been reiterated publicly and continues to date, which has led to the discrediting of the Ombudsman both nationally and internationally.

Moreover, the institution has not only failed to fulfill the tasks assigned to it under the Constitution, but has been involved in smear campaigns and the stigmatization of sectors opposing the coup.

2. National Congress

The National Congress was the first place where the institutional crisis triggered by the coup began to unfold, because it was here that the impeachment of President Manuel Zelaya Rosales was approved, yet later failed due to the speed of the events culminating in direct military action; namely the coup.

Nevertheless, the legislature justified this military strategy by using the concept of *presidential succession*, non-existent in the Constitution, which cited the false resignation of President Zelaya in order to name Micheletti as his *de facto* replacement, who used legislative decrees to expropriate the media, impose a state of emergency and repeal the Citizens Participation Act (*Ley de Participación Ciudadana*) and the ALBA Convention.

The National Congress completed this legislative coup by using the San José - Guaymuras Agreement to ratify with a majority vote not to reinstate President Manuel Zelaya, giving free rein to the general election amid repression of civil liberties and sealing its arbitrary actions with the Amnesty Act (*Ley de Amnistía*) before the inauguration of Porfirio Lobo.

In the two years following the coup, the legislature passed a series of controversial laws that strengthened the neoliberal model and radically restricted the fundamental rights of the population, for example:

- The Temporary Employment Act (*Ley de empleo temporal*), passed in November 2010, which, according to complaints by trade unions, on the one hand led to the dismissal of people with permanent contracts and on the other hand, offered them a temporary hourly contract under

which they lost all rights acquired under the Labor Code and the Constitution.

- The Law against the Financing of Terrorism (*Ley contra el financiamiento del terrorismo*), adopted on 18 November 2010, which at Chapter XIII regulates the functions and duties of non-profit associations or organizations. The law establishes a new way of controlling the work carried out by this type of organization. Article 58.1 establishes the obligation to inform the Financial Information Unit (*Unidad de Información Financiera*)¹²⁰ about all donations which are equal to or greater than two thousand dollars. Article 61 establishes penalties for breach of the obligations included in the law, including the possibility of fines of up to 2,000 minimum wages,¹²¹ the prohibition on activities for up to 5 years and even the dissolution of the association or organization.
- The Education Act (*Ley fundamental de educación*). The new law represents a step backwards in the retirement system and revokes certain rights, by providing for teachers to be awarded a pension equivalent to 60 percent of the average salary for the last 120 months they work. The previous law provided for teachers to retire with 90 percent of the average salary for the last 36 months.
- The Special Development Regions Law (*Ley de Regiones Especiales de Desarrollo*) (Model Cities). This law was adopted on January 19, 2011 via Legislative Decree No. 283-2010, which amended the Constitution, affecting provisions which were not eligible for reform such as those on national territory and the form of government, as laid down in Article 374 of the Constitution. The Special Development Regions Law, also known as Model Cities, allows sections of the country to be designated for the establishment of independent cities, which will have their own legal and security systems. The Executive has indicated that the first model city will be situated between Trujillo Bay and the Sico River, which will affect more than half of the Garífuna communities in Honduras, which will be put at risk if this initiative is implemented.
- The Law on the Interception of Private Communications. (*Ley de intervención de comunicaciones privadas.*) The new law gives the state powers to intercept the communications of individuals, and not only those charged with crimes, by creating an additional category called “people under investigation”, a category which anyone could fall into without the need for prima facie evidence that they have committed a crime. This is particularly serious in the Honduran context where human rights defenders could be considered to be persons under investigation and therefore the interception of their communications could be justified. The law provides that the judge must immediately rule on a request for interception of communications, allowing him or her a maximum of four hours to issue a decision on admissibility.
- Reforms that authorize the military to perform duties related to internal security. Article 1 of

¹²⁰ Entity created for the receipt, analysis and consolidation of information related to the crimes of money laundering and terrorism. See Article 48 of the law against terrorist financing.

¹²¹ According to Executive Agreement No. STSS-342-2010, the current minimum wage is 5,500 lempiras in urban areas (equivalent to \$ 289) and 4,055 lempiras for rural areas (equivalent to \$ 213). If the fine under Article 61 is applied, up to \$ 578,000 could be charged for breach of the obligations established under the law (Annex No. 10).

Decree No. 223-2011¹²² establishes that when the President declares a state of emergency for public safety, the military may temporarily perform police functions. The emergency can relate to situations involving persons and property, the fight against drug trafficking, the war on terror, arms trafficking and organized crime. The Inter-American Commission on Human Rights (IACHR) has pointed out in its report on Citizen Security and Human Rights that military involvement in internal security matters is usually accompanied by human rights violations in violent contexts and has therefore advised that this practice be avoided.

- Another issue of concern for the CoT is the approval, in the National Congress, of a constitutional reform via Decree 106-2011, dated June 24, 2011, which increases the maximum allowable detention time from 24 to 48 hours. This decision was ratified by the legislature in 2012.

3. The Media

Although the media are not a public institution, they have an important public function and, under the coup in Honduras, played a key role, both in supporting the constitutional breakdown and in providing an alternative to official information, from the opposition's perspective.

In a democratic society, the mass media have the difficult responsibility of informing and shaping opinion. Thus, the ethical role of the press in crisis situations is, undoubtedly, to widely disseminate detailed information and objective guidance on the conflict, so that people can take the necessary precautions. However, most of the established media in Honduras, which are private and corporate in nature, showed a clear bias in their agendas during the crisis, which compromised their editorial lines and in fact helped to create the crisis.

At the time of the coup in June 2009, the media which knew about the breakdown in the constitutional and democratic order, were not only silent accomplices to this, but also offered surreal programming given the context: cartoon shows, old football matches, music and soap operas, in an effort to distract the population, lower the coup's profile and ignore the turbulent political situation it caused.

Subsequently, they began to present a single narrative demonstrating total political and ideological support for the coup, boosting the morale of the forces of repression and discrediting resistance to the coup, in most cases criminalizing protests and failing to report their arguments and demands.

Some examples of this radical media bias were to be found on *Telecentro*, *Audio Video*, *La Prensa*, *El Heraldo*, *La Tribuna* and *Emisoras Unidas*, and there were many other examples. Taken together, this generated a 'media corral' which, in turn, led to a radicalization of the demand for information

¹²² "Interpreting the second and final paragraphs of Article 274 of the Constitution in the sense that, in order to restore public order and social peace, and respecting the rule of the Constitution: in exceptional cases the Armed Forces can temporarily perform Police functions in emergencies affecting persons and property; participate permanently in the fight against drug trafficking and also cooperate in combating terrorism, arms trafficking and organized crime. At the request of the Ministry of Security, to perform police duties on a temporary basis the Executive Branch must issue the corresponding Emergency Decree, establishing the terms of the Decree and its other provisions".

from the pre-existing alternative media and that which emerged as a consequence of the coup.

The social polarization caused by the coup was also evident in the alignment of the media with one extreme or the other. For the alternative media, this led to the closure of their facilities, physical attacks and threats against journalists, and the theft of computer equipment. It is clear to the CoT that there was a sector of the press that stimulated and encouraged the coup, and that even went so far as to justify the violence, however serious and regrettable it may have been, and there was another sector that, even without much technical capacity, defended the human rights of the population to information and free expression as enshrined in the Universal Declaration of Human Rights of 1948 and other substantive norms of international human rights law.

4. National Court of Auditors (*Tribunal Superior de Cuentas*)

The National Court of Auditors is the governing body of the control system that ensures the effective and efficient use of state assets and resources in the pursuit of transparent administration free from corruption, and which conducts audits of various state institutions.

However, in Honduras the general public has a strong perception that there is corruption and has no confidence in this court because of the biased and politicized process which prevails in the appointment of its judges. Consequently, in crisis situations, its mandate has not been as effective as collective actions have demanded.

Within the strategy of the coup, this Court followed the 'official line', focusing its activities primarily on officials from Manuel Zelaya's government, while reducing to a minimum its actions against public officials involved in the coup.

For example, the Court imposed fines of up to 3,000 lempiras on principals of schools and colleges who supported the coup resistance. In addition, the CoT has been informed that a substantial number of the documents making up the file for the attempted impeachment of President Manuel Zelaya Rosales came from this Court, and its subsequent actions during the *de facto* regime were focused on delving into the records to find evidence against victims of the coup.

5. Ministry of Education (*Secretaría de Educación*)

The teaching profession has one of the public sector trade union movements' longest traditions of struggle and national organizational capacity in Honduras and actively participated in the protests against the coup.

The *de facto* regime used the Ministry of Education to undertake hostile action against this sector, in an attempt to force its workers into adopting the universal strategy of state 'performance standards' after the coup.

The first attempt involved converting the department and district directors into 'regime police', ordering them to inform on teachers and staff from state schools and colleges who attended demonstrations against the coup and those who did not attend classes as a protest against the government.

The regime also promoted, via the Special Prosecutor for Children, the opening of cases against teachers for allegedly restricting rights, and supported the expulsion of students for participating in resistance activities, even denying the right to enrolment in 2010.

The Ministry of Education suspended the system for collecting union fees through deductions from teachers' pay, and passed responsibility over to the unions, which affected their finances. A decree was also issued suspending teachers who did not attend class, in an attempt to force them to abandon social protest, with the aim of weakening demonstrations carried out by the National Resistance Front.

During the same period, the annual wage increase for the teaching profession was tied to the minimum wage, thereby breaking one of the clauses of the Teachers' Statute, which establishes independent mechanisms for calculating salaries.

Two bills were presented to Congress which compromised secularism and free state education: the Education Act, which gave Christian churches the power to define the content of courses and to oversee the teaching profession, and granted administrative powers to municipal councils; and the INPREMA (National Teachers Pensions Institute - *Instituto Nacional de Previsión del Magisterio*) Law, which extended the requirements to apply for retirement, and which also increased years of service, the required minimum age to apply for retirement, the contribution rate and modified the formula to calculate salaries, affecting progressive economic rights. It was reported to this Commission that the regime used various means to undermine the teachers' pension fund system, which was in possession of a considerable amount of money for its members' pensions. This included imposing managers from the private sector on the institution.

6. National Institute for Women (*Instituto Nacional de la Mujer – INAM*)

This institutional mechanism was created for the promotion and defense of women's human rights, basic freedoms and interests. Its creation in 1999 was an achievement for feminist and women's organizations, as the institution was to represent and defend their rights.

With the coup the Secretary of State in the Office of the National Institute for Women (known as INAM for its acronym in Spanish),¹²³ was replaced by María Marta Díaz Velásquez, an ally of the *de facto* government. This led to a peaceful takeover of the INAM offices on 14 July, organized by Feminists in Resistance, in coordination with INAM staff who were against the coup. The Commission was informed that on the following day, the *de facto* authorities ordered the entrance of the building to be militarized, which did not prevent the feminists from continuing with their action. However, a rift was created between the institution and the women's movement, representing a setback in the implementation of the National Policy on Women, which is the public policy that contains the principles and strategies for the promotion of gender equality.

¹²³ An autonomous institution for social development, with the status of Ministry, legally registered and with its own assets, responsible for developing, promoting and coordinating the implementation and monitoring of the National Women's Policy and action plans to implement the policy and to integrate women into sustainable development.

Many ongoing women's projects have been suspended. According to the Honduran feminist movement, the INAM is no longer a governing or monitoring body for public policies for the benefit and protection of women, instead becoming an institution serving the interests of the *de facto* government.

Moreover, the influence of religious fundamentalist sectors in the political decisions both during and after the coup has directly affected the National Policy on Women, implemented by the National Institute for Women. The most obvious example of this is the ban, one day after the coup, on the use and distribution of Emergency Contraceptive Pills (ECPs), via Executive Agreement 36-2009 of the Health Department dated June 29, 2009.

For the women's movement and the CoT, this measure represents a reversal of the historical social and legal rights won by women. Before the coup, the government of Manuel Zelaya had vetoed another bill presented to Congress on April 1, at that time presided over by Roberto Micheletti, to prohibit ECPs. The use and distribution of the ECP had been approved in Honduras in 1992, and represents one of the most important achievements of the Honduran feminist movement.

7. The dysfunction of the justice system

During the *de facto* government regime and afterwards, the ineffectiveness of domestic legal mechanisms was all too apparent, as was their action or omission, which led to impunity, particularly for those who masterminded and carried out the coup and committed serious violations of fundamental rights and freedoms.

In the case of Honduras, justice as a right, value and fundamental principle has not met the legitimate demands of the direct victims of the coup d'état of 2009 and their families. It is no exaggeration to say that many of the operators of the justice system¹²⁴, regardless of their rank and their area of responsibility, were true accomplices of the authoritarian regime. It is also true to say that metaphorically, the justice system bowed down and prostrated itself before the *de facto* regime. It became an extension of the Executive and thereby flouted two of the main principles that should govern the legal apparatus in a democratic society; namely independence and impartiality.

Thus, the appeal of unconstitutionality brought before the Constitutional Chamber of the Supreme Court against the actions used to depose President Zelaya was declared inadmissible.

The legal authorities who dealt with applications for habeas corpus or *amparo* (constitutional protection) also acted ineffectively. Habeas corpus applications were subject to delay and a lack of diligence during processing, despite the provisions of Article 25 of the Law on Constitutional Justice which stipulates that: "*The substantiation of habeas corpus shall be carried out without delay. In order for this to occur the respective judicial body will postpone any matter of a different nature that it may be dealing with. Moreover, it will promptly adopt the necessary measures for the investigation of the case and to protect the freedom and security of the detainee or prisoner. Otherwise, it will be judged as co-author of the arrest, harassment or grievance.*"

¹²⁴ The Commission of Truth uses the term *administration of justice* to refer to the entire state structure responsible for the investigation, prosecution and trial of human rights violations, and *justice operators* as the officials responsible for these tasks.

Moreover, very few Habeas Corpus applications were referred to the Public Prosecutor's Office for investigation. In terms of applications for *amparo*, almost all the cases presented were not granted this protection and a small number are still pending.

The Public Prosecutor's Office, responsible for conducting criminal proceedings related to public order offences, did not fulfill its duty either. The Human Rights Prosecutor, which reports to the Public Prosecutor's Office, failed to respond to human rights violations and failed to fulfill its mandate according to which, under Article 1 of the law establishing it, it must be free from all sectarian political interference, and function independently of state powers and bodies. Only a tiny number of complaints filed have been taken to court, mainly thanks to international pressure. The prosecutors have justified their inefficiency by claiming that the lack of investigations is due to the direct victims and their families' failure to cooperate, a line which, in addition to being disrespectful is also revictimizing and unacceptable, since it is the duty of the state to investigate crimes.

Another common justification is that the Special Prosecutor for Human Rights did not have the cooperation of the Criminal Investigation Directorate (*Dirección Nacional de Investigación Criminal* - DNIC). Criminal investigation, according to the Honduran legal system, must be carried out under the supervision of prosecutors from the Public Prosecutor's Office. Nevertheless, to date, there has been no complaint or administrative penalty or prosecution of investigating officers for delays in or obstructions to investigations, which shows that while the Public Prosecutor's Office may not have colluded in the lack of investigation, at the very least it acquiesced to it.

The Criminal Investigation Directorate, which reports to the Minister of Security, is notable for its complete inability to carry out the investigations within their legal remit, all the more disturbing when police officers are alleged to have committed most human rights violations.

The police and the military have been identified as responsible for killings of coup opponents during mass demonstrations such as the cases of Isy Obed Murillo, Pedro Magdiel, Roger Vallejo and Ilse Ivania Velásquez. They are also accused of rape, harassment and the execution of people from vulnerable groups such as women, young people and members of the LGBTI community; of cruel, inhuman and degrading treatment and torture of members of the coup resistance; and of mass arbitrary arrests of participants in peaceful protests.

On June 28, 2009 (the day of the coup), the *de facto* government imposed a curfew on the entire country for 48 hours. This measure entailed a heavy military and police presence on the streets. On the night of June 29, Valeria Joya¹²⁵ and Vicky Hernández Castillo¹²⁶ were killed in the cities of Comayagüela and San Pedro Sula respectively. Both were victims of extrajudicial killings carried out during the curfew. They were operating as sex workers at the time. Forensics authorities refused to perform autopsies in both cases. Up to the date on which the Commission finalized its analysis of human rights violations, the murders of Valeria Joya and Vicky Hernández were still at the preliminary investigation stage in the Common Crimes Department of the Public Prosecutor's Office.

¹²⁵ Legally identified as Darwin Joya.

¹²⁶ Legally identified as Johnny Emilson Hernández

The police and the army have also perpetrated or participated in the illegal fabrication of evidence, as in the case of the raid by police and soldiers on the National Teacher Training University (UPNFM), where they supposedly seized petrol bombs and sticks of dynamite, on August 12, 2009, evidence which was subsequently declared inadmissible by the competent judge.

The preventive police, the armed forces and other forces such as the municipal police are exhibiting a notable increase in power, which deepens their disrespect for human rights and their dereliction of their official duties.

With regards to the role of judges, in the few cases where the Special Prosecutor for Human Rights pressed charges, the suspects were found not guilty. Some of these cases include:

- Definitive dismissal of the case of the closure of Radio Progreso;
- Definitive dismissal of the case of Elder Madrid Guerra for the events of 12 August 2009;
- Dismissal in the case of the closure of Channel 36;
- Definitive dismissal the case of the Board of Commanders
- Dismissal in the case of four policemen responsible for the torture of Manuel Murillo.

In contrast, the justice system brought criminal proceedings against those who protested against the coup, even to the point of fabricating investigation files. Many of those arrested after the demonstrations were accused of sedition, rebellion, theft and illegal demonstration, without any evidence beyond the statements of those who arrested, beat and tortured them.

These were highly politicized criminal proceedings which aimed to subject those people who organized and protested to long and groundless legal proceedings. This is what the CoT has termed, in Pattern 1, the criminalization of social protest.

Thus, the indictments presented by the Public Prosecutor's Office in consensus with the judiciary resulted in non-custodial sentences with a ban on the accused 'participating in demonstrations in support of Manuel Zelaya Rosales', or 'being present at political rallies and places where members of the group known as the resistance may be found'.

The criminalization of protest was accompanied by practices that violate rights such as arbitrary detention, imposition of non-custodial sentences, arbitrary forms of retention, restriction orders, violations of due process, equating social activists with criminals and arbitrary judicial rulings.¹²⁷

This strategy of refusing to prosecute and punish those responsible for human rights violations and of punishing opponents of the regime can be seen in the political pronouncement in favor of the coup issued by the Supreme Court via five public communiqués dated June 28, June 30, 20 July 20, July 31, and August 21, all in 2009.

This legal bias was also demonstrated by the dismissal of four judges because of their stance against

¹²⁷ Cofadeh denuncia masivas violaciones a los Derechos Humanos en Honduras cometidas desde 2010 (*Cofadeh denounces mass human rights violations committed in Honduras since 2010*). *El Libertador* newspaper.

the coup. These extremes are recorded in the Report of the UN High Commissioner for Human Rights on human rights violations in Honduras since the coup of June 28, 2009.

Moreover, the CoT cannot omit to mention the complicity of the Supreme Court with the coup when they defined what had occurred as 'constitutional succession' and declared that the coup was legal. This event clearly confirms the Supreme Court's bias and lack of commitment to the rule of law.

In conclusion, the state agents responsible for investigation, indictment and prosecution have failed to fulfill their duties, in complicity with the coup regime. For this Commission it is clear that the Criminal Investigation Directorate, the Public Prosecutor's Office which includes the Special Prosecutor for Human Rights, and the judiciary, which form the structure for the administration of justice in its widest sense, denied the right of victims of human rights violations and their families to know the truth about what happened under the coup.

Honduras is far from achieving justice, given that its institutions are in the service of the powerful groups that led the coup. Consequently, neither is the state of Honduras ensuring that there are legal and administrative mechanisms to enable victims to obtain full reparation in compensation for damages suffered.

The political bias which has informed the actions of the entities administering justice during the breakdown of the constitutional order – whose defining characteristic is the violation of legality – is a retrograde step for the Honduran justice system. There has been a shift from a democratic criminal justice policy to a policy for state security; from a system of guarantees to an inquisitorial system; from a system of legality to one which is arbitrary. This is consistent with the tenets of totalitarian regimes in which the state sets itself up as an end in itself, banishing human beings from the favored place they had previously occupied.¹²⁸

This situation, which would be contrary to any democratic system, has resulted in the rights and freedoms of citizens being seriously threatened – not only because of these crimes, but also because of the constant persecution, sanctions and arbitrary actions of the *de facto* regime, with the help of justice operators.¹²⁹

The inauguration of a new government on January 27, 2010 did not herald a change in policies for the administration of justice regarding social control or the repression of the political opposition.¹³⁰ Institutional violence and, in particular, the perversion of justice continue to be mechanisms used by the state to build a social order which, among other things, stands out as being increasingly polarized.¹³¹

The *ius puniendi* (right to punish), which in a democratic state with the rule of law is only wielded

¹²⁸ "Independencia judicial post golpe de Estado en Honduras: ¿Existe en efecto Independencia judicial post golpe?" ("Judicial independence post coup in the State of Honduras: Does judicial independence really exist post coup?") P. 12. CIPRODEH Report

¹²⁹ Ibid.

¹³⁰ IV COFADEH Report. pp. 2.

¹³¹ Rodríguez, Esteban. "El derecho a la protesta, la criminalización y la violencia institucional" (The right to protest, criminalization and institutional violence). <http://www.territorioidigital.com/nota.aspx?c=4236725030446172>

against human beings as a last resort has, since the coup of June 28, 2009, become a useful tool for political interests, thereby directly affecting democracy and the rule of law.

The international responsibility of the state of Honduras

Article 2 of the International Covenant on Civil and Political Rights, ratified by Honduras on August 25, 1997, establishes the following:

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

In accordance with the above article, State parties have a series of human rights obligations towards people under their jurisdiction.

Similarly, article 1 of the American Convention on Human Rights (hereafter the American Convention), an instrument ratified by Honduras in September 1977, establishes that the State Parties commit to:

... respect the rights and freedoms recognized herein and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, color, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

This article establishes the general obligations of States. In relation to these, the Inter-American Court of Human Rights has stated that:

[...] under the American Convention, the international responsibility of States arises at the time of the violation of the general obligations *erga omnes* to respect and ensure respect for – guarantee – the norms of protection and also to ensure the effectiveness of all the rights established in the

Convention in all circumstances and with regard to all persons [...] ¹³²

The CoT considers that the events which have been reported above compromise the international obligations of the state of Honduras, because they constitute violations of various human rights as described below:

a. Violation of the right to life

Article 4.1 of the American Convention establishes that:

Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.

The Inter-American Court of Human Rights has repeatedly stated that the right to life is fundamental, because the exercise of all other rights depend upon the safeguarding of life. ¹³³ When this right is not respected, all other rights lose their meaning. Because of this, it is not admissible to impose restrictions on the right to life. ¹³⁴

The Court has also established that compliance with Article 4, related to Article 1.1 of the Convention, not only presupposes that no person shall be deprived of their life arbitrarily (negative obligation), but also requires states to take all appropriate measures to protect and preserve the right to life (positive obligation), ¹³⁵ in line with the duty to ensure the full and free exercise of rights of all persons under their jurisdiction. ¹³⁶

According to the Court, the key is to determine “whether a specific violation [...] has occurred with the support or the tolerance of the public authorities, or whether the latter have allowed the act to take place without taking measures to prevent it or to punish those responsible.” [...]. This obligation requires the States take appropriate measures to protect and preserve the rights of all those under its jurisdiction (positive obligation), in keeping with its obligation to ensure the free and full exercise of those rights [...]. ¹³⁷

¹³² IACHR. *Case of the Pueblo Bello Massacre vs. Colombia*. Judgment on Merits, Reparations and Costs January 31, 2006 para. 111.

¹³³ Cf., IACHR. *Case of the Yakye Axa Indigenous Community v. Paraguay*. Merits, Reparations and Costs. Judgment of June 17, 2005. Series C No. 125, par.161; IACHR. *Case of the "Juvenile Re-education Institute" v. Paraguay*. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 2, 2004. Series C No. 112, para. 156; IACHR. *Case of the Gómez-Paquiyaqui Brothers v. Peru*. Merits, Reparations and Costs. Judgment of July 8, 2004. Series C No. 110, para. 128.

¹³⁴ Cf., IACHR. *Case of Baldeón-García v. Peru*. Merits, Reparations and Costs. Judgment of April 06, 2006. Series C No. 147, para. 82.

¹³⁵ Cf., *Case of González et al. ("Cotton Field") v. Mexico*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 16, 2009. Series C No. 205, para. 245; IACHR. *Case of the "Street Children" (Villagrán-Morales et al.) v. Guatemala*. Merits. Judgment of November 19, 1999. Series C No. 63, para. 144; IACHR. *Case of the Miguel Castro-Castro Prison v. Peru*. Merits, Reparations and Costs. Judgment of November 25, 2006. Series C No. 160, para. 237; IACHR. *Case of Vargas-Areco v. Paraguay*. Judgment of September 26, 2006. Series C No. 155, para. 75.

¹³⁶ Cf., *Case of González et al. ("Cotton Field") v. Mexico*. Preliminary Objection, Merits, Reparations and Costs. Judgment of November 16, 2009. Series C No. 205, para. 245; IACHR. *Case of the "Street Children" (Villagrán-Morales et al.) v. Guatemala*. Merits. Judgment of November 19, 1999. Series C No. 63, para. 144; IACHR. *Case of the Miguel Castro-Castro Prison v. Peru*. Merits, Reparations and Costs. Judgment of November 25, 2006. Series C No. 160, para. 237; IACHR. *Case of Vargas-Areco v. Paraguay*. Judgment of September 26, 2006. Series C No. 155, para. 75.

¹³⁷ IACHR. *Case of Barrios Family v. Venezuela*. Merits, Reparations and Costs. Judgment of November 24, 2011. Series C No.

The CoT has analyzed events which occurred in several public demonstrations held in opposition to the coup, and concludes that the right to life was violated for various reasons.

Firstly, we consider that the State of Honduras is directly responsible for at least one of the deaths, namely the murder of Isy Obed Murillo, which occurred on July 5, 2009.

As mentioned above, this young man was participating in the demonstration held in Tegucigalpa, when he was shot in the head, which caused his death, according to an investigation conducted by the Special Prosecutor for Human Rights which found 167 shell casings at the scene. Moreover, all the witnesses interviewed agree that it was the military that fired on the crowd of peaceful demonstrators. For the CoT there is no doubt that the murder was the result of the actions of the military and hence the State of Honduras breached its obligation to respect the right to life.

State responsibility for the violation of the right to life was also observed in the excessive use of force that characterized the conduct of State agents in all demonstrations against the coup and, specifically, in the demonstration in which Obed Murillo participated.

In fact, in its report 'Honduras: Human Rights and Coup d'Etat', the Inter-American Commission concluded that the assassination of Isy and a further 6 people,¹³⁸ had been the result of disproportionate use of force by the army and police.¹³⁹

The State of Honduras should have refrained from using excessive force to repress those who opposed the breakdown of the constitutional order. State officials instead abused their position of power and, with blatant disregard for life, took advantage of the vulnerability of the protesters, killing one of them.

On this issue, principle 9 of the *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* states that:

"Principle 9- The officials in charge of enforcing the law shall not use firearms against persons except in self-defense or in the defense of other persons, in cases of imminent danger of death or serious injury, or in order to prevent the perpetration of a particularly serious crime involving a serious threat to life, or in order to arrest a person presenting such a danger and resisting their authority, or to prevent the escape of such a person, and only when less extreme measures are insufficient to achieve these objectives. In any case, lethal weapons may only be used intentionally when they are strictly unavoidable to protect life".¹⁴⁰

This principle refers indirectly to the requirements of legality, necessity and proportionality that must be considered when using force at this type of event. In this regard, the IACHR has noted that the legitimate use of public force implies, among other factors, that this should be not only

237, Par. 116 in fine.

¹³⁸ Pedro Magdiel Muñoz, Roger Vallejos Soriano, Pedro Pablo Hernández, Wendy Ávila, Francisco Alvarado, Elvis Jacobo Euceda Perdomo.

¹³⁹ IACHR. Honduras: Human Rights and the Coup d'état. OEA/Ser.L/V/II. Doc. 55, of December 30, 2009, para 250

¹⁴⁰ Adopted at the Eighth UN Congress on the Prevention of Crime and Treatment of Offenders, 7 September 1990

necessary but also proportionate to the situation; that is to say, it must be exercised with restraint and in proportion to the legitimate objective to be achieved, and attempts should be made to minimize injury and loss of human life. The degree of force used by state officials is considered appropriate according to international standards when it is not more than what is deemed to be “absolutely necessary”. The state should not use force disproportionately or immoderately against individuals who are under its control and are therefore not a threat. In these cases, the use of force is considered to be disproportionate.¹⁴¹

Unfortunately, the Honduran authorities disregarded international standards on the matter and failed to comply with their obligations to respect and guarantee the right to life, not only in the case of the murder of the young man Isy Obed Murillo, but also in the deaths of Pedro Magdiel, Pedro Pablo Hernández, Roger Abraham Vallejo Soriano, Francisco Alvarado, Elvis Jacobo Euceda Perdomo, Jairo Sánchez, Wendy Elizabeth Ávila, and Ilse Ivania Velásquez Rodríguez. All of these people took part in peaceful demonstrations against the coup and all of them died in this context resulting from the use of excessive force against them by state agents. Witness statements received by the CoT and the evidence accessed from legal case files allow us to arrive at this conclusion.

Finally, the violation of the right to life to the detriment of the people mentioned above also demonstrates a lack of compliance with the duty to effectively investigate and punish those responsible.

Thus, States must prevent, investigate and punish any violation of the rights recognized in the Convention.¹⁴² The Inter-American Court has stated that:

“the general duty under Article 1(1) of the Convention to ensure the free and full exercise of the human rights recognized therein entails the obligation to investigate violations of any substantive right which must be protected or guaranteed”.¹⁴³

Indeed, as also noted by the Court, in cases of serious violations of fundamental rights, such as the right to life, the imperative to avoid its repetition will only be satisfied when impunity is prevented and the right of victims and society as a whole to learn the truth of what happened has been fulfilled. Therefore, the obligation to investigate is a means to guarantee such rights, and their violation becomes the international responsibility of the State.¹⁴⁴

The Court has also noted that “it is essential that States effectively investigate deprivation of the right to life and to punish all those responsible”.¹⁴⁵ This means that *ex officio* and without delay, a serious, impartial and effective investigation should begin.

¹⁴¹ IACHR, Report on the Situation of Human Rights Defenders in the Americas, OEA/ Ser.L/V/II.124. Doc. 5 rev.1, 7 March 2006, paragraph 64.

¹⁴² Cf., IACHR. *Case of Velásquez-Rodríguez v. Honduras*. Merits. Judgment of July 29, 1988. Series C No. 4, para. 166.

¹⁴³ IACHR. *Case of Zambrano-Vélez et al. v. Ecuador*. Merits, Reparations and Costs. Judgment of July 4, 2007. Series C No. 166, para. 88.

¹⁴⁴ Cf., IACHR. *Case of Vargas Areco vs. Paraguay*.

¹⁴⁵ Cf., IACHR. *Case of Myrna Mack Chang vs. Guatemala*. Merits, Reparations and Costs. Judgment of 25 November 2003. Series C No.101, para. 156.

At the time of writing, more than three years have passed since most of the killings described in this report occurred (except for the death of Ilse Ivania Velásquez Rodríguez which occurred in March 2011); nevertheless not one person has been effectively tried or punished for any of these crimes.

In conclusion, all these killings remain unpunished and it is evident from files accessed by the CoT that the Public Prosecutor's Office has not met its obligation of due diligence and has not undertaken the necessary actions to identify, prosecute and punish those responsible. Therefore, the State of Honduras is also responsible for violating the right to life of these deceased persons.

b. Violation of the right to humane treatment

Numerous international treaties, universal in nature, enshrine the right to humane treatment and the absolute prohibition on the use of torture and other cruel, inhuman and degrading treatment. These treaties include the International Covenant on Civil and Political Rights (Article 7); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (Article 2); the Convention on the Rights of the Child (Article 37), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Article 10).

Similar provisions are also established in regional instruments such as the Inter-American Convention to Prevent and Punish Torture (Article 2); the African Charter on Human and Peoples' Rights (Article 5); the African Charter on the Rights and Welfare of the Child (Article 16); the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Article 4) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 3).

Of importance to the Honduran case, Article 5 of the American Convention establishes that:

1. Every person has the right to have his physical, mental, and moral integrity respected.
2. No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.

It is therefore clear that torture and cruel, inhuman or degrading treatment are strictly prohibited by international human rights law. The absolute prohibition of torture, both physical and psychological, is currently part of international *jus cogens*. As stated by the Inter-American Court "said prohibition subsists even under the most difficult circumstances, such as war, threat of war, the fight against terrorism and any other crimes, martial law or a state of emergency, civil commotion or conflict, suspension of constitutional guarantees, internal political instability or other public emergencies or catastrophes".¹⁴⁶

Moreover, this Court has determined that there are three elements which constitute torture, namely that it is an intentional act; it causes severe physical or mental suffering, and is committed

¹⁴⁶ IACHR. *Case of the Miguel Castro-Castro Prison v. Peru*. Merits, Reparations and Costs. Judgment of November 25, 2006. Series C No. 160, para. 271; *Case of Baldeón-García v. Peru*. Merits, Reparations and Costs. Judgment of April 06, 2006. Series C No. 147, para. 117, and *Case of García-Asto and Ramírez-Rojas v. Peru*. Judgment of November 25, 2005. Series C No. 137, para. 222.

for a given aim or purpose.¹⁴⁷

By analyzing several cases used as examples in this report according to international standards, the CoT concludes that some of these cases constitute acts of torture and cruel, inhuman and degrading treatment, incurring the international responsibility of the State of Honduras for these crimes.

In relation to the above, it is important to mention the acts committed by the *de facto* authorities in the Brazilian Embassy in Tegucigalpa, which began on September 21, 2009. According to numerous testimonies received by the CoT, the Honduran security forces carried out a number of actions in order to force individuals to leave the building, including for example, pointing searchlights into the Embassy; installing an electromagnetic device causing hearing discomfort and disorientation for a long time afterwards; firing tear gas on at least one occasion; preventing food from being delivered freely; playing the Honduran national anthem in the early morning through loudspeakers at an unbearable volume for long periods. In addition there was a constant presence of numerous soldiers continuously marching and bearing their weapons in a threatening manner. These actions viewed together constitute clear acts of torture of the people inside the Brazilian Embassy.

Indeed, most of the acts described were carried out for extended periods of time in a premeditated and intentional manner. They aimed to achieve the surrender of then President Manuel Zelaya Rosales and the departure of his supporters, and also attempted to weaken their resistance and reduce the capacities of those leading the opposition to the coup. Finally, these acts caused severe psychological distress and sometimes even physical distress to the people trapped in the embassy. Many of them were forced to ask for permission to leave because of the effect on their physical and mental health.

The responsibility of the state of Honduras for the violation of the right to humane treatment is also derived from the excessive use of force in all public demonstrations which were held against the coup.

As noted above, thousands of protesters were victims of beatings and assaults because of the indiscriminate use of batons; many suffered suffocation due to tear gas inhalation or were brutally attacked, and it was even found that a number of people suffered bullet wounds. These acts perpetrated by police and army personnel were intended to punish those people participating in the demonstrations and intimidate opponents into ceasing to criticize the *de facto* government. Despite international calls for such practices to be stopped¹⁴⁸ they continued, and therefore thousands of people had their right to humane treatment violated.

This right was also violated for individuals who were victims of arbitrary arrest and while in the custody of state agents were beaten and suffered other verbal and physical abuse.

¹⁴⁷ IACHR. *Case of Bueno-Alves v. Argentina*. Merits, Reparations and Costs. Judgment of May 11, 2007. Series C No. 164, para. 79.

¹⁴⁸ IACHR. Press Release no. 64/09 - *IACHR urges the de facto government of Honduras to respect demonstrations*. Washington, DC, September 22, 2009. Press Release no. 65/09 - *IACHR condemns excessive use of force in repression of demonstrations in Honduras*. Washington, DC, September 22, 2009. Press Release no. 68/09 - *IACHR Urges Honduras to respect the rights of people who are in the Brazilian Embassy*. Washington, DC, September 25, 2009.

Special mention should be made of the sexual violence suffered by some women because of their participation in demonstrations. The CoT wishes to highlight the case of I.M.V, a young woman who was raped by four police officers in August 2009.

Regarding this issue, the Convention of Belém do Pará, notes that violence against women is not only a violation of human rights, but is “an offence against human dignity and a manifestation of the historically unequal power relations between women and men”, which “pervades every sector of society regardless of class, race or ethnic group, income, culture, level of education, age or religion and strikes at its very foundations”.¹⁴⁹

For its part, the Inter-American Court has defined sexual violence as actions of a sexual nature committed against a person without their consent, which in addition to including the physical invasion of the human body may include acts which do not involve penetration or even any physical contact whatsoever.¹⁵⁰ For the Court, rape is a paradigmatic form of violence against women, the consequences of which even transcend the personhood of the victim.¹⁵¹

The Inter-American Court has also found that sexual violence is an act of torture even if it consists of a single event or occurs outside state facilities.¹⁵² As noted, this is so “because the objective and subjective elements that classify an act as torture do not refer either to the accumulation of facts or to the place where the act is committed, but to the intention, the severity of the suffering, and the purpose of the act”.¹⁵³

Thus, the events which occurred in the case of the young I.M.V. because of her participation in a public demonstration clearly constitute an act of torture. According to her testimony, at the time of her rape, the police officers told her that she had brought it upon herself “by getting yourself involved in things that don’t concern you”. This shows that the aim of these individuals was to punish her for her involvement in the demonstration, that is to say, for simply exercising her right to freedom of expression. Moreover, it is evident that severe suffering is caused by such acts, and in the case of young I.M.V., in addition to physical suffering, she also had to leave her country for fear of reprisals.

For the CoT, this kind of attack deserves the utmost condemnation, since it violates the most intimate sphere of women’s lives and furthermore is a reflection of the discrimination to which they have been historically subjected.

Unfortunately, neither this act of sexual violence nor other acts of torture, nor the thousands of cases of cruel, inhuman and degrading treatment, have been the subject of diligent investigation. In this regard, the Inter-American Court has noted that, in the light of the general obligation of the State Parties to respect and guarantee the rights of all persons subject to their jurisdiction,

¹⁴⁹ Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. Preamble.

¹⁵⁰ IACHR *Case of the Miguel Castro-Castro Prison v. Peru*. Merits, Reparations and Costs. Judgment of November 25, 2006. Series C No. 160, para. 306.

¹⁵¹ IACHR. *Case of Fernández-Ortega et al. v. Mexico*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 30, 2010. Series C No. 215, para. 119.

¹⁵² *Ibid.* para. 128

¹⁵³ *Ibid.*

contained in Article 1(1) of the American Convention, along with the right to humane treatment under Article 5 of the Convention, the State has the obligation to commence immediately an effective investigation to enable those responsible to be identified, tried and punished, whenever there is an accusation or well-founded reason to believe that an act of torture has been committed.¹⁵⁴

In most of the cases described, the authorities have been made aware of the facts; however, the investigations have been deficient and, in practice, non-existent. This is unfortunate because it is only through effective investigations that it is possible to prevent the recurrence of such incidents and meet the expectations of victims and society as a whole. In conclusion, the lack of due diligence in investigating the incidents described also places international responsibility on the State of Honduras.

c. Violation of personal liberty

Article 7 of the American Convention establishes that:

1. Every person has the right to personal liberty and security.
2. No one shall be deprived of his physical liberty except for the reasons and under the conditions established beforehand by the constitution of the State Party concerned or by a law established pursuant thereto.
3. No one shall be subject to arbitrary arrest or imprisonment.
4. Anyone who is detained shall be informed of the reasons for his detention and shall be promptly notified of the charge or charges against him.
5. Any person detained shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to be released without prejudice to the continuation of the proceedings. His release may be subject to guarantees to assure his appearance for trial.

[...]

This means that the Convention has enshrined as a principle the guarantee of individual freedom and security, and the prohibition of illegal or arbitrary detention or imprisonment.

The Inter-American Court has noted that with regards to illegal detention, although the State has the “obligation [...] to guarantee its security and to maintain public order, nevertheless, the power of the State in this matter is not unlimited; its actions are subject to respect for the fundamental rights of individuals under its jurisdiction and observance of procedures according to the Law”.¹⁵⁵

For the Inter-American Court of Human Rights, Article 7 of the Convention enshrines guarantees which limit the authority of state agents. These limits apply to state control mechanisms, including detention. This measure will be in accordance with the guarantees enshrined in the Convention, provided that it only used in exceptional circumstances, and it respects the principle of the presumption of innocence and the principles of legality, necessity and proportionality, essential in a

¹⁵⁴ Cf. IACHR. *Case of Gutiérrez-Soler v. Colombia*. Judgment of September 12, 2005 Series C No. 132, para. 54.

¹⁵⁵ Cf. IACHR. *Case of Bulacio v. Argentina*. Merits, Reparations and Costs. Judgment of September 18, 2003. Series C No. 100, para. 124; *Case of Juan Humberto Sánchez v. Honduras*. Preliminary Objection, Merits, Reparations and Costs. Judgment of June 7, 2003. Series C No. 99, para. 86; and *Case of Hilaire, Constantine and Benjamin et al. v. Trinidad and Tobago*. Merits, Reparations and Costs. Judgment of June 21, 2002. Series C No. 94, para. 101.

democratic society.¹⁵⁶

Thus, the restriction on the right to personal liberty, including detention, should only be applied under the circumstances and conditions previously established by the Constitution or under domestic law and in accordance with objectively defined procedures.

These standards were not respected by the *de facto* authorities in Honduras since dozens of people were arrested at virtually all the demonstrations, and although some of them were only detained for several hours before being released, the fact of the matter is that all these arrests were made arbitrarily since there was no legal justification for them.

According to the information received by the CoT, over 100 people were arrested and prosecuted for various offences such as sedition, illegal demonstration, property damage and theft. Thus, the Public Prosecutor's Office subjectively and indiscriminately applied domestic legislation and expanded the scope of criminal offences such as sedition and unlawful demonstration. Moreover, the validity of these types of crimes and the fact that they were applied in order to intimidate demonstrators and to seek an end to their protests constituted a violation of Article 2 of the American Convention on Human Rights, which establishes the obligation of States to adopt domestic legislation to promote rights and freedoms.

Furthermore, all the arrests were collective ones during peaceful demonstrations. However, the Court noted that "a massive and programmed arrest of people without legal grounds, in which the State massively arrests people that the authority considers may represent a risk or danger to the security of others, without substantiated evidence of the commission of a crime, constitutes an illegal and arbitrary arrest".¹⁵⁷

The Court, in its *Advisory Opinion OC-18 on the Juridical Condition and Rights of Undocumented Migrants*, established that there is an inseparable link between the obligation to respect and guarantee human rights and the principle of equality before the law and non-discrimination, and that this should inform all state actions.¹⁵⁸ For this reason, the state may not act against a particular group of people, whether based on gender, race, color, language, religion or belief, political or other opinion, national, ethnic or social origin, nationality, age, economic status, place of origin, marital status, birth or other condition.¹⁵⁹

Notwithstanding the above, in the demonstrations that were documented by the Commission, it is clear that the police and the army indiscriminately arrested people who were participating in peaceful demonstrations, thus the only common denominator among those arrested was their disagreement with the breakdown of the constitutional order; and it is therefore clear that there was a policy of arresting people opposed to the coup and thereby a discriminatory application of this measure. These actions also make the State of Honduras internationally responsible.

¹⁵⁶ Cf. *Case of López Álvarez*. Judgment of February 1, 2006. Series C No. 141, para. 67, *García Asto and Ramírez Rojas*. Judgment of November 25, 2005. Series C No. 137, para. 106.

¹⁵⁷ IACHR. *Case of Servellón-García et al. v. Honduras*. Judgment of September 21, 2006. Series C No. 152, para. 93.

¹⁵⁸ IACHR. *On the Juridical Condition and Rights of Undocumented Migrants*. Advisory Opinion OC-18 of 17 September 2003. Series A No. 18, para. 85.

¹⁵⁹ *Ibid.* para. 100 and 101.

d. Violation of the right to freedom of expression and assembly

Various international treaties establish the right to freedom of expression and assembly, such as the Declaration of the Rights of Man (Articles 19 and 20.1), the European Convention on Human Rights (Article 10.1), and the International Covenant on Civil and Political Rights (Article 18 and 22).

In the Inter-American System of Human Rights, it is Article 13.1 of the American Convention which establishes this right:

1. Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.

Moreover, Article 15 of the Convention states that:

The right of peaceful assembly, without arms, is recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and necessary in a democratic society in the interest of national security, public safety or public order, or to protect public health or morals or the rights or freedom of others.

Freedom of expression is one of the foundations of representative democracy. In this regard the Declaration of Principles on Freedom of Expression states that it “(...) is a fundamental and inalienable right of all individuals. Additionally, it is an indispensable requirement for the very existence of a democratic society”.¹⁶⁰

The European Court has emphasized the importance of this freedom, indicating that it constitutes one of the essential foundations of a democratic society and one of the conditions for its advancement and for the development of all persons.¹⁶¹

Similarly, the Inter-American Court has said that freedom of expression, particularly in matters of public interest, is a cornerstone upon which the very existence of a democratic society rests, noting that “it should not only be guaranteed in relation to the dissemination of information or ideas that are favorably received or considered to be inoffensive or indifferent, but also for in the case where such information or ideas shock, concern or offend the State or any sector of the population”.¹⁶²

There is a strong link between freedom of expression and freedom of assembly. Thus, the IACHR has held that “through the exercise of freedom of assembly, individuals have the right to share opinions, express their positions on human rights, and coordinate action plans, whether at assemblies or public demonstrations. Moreover, the exercise of the right to assembly is essential for the exercise of other rights such as freedom of expression and the right to association”.¹⁶³

¹⁶⁰ OAS. Declaration of Principles on Freedom of Expression. October 2000. Available at: <http://www.oas.org/es/cidh/expresion/showarticle.asp?artID=26&IID=2>

¹⁶¹ ECHR. *Handyside v. United Kingdom*. December 7, 1976. Para. 48

¹⁶² IACHR. *Perez et al vs. Venezuela*. January 28 2009. Para. 116.

¹⁶³ IACHR. Report on the situation of Human Rights Defenders in the Americas. 2006. Para.52

In accordance with the above, the IACHR concludes that “People from all political sectors have the right to fully and freely exercise their right to freedom of expression and their right to assembly, without violence and in accordance with the law and inter-American standards for the protection of human rights. As the Inter-American Commission and Court have indicated, the States not only should refrain from interfering with the exercise of these rights, but it should also adopt measures to ensure that these rights can be exercised effectively.”¹⁶⁴

In the context of the coup, the exercise of the rights to freedom of expression and assembly was essential to restoring constitutional order. However, far from guaranteeing these rights, the *de facto* authorities used all the powers at their disposal to limit them.

Violations of the rights to freedom of expression and assembly are numerous and have different manifestations, the only common denominator being the intention on the part of government forces to silence dissenting voices.

Thus, for example, the acts of repression and use of excessive force in all demonstrations against the coup d'état constitute flagrant violations of these rights.

The participation of thousands of people in peaceful demonstrations took place in the context of the exercise of their rights to freedom of expression and assembly. Consequently, repressing these activities and criminalizing some participants led to unlawful restrictions against such rights, restrictions that do not meet the conditions of necessity, or proportionality, nor do we consider that they had a legitimate objective within a democratic society.

Additionally, intervention in sections of the media such as *Canal 36* and *Radio Globo*, is a clear example of the authorities' intention to further limit public access to information which was critical of the government. As discussed, journalists and social communicators who worked for these media channels were assaulted, denied access to public activities, had their transmission equipment confiscated, their offices were militarized, their electricity supply was cut off, and moreover, their offices were ransacked on a number of occasions.

The case of journalist Cesar Silva Rosales is another example of the violation of freedom of expression. When considering his statements, it is clear to the CoT that his abduction, and other attacks and harassment he suffered stem from the role he played in reporting on and opposing the decisions taken by the *de facto* government. We have also come to a similar conclusion after studying the case of cameraman Manuel de Jesús Varela.

Moreover, the CoT is convinced that freedom of expression was also violated to the detriment of the judges Guillermo López Lone, Tirza Flores Lanza, Luis Chévez de la Rocha and Ramón Barrios. They were arbitrarily dismissed for having exercised their freedom of expression to oppose the coup.

The IACHR has said that “the State has an obligation to guarantee the free and full exercise of these

¹⁶⁴ IACHR. Press release 64/09.

rights, [in reference to freedom of expression and assembly] which may only be curtailed by restrictions expressly contemplated in the American Convention on Human Rights”¹⁶⁵ However, as has been demonstrated, the State of Honduras did not fulfill its obligation to guarantee these rights and instead, used all the resources at its disposal to unduly restrict them, and for this reason the State is internationally responsible.

e. Violation of political rights

Article 23.1 of the American Convention establishes that:

1. Every citizen shall enjoy the following rights and opportunities:

a. to take part in the conduct of public affairs, directly or through freely chosen representatives;

b. [...]

The political rights established in the American Convention, and in a number of other international instruments¹⁶⁶ provide for the strengthening of democracy and political pluralism. The Inter-American Court has established that “the effective exercise of political rights constitutes an end in itself and also a fundamental means that democratic societies possess to guarantee the other human rights established in the Convention.”¹⁶⁷

Taking into account the context in which various of the incidents occurred which we have used to illustrate this report, the CoT concludes that numerous acts of aggression and harassment against all those who demonstrated against the coup were intended to prevent their participation in matters of public interest, protected by the aforementioned Article 23.1.

The CoT believes that strong protests after the coup d'état and allegations of human rights violations made by several of the victims mentioned in this report fall under the right to participate directly in public affairs contained in Article 23.1 of the Convention. This right is also found within the Inter-American Democratic Charter, which values the importance for the development of democracy of an ongoing, ethical and responsible participation of individuals within a legal framework established under the relevant constitution.¹⁶⁸

Moreover, there was also a violation of the political rights of former President Zelaya Rosales and former Foreign Minister Patricia Rodas, who were public officials who had been duly appointed and who were arbitrarily expelled from their posts. On this issue, the UN Human Rights Committee has stated that the guarantee of protection covers both access to public office as well as continuation in office in conditions of equality and non-discrimination with regards to procedures for suspension and dismissal.¹⁶⁹ Therefore, by not guaranteeing the tenure of their offices, the State of Honduras

¹⁶⁵ IACHR. Annual report on the situation of human rights. 2007. Chap. IV, Venezuela. Para. 265

¹⁶⁶ American Declaration of the Rights and Duties of Man (Article XX); Universal Declaration of Human Rights (Article 21); Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 3); International Covenant on Civil and Political Rights (Article 25); the American Convention on Human Rights (Article 23); the African Charter on Human and Peoples' Rights (“Banjul Charter”) (Article 13); and Inter-American Democratic Charter (Articles 2, 3 and 6).

¹⁶⁷ IACHR, *Case of Castañeda Gutman v. Mexico*. Judgment of August 6, 2008, para. 143.

¹⁶⁸ Inter-American Democratic Charter, Article 2.

¹⁶⁹ *Pastukhov v. Belarus (814/1998)*, ICCPR, A/58/40 vol. II (5 August 2003) 69 (CCPR/C/78/D/814/1998) at paras. 7.3 and 9;

committed a violation of political rights.

f. Violation of effective legal protection and due process

After June 28, 2009, the Supreme Court established its position in relation to the events which occurred on that day, ruling that the events did not qualify as a coup d'état, but rather as 'presidential succession', which had supposedly occurred within the framework of the Constitution and the law.

This position is consistent with statements made by the Public Prosecutor's Office and the National Human Rights Commissioner¹⁷⁰, who also strongly denied that a coup had taken place.

Such conduct exacerbated the human rights violations resulting from the coup, since there was no institution through which complaints could be channeled, facts investigated, those responsible punished and the victims compensated, which fostered a climate of total impunity.

This conclusion is not new, indeed it is worth quoting the OHCHR Report which stated that "the institutions responsible for the protection of human rights and guaranteeing the rule of law in many cases did not fulfill their mandate primarily because of a lack of independence"¹⁷¹ and, similarly, that "in the period covered by this report, the lack of independence of the Judiciary and the unequal and discriminatory application and interpretation of the law have been evident.

The Public Prosecutor, judges and the Supreme Court of Justice have generally supported the de facto authorities advocating restrictive measures at the expense of the protection of human rights and respect for the rule of law ..."¹⁷²

In practice, as established by the OHCHR, these actions constituted a violation of the right to a fair trial, and to effective legal protection for the victims of other violations.

Article 8.1 of the American Convention establishes that:

Every person has the right to a hearing, with due guarantees and within a reasonable time, by a competent, independent, and impartial tribunal, previously established by law, in the substantiation of any accusation of a criminal nature made against him or for the determination of his rights and obligations of a civil, labor, fiscal, or any other nature.

In relation to this right, the Inter-American Court has noted that:

Article 8.1 of the Convention does not apply only to judges and legal courts. The guarantees established in this norm must be observed in the different procedures used by State entities to adopt decisions determining the rights of the individual, because the State also empowers

Adrien Mundy Busyo, Thomas Osthudi Wongodi, René Sibú Matubuka et al. v. Democratic Republic of the Congo (933/2000), ICCPR, A/58/40 vol. II (31 July 2003) 224 (CCPR/C/78/D/933/2000) at para. 5.2.

¹⁷⁰ United Nations. Report of the United Nations High Commissioner for Human Rights on human rights violations in Honduras since the coup of June 28, 2009, paras. 67, 68, 72, 73, 76 and 83.

¹⁷¹ *Ibid.* para. 67.

¹⁷² *Ibid.*, para. 68.

administrative, collegiate, and uni-personal authorities to adopt decisions that determine rights.¹⁷³

While Article 25.1 of the American Convention states that:

Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.

This article refers to the state's obligation to guarantee the right of every individual to simple and prompt recourse, or any other effective recourse before the competent judges or tribunal for protection against acts that violate his fundamental rights, recognized in the Constitution, the law or the American Convention. According to the Court it is not sufficient for these resources to exist formally; they need to be effective,¹⁷⁴ that is to say, they should provide a genuine opportunity for simple and prompt recourse to achieve, where applicable, the required judicial protection.¹⁷⁵

Several cases which illustrate the different patterns identified by the CoT, show that neither due process nor the right to defense were respected, since the bodies responsible for guaranteeing human rights maintained an openly pro-coup position and acted according to this position rather than in compliance with their international obligations.

Indeed, the expulsion of President Zelaya Rosales and the Foreign Minister Patricia Rodas were completely arbitrary acts not subject to any formal procedure, were even prohibited under domestic law and also violated all judicial guarantees.

In both cases, in addition to being denied the right to defense and the presumption of innocence, the two public servants were also denied access to effective judicial protection since many applications for *amparo* (constitutional protection) filed on their behalf to achieve their return to Honduras were unsuccessful. In this way, although there were remedies available under the law, because of the breakdown of constitutional order, and the apparent lack of impartiality that characterized the Honduran courts, they proved illusory and ineffective in protecting their rights.

In the case of former President Zelaya, violations of the right to a fair trial and effective recourse to justice began from the moment it was decided to open a case against him for attempting to introduce the 'fourth ballot box'. As described above, there were numerous irregularities in this process, which was flawed from its inception. However, the proceedings continued so that his subsequent expatriation could be justified.

¹⁷³ IACHR. *Case of Claude-Reyes et al. v. Chile*. Merits, Reparations and Costs. Judgment of September 19, 2006. Series C No.151, para. 118.

¹⁷⁴ IACHR. *Case of Acosta-Calderón v. Ecuador*. Merits, Reparations and Costs. Judgment of June 24, 2005. Series C No. 129, para. 92; and IACHR. *Case of Tibi v. Ecuador*. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 7, 2004. Series C No. 114, para. 131.

¹⁷⁵ IACHR. *Case of the Serrano Cruz Sisters vs. El Salvador*. Merits, Reparations and Costs. Judgement of March 01, 2005. Series C No. 120, para. 75.

The ineffectiveness of legal recourse was not exclusive to the above cases; it was also true for hundreds of people who had been arbitrarily arrested for participating in demonstrations, with the exception of the courts in San Pedro Sula where judges acted in accordance with their constitutional obligations. In most parts of Honduras, applications for habeas *corpus* and *amparo* were resolved late or rejected with insufficient reason.

Furthermore, the dismissed judges were also victims of such violations. In analyzing the disciplinary files we have observed a significant bias demonstrating the absence of an impartial body capable of giving them a fair hearing; furthermore, the oral and written evidence given by the judges was not taken into account, and the composition of bodies which participated in the decisions to dismiss the judges and their links with the Supreme Court showed a complete lack of impartiality.

In conclusion, the behavior of the judicial bodies, in particular the courts which should play a primary role in controlling the excesses of public authorities, was deplorable and contrary to the principles of judicial independence and impartiality. This caused a lack of protection for thousands of people in Honduras. The CoT considers that these actions should be investigated and effectively punished.

3.2 Cases illustrating patterns of human rights violations

Introduction

The Commission of Truth heard hundreds of testimonies concerning cases of human rights violations. This allowed us to determine patterns of violations which characterized the actions of the *de facto* government and its successor.

Each of the victims heard by the Commission told stories of frustration, helplessness, pain and despair at the breakdown of the constitutional order, but, above all, at the complicity of state structures, which supported the *de facto* government and suppressed the opposition.

For the Commission of Truth, each testimony received is equally valuable. Each describes human stories which have motivated and justify every single word of this report. However, for practical reasons, the Commission has been forced to choose just some of these cases to illustrate patterns of violations. These cases have been selected on the basis of the significance of their impact within the socio-political process in Honduras, and not because there has been any attempt to 'rank' violations of fundamental rights.

Below, the Commission explains the criteria that informed our choice of cases and the reason behind this choice.

Why these cases?

It is important to clarify that although the selection of cases of human rights violations presupposes, to some extent, some degree of subjectivity or discretion in its analysis, the Commission of Truth has identified a number of guidelines or criteria for choosing this list of illustrative cases.

The CoT firstly based its selection on the key principle that the information in the identified case could be duly supported and verified; furthermore, the cases were identified as paradigmatic in terms of their impact on domestic and international public opinion because of the seriousness of the rights violation and the political circumstances surrounding the cases. Another criterion was the case's role as a reference point for a given situation; that is to say, we sought to underline its indicative or exemplifying effect. For example, the killing of human rights defender Walter Tróchez demonstrated the way in which his fundamental rights and freedoms were gravely violated by agents of the state because of his opposition to the breakdown of the constitutional order.

All the cases presented in this report, without detracting from the importance of those which are not mentioned, together succeed in demonstrating to Honduran society and the international community the seriousness of the human rights violations that occurred in Honduras after the coup, and they are also a record of the individual responsibility of the perpetrators and the responsibility of the State for failing to ensure respect for and observance of fundamental rights and freedoms.

Cases to illustrate pattern 1:

The repression of public demonstrations, the excessive use of repressive force by state security agents and the criminalization of public protest.

1.1 Repression of demonstrators in Toncontín airport, July 5, 2009

On July 5, 2009, a group of Honduran citizens and international observers monitoring the situation in Honduras after the coup had gathered in front of Toncontín Airport in Tegucigalpa. According to conservative estimates there were some 350,000 protesters near the runway, awaiting the return of President José Manuel Zelaya, announced for that day. Thousands of Hondurans had travelled from different parts of the country.

Tegucigalpa had been militarized; police and military checkpoints had been set up at the main entrances to the city, as well as in streets and boulevards leading to the airport. There was a large military contingent inside Toncontín, equipped with tanks, military vehicles, and rifles and with snipers on the roofs of the buildings of the airport itself. Its perimeter was also reinforced by the presence of snipers on the roofs of nearby buildings.

In light of this massive demonstration, soldiers and police were forced to remove some of the checkpoints which were blocking access between the Teacher Training University (UPNFM) and Toncontín airport.

The protesters had gathered peacefully during the early hours. The *de facto* government had ordered the closure of the airport for 48 hours and placed military vehicles along the runway to block it off. Between 200 and 250 military personnel were deployed on the runway in front of the protesters, organized into rings.

According to witness statements given to the CoT, military personnel were equipped with gas masks, *toletes*¹⁷⁶, shields, rifles, pistols and tear gas. About 30 soldiers lined up, lying face down, along 100 meters of the runway, with their rifles aimed at the demonstrators and ready to shoot. They did not move from their positions. Behind these two groups, around 100 soldiers remained standing without grouping together in formation; these were backed up by tanks and military commandos.¹⁷⁷

Between 3:00 and 4:00 pm, the airplane in which President Jose Manuel Zelaya was travelling¹⁷⁸ tried to land three times, a group of protesters approached the perimeter fence at the end of the runway, and tried to break it down and enter. The vast majority of people remained in the streets

¹⁷⁶ Cylindrical wooden baton about 60cm long, used by police as a non-lethal weapon to deter lawbreakers.

¹⁷⁷ Testimony 1,2,3 Javier Espinal, given to Cofadeh.

¹⁷⁸ Plane provided by the Venezuelan government, which was transporting President Zelaya, the Foreign Minister Patricia Rodas, the OAS Ambassador Carlos Sosa Coello, President of the UN General Assembly Miguel D'Escoto, Vice President of Venezuela Ramón Carrizales, and Cilia Flores President of the National Assembly of Venezuela. Statement by *Venezuelan Foreign Minister Nicolás Maduro. Noticias 24, Latin America.*

surrounding the area and in a square at the end of the runway. The military began firing tear gas. According to information received by the CoT, we can identify two distinct occasions when the State security forces indiscriminately used their weapons.

During the first 20 minutes, the soldiers fired tear gas and live rounds of bullets.¹⁷⁹ The people gathered in that area ran for protection. Due to the number of people and the density of the gas it was difficult to escape. The CoT was informed of some 11 people whose physical integrity was affected. There was also damage to property when a bullet caused a motorcycle to crash and burst into flames.¹⁸⁰

“I was outside the airport when the soldiers started shooting. I was injured in the genitals. I could see many more who fell under the soldiers’ bullets”.¹⁸¹
“... I was about 5 meters from the wire fence surrounding the airport, at the southern end, when soldiers from the other side of the fence shot at us. One of the shots grazed my head and I lost consciousness”.¹⁸²

Luis Romero Amaya, Denis Díaz Sosa, Alex Zavala, José Manuel Torres, Adrián Izaguirre, Santos Jesús Rivas, Adriana Izaguirre, Bernardino Sánchez and Sagrario Chávez, were wounded by gunfire, while Olga Iris Alvarado and Florentina González were poisoned from inhaling tear gas.

On the second occasion, the attack lasted for 10 to 15 minutes, during which protesters were driven back to the plaza, where they took cover, crouching or lying on the ground behind the wall or crawling on all fours to escape from the area.

Witnesses told the CoT that during the first attack a young man named Isy Obed Murillo Mencías received a gunshot wound to the head which killed him. It is estimated that soldiers fired some 170 live bullets,¹⁸³ which ripped chunks of concrete out of the plaza.

“The moment the soldiers starting firing we all ran in different directions looking for somewhere to take cover. I was with my brother and my son, and we threw ourselves on the ground. Then I heard the protesters saying “Don’t be afraid, don’t be afraid - they’re rubber bullets”, but I looked and when they hit the wall, dust and chunks of concrete went flying, so I shouted to them to lie down on the ground as well because they were live bullets”.¹⁸⁴

Investigation file No. 866-09 of the Special Prosecutor for Human Rights (*Fiscalía Especial de Derechos Humanos* - FEDH) clearly states that 167 5.56 caliber bullet cases were found and three cartridges presumed to be of the same caliber.¹⁸⁵ Protesters recall that Isy Obed Murillo had

¹⁷⁹ Lethal ammunition or projectile composed of gunpowder and lead.

¹⁸⁰ Special Prosecutor for Human Rights investigation file: referring to information and photographs. Includes statements made on July 7, 2009 by José Antonio Reyes Valladares, messenger for BAC-BAMER bank and owner of the burned motorbike (YBR-125ED).

¹⁸¹ Testimony of Denis Díaz Sosa, provided to COFADEH.

¹⁸² Testimony of Luis Ramiro Amaya, provided to COFADEH.

¹⁸³ Special Prosecutor for Human Rights investigation file No. 866-09.

¹⁸⁴ Testimony of Guillermo López Lone, Sentencing Judge in San Pedro Sula. Provided to COFADEH.

¹⁸⁵ FEDH investigation file: adds, on folio 99 (front) to folio 103 (front), a letter of 10 July 2009, from Jorge Walter Molina

remained close the wall. One witness reports that in the cloud of tear gas smoke they could see his body lying motionless. He was taken to the Teaching Hospital, where his family was also sent. There was a heavy military presence there.

At 5:30 pm, the *de facto* government ordered a curfew with effect from 6 pm to 5 am the following day.¹⁸⁶ The CoT was also informed of the arbitrary detention of nine children and 14 adults for violating this order.

Isy Obed Murillo's father, José David Murillo Sánchez,¹⁸⁷ was arrested on July 9, 2009, at around 11:30 in the morning by agents of the National Criminal Investigation Directorate (*Dirección Nacional de Investigación Criminal* - DNIC) as he was leaving the offices of COFADEH after giving statements to investigating officers from the Special Prosecutor for Human Rights in relation to the violent death of his son. The arrest was related to a case brought against him because of his work as an environmental rights defender, which had been inactive for several years.

The CoT notes that the Special Prosecutor for Human Rights has carried out numerous administrative procedures, but that none of them have guaranteed the victims' right to truth, justice and reparation.

Three years after the events described, the Special Prosecutor has not completed the process of investigation into the death of Isy Obed Murillo Mencías.

1.2 Repression in El Paraíso. Arrests, torture, killing of a protester

Between July 23 and 31, 2009, after the announcement of a second attempt by President José Manuel Zelaya to return to Honduras, thousands of people opposed to the coup set out for Las Manos, in El Paraíso department, on the Nicaraguan border, with the purpose of meeting the President. Convoys came from across the country, mostly on July 23rd, in order to gather at noon the following day at the meeting point.

Upon learning that President Zelaya had started his journey to the border with Honduras, from the Nicaraguan capital, and that simultaneously social movements in the country were also travelling there, and that they had declared a national strike,¹⁸⁸ the *de facto* government of Roberto

Doblado and Rosa Galo Macoto, junior criminal investigation officers of the FEDH, to Sandra Ponce, Special Prosecutor for Human Rights. They provide her with information on and refer to her the investigation file on case number 866-09 'Murder of Isis Obed Murillo Mencías' and state "167 bullet cases presumed to be 5.56 calibre; 3 cartridges presumed to be 5.56 calibre, 45 bullet holes in the wall where the motorcycle was burned".

¹⁸⁶ "El Gobierno hondureño aplica toque de queda" (Honduran Government imposes curfew) *La Tribuna*, July 5, 2009 (<http://www.latribuna.hn/2009/07/05/el-gobierno-hondureno-aplica-toque-de-queda/#idc-container>)

¹⁸⁷ The case against Mr. Murillo had begun in 2004, when he opposed illegal logging. At that time the population of Guayape, in the department of Olancho, where illegal logging was being planned, was divided between those who opposed the logging and those who agreed with it. This led to a number of groundless allegations against environmentalists.

¹⁸⁸ The union leader Juan Barahona, coordinator of the Popular Bloc and the National Resistance Front Against the Coup (*Bloque Popular and Frente Nacional de Resistencia contra el Golpe*), informed the population that a general strike had been declared in support of the president's return and thousands of Hondurans travelled to the border area with Nicaragua to await President Zelaya and accompany him to Tegucigalpa.

Micheletti announced that he would be arrested and imposed a curfew,¹⁸⁹ from July 23rd to August 1, which would begin with a continuous 30-hour curfew in the area along the border with Nicaragua where the President planned to enter the country, starting from 12:00 midday on July 24. On the following days the curfew was maintained for 12-hour periods. Meanwhile, in the rest of the country, the measure was applied from 00:00 to 04:30 local time. The continuous curfew mainly affected the border departments of Olancho, Choluteca and Valle.

Immediately and simultaneously military checkpoints were set up along the roads of the main departments, especially those where the demonstrations were strongest and largest; namely in Cortés, Atlántida, Colón, Santa Bárbara, Francisco Morazán, Lempira, Intibucá, La Paz, Comayagua, Ocotepeque and Copán. In the departments of El Paraíso and Francisco Morazán alone, 18 military checkpoints were counted.¹⁹⁰

People who were travelling or holding demonstrations along the roads were detained or arrested and taken to police stations by police officers or soldiers on the grounds that they had violated the curfew.¹⁹¹ The resulting arbitrary arrests spread over a wide area of the country were used as a strategy to stop the convoys travelling to the border.

The Commission of Truth was informed that the police even blocked access to officials from the Public Prosecutor's Office, who were attempting to check the status of persons who had been arrested or detained as they travelled towards the border with Nicaragua. The logbook from Departmental Police Headquarters No. 7, of 26 July 2009 states that, "...Police Commissioner Ferrufino arrived at Departmental Headquarters # 7 in Danlí, El Paraíso, commanding 30 policeman from the Jacaleapa sector, with news that he had received an order to prevent two prosecutors from Tegucigalpa from entering the city of Danlí."¹⁹²

People trapped between military and police roadblocks gave statements to the CoT about the situation they faced, which included a shortage of water, a ban on private businesses selling food, by order of the *de facto* authorities and a ban on hotels renting rooms to protesters who were suspected of being part of the resistance movement.¹⁹³ The Commission also received information about what happened to President Zelaya's family.

According to this Information, on July 24, 2009, the First Lady Xiomara Castro, her younger children,

¹⁸⁹ The curfew ran from July 23 (when people started moving towards the border) to August 1, 2009. The state of emergency was declared, ostensibly to "protect the safety of persons and property and ensure order and social peace". National network, broadcast on Friday July 24, 2009 at 11:30 am. The curfew was announced on national television and radio channels without the backing of a prior decree. In the Official Journal *La Gaceta* of July 27, 2009 Executive Decree No. 011-2009 was issued, dated "June 30, 2009". It decreed the suspension of the following rights and freedoms established in the Constitution of Honduras, covering the whole of Honduras: "1. personal liberty, as established in Article 69; 2. incommunicado detention for more than 24 hours, as stated in Article 71; 3. freedom of association and assembly, enshrined in Article 78; 4. free circulation, leaving, entering and remaining in the country, as stated in Article 81, with the exception of police cars, ambulances, fire trucks, the transport of fuel and transporting newspapers with national circulation".

¹⁹⁰ *IACHR*, Honduras: Human Rights and coup d'état, p. 21, para. 95. Information verified by the Inter-American Commission on Human Rights during its in situ visit to Honduras from August 17 to 21, 2009. At that time the Commission documented that between 4,000 and 5,000 people were unable to travel. p. 69, paragraph 264.

¹⁹¹ Departmental Police Headquarters No. 7, Logbook, Danlí, El Paraíso, folio 286.

¹⁹² *Ibid*, page 241.

¹⁹³ Testimony given to the Commission of Truth, CDV-6-1.

Xiomara Hortensia and Manuel; her mother, Olga Doris Sarmiento, and her mother-in-law, Hortensia Rosales, were travelling to the Las Manos border post to meet President Zelaya. However, they did not reach their destination because they were stopped at various military checkpoints where they were held for five days, including a roadblock in the community of Arenales where they spent the night of July 24, and another in Jacaleapa where they remained until July 26. After the intervention of a judge who granted them *habeas corpus*, they travelled as far as El Paraíso on July 28, staying in a hotel until that was shot at in the early morning, and armed men told them to leave the city.¹⁹⁴

At this time the security forces were given powers to detain people arbitrarily, without immediate judicial intervention and without defense. Thus the mass arrests which occurred between July 23 and 31, 2009 did not meet the minimum requirements that guarantee the rights of detainees. Police officers and armed forces personnel made numerous arrests along the road leading to the Las Manos border.¹⁹⁵ The Commission of Truth was informed that people were subjected to cruel, inhuman and degrading treatment during arrests, when detainees were transferred to official detention centers, or taken to illegal facilities specially adapted for mass arrests. The security forces also resorted to old tactics applied during the 1980s, such as clandestine detention centers.

One of the victims¹⁹⁶ was arrested on July 24, when he and a group of other people was climbing a mountain in the community of Ojo de Agua, on the eastern road, in an attempt to circumvent the roadblocks and continue on to Las Manos, on the border between Honduras and Nicaragua. A platoon of soldiers guarding the area captured and held him in detention for three days in a tent, incommunicado, without food and without allowing him to go to the bathroom. During the time he was held, in the community known as El Verdugo, he was threatened and intimidated.¹⁹⁷

Similarly, the CoT received information about 18 women who, together with their children, arrived from the department of Comayagua and were detained for between 9 and 12 hours in the city of Danlí for breaking the curfew.¹⁹⁸ They told the CoT that they had walked for eight miles because they were prevented from travelling by bus; when they arrived in the city they were arrested, their mobile phones were taken away and they were prevented from going to the bathroom or having any food. The 18 women were released at different times. Later, some 45 men were arrested and

¹⁹⁴ Oral statement given to Bertha Oliva, General Coordinator of COFADEH, and Nora Cortiñas of the Grandmothers of the Plaza de Mayo on July 28, 2009, in the Municipality of El Paraíso; COFADEH files.

¹⁹⁵ Departmental Police Headquarters No. 7, Logbook, Danlí, El Paraíso, folio 274

¹⁹⁶ Name withheld at the victim's request.

¹⁹⁷ Testimony given to CPTRT.

¹⁹⁸ Adrián Carranza, Alfredo Redondo, Ángel de Jesús Rivera Cruz, Arnaldo Hernández, Ernesto Ávila (15 years old), Carlos Alejandro Hernández, César Samuel Escalante Vásquez Ezequiel Torres (16 years old), David Orlando de Cantón, Eduardo Javier Mendoza (15 years old), Eduardo José Redondo Rudy (17 years old), Eliazar Mejía, Heráclito Isaac Sierra, Eser Peralta Lavaire Feliz Antonio Doblado López, Florentino Urbina Acuña, Frank Anderson Corrales (16 years old), Gustavo Adolfo Suazo, Henry Antonio Molina, (11 years old), Jeremías Gómez, Jonathan Noé Osorio Cañada (17 years old), Joaquín Rueda Muñoz, Johnny Salgado, Jorge Francisco Valle, José Francisco Sanhesdias, Katherine Romero (14 years old), Kenia Sarai Funes (15 years old), Leo Gabriel Astriaco, Lidia Margarita Portillo, Linda Roció Romero (17 years old), Luis Beltrán Alvarado Padilla, Mario Javier García Mairena, Marlon Iván Méndez., Marta Socorro, Marvin Javier Sánchez, Maycol Corrales Ventura (13 years old), Miguel Ángel Rodríguez Amador, Milton Ariel Ortiz Sierra *Miguel* (15 years old), Norma Suyapa Ruiz Padilla, Nubia Xiomara Valladares, Orlyn Joel Flores, Roberto Bautista, Rony Misael Mejía Mairena, Sabas de Jesús García Ocampo, Santos Hilario Sánchez, Sergio Raúl Jerezano Correa (17 years old), Teresa de Jesús Rivera, Vicenta Bautista, Víctor Isai Soto Hernández, Vilma Yolanda Flores.

held for a long period of time, including the civil society leader Rafael Alegría, who was released through the efforts of national human rights organizations. The police claimed they had arrested Rafael Alegría for two reasons: firstly, because he was about to arrive at the border and, secondly, because he had posed as a reporter.

“I wanted to go for a pee and they wouldn't let me. They took our phones so we couldn't contact anyone. They want to throw us in prison. My husband doesn't know where I am, I live far away. I want to go home, I've never been in prison”,¹⁹⁹ at that moment M.S. had tears in her eyes. “We'd walked about 8 kilometers on foot, and when we got there, they arrested us.”

Meanwhile, on the streets of the city of Danlí, police officers in patrol cars with loudspeakers warned passersby to go home because, otherwise, they would be arrested for breaking the curfew. At police headquarters in the municipality of El Paraíso others were also being held in overcrowded conditions.²⁰⁰

In light of the abuses committed in Alauca, the CoT was briefed about journalists covering human rights violations in police stations and checkpoints. Statements given describe how they faced constant danger, from both the police and the military, and also from demonstrators who did not trust the journalists working for the media outlets supporting the coup. On 25 July 2009, a group of foreign journalists was assaulted by police officers at the Danlí police station.

The journalist Wendy Oliva, from the Bolivarian News Agency, tried to take pictures of people detained at police headquarters. Immediately the police ordered her to give them her camera; when the journalist refused to do so, she was physically assaulted. Other journalists were also attacked while trying to defend the photographer and equipment.

“We were informed that there were a lot of detainees in the police station in Danlí, so we went there at three in the afternoon. Surreptitiously I went round the back of the station with my fellow journalists from the USA, Uruguay and Brazil, and the Honduran media were outside, some children showed us where Rafael Alegría was and when we found him behind bars we began recording the fact that they were all crammed into a tiny cell, they were suffocating and needed medicine, and as we were recording, some policemen started to attack us, and to stop us from working, saying that we were not allowed.

¹⁹⁹ Testimony of M.S and N

²⁰⁰ Mario López, Josefa Escoto, Haydee Saravia, Nicole Yáñez, Wilfredo Serrano, José Serrano, Eduardo Flores, Donaldo Domínguez, Oqueli Mejía, Marcia García, Martina García, Pedro Aguilar, Iván Eduardo Sánchez Pérez, Cesar Arnoldo Bobadilla, Carlos Geovanny Salinas, Elsy Leticia Castellanos, Gilma Siliezar, Lesbia Daniela Velásquez, Julia Bobadilla, Dinora Pineda, Edith Umanzor, Sandra Sandoval, Ramón Roger Díaz, Maritza Azucena Osejo, Concepción Zepeda, Milciades Zúniga, Nidia Osejo, Fátima Melisa Zúniga, Ángela Carcomo, Giovanni Gonzales, Harbin Alexander Sandoval, Mari Cruz Portillo Varela, Francisco Javier Armas, Blanca Azucena Rodríguez, Ediltrudis Sosa Ortiz, Lesbia Soriano, Olman Eduardo Soriano, Santos Zacarías Ríos, Justo Pastor Mondragón, Rufino Aguilar, Karen Martínez, Jonathan de Jesús Canales, Manuel Ordóñez, Clemente Sambrano, Juan Antonio Torres, Domingo Solórzano, Luís Alfredo Fúnez, Carlos Rodríguez, Oscar Alberto González, Rony Martínez (beneficiary of precautionary measures from the IACHR), Claudia Ruiz, Alexis Andino, Juan Carlos García, Oscar René Zerón, Alfonso Ávila, José Antonio Zelaya, Aída Días Rosales, Flavio Fernando Sevilla Álvarez, Mineth Gradiz Reyes, Geraldina Pineda, Carmen Sánchez, Jacobo Pineda, Gustavo Orellana Martínez, Elena Melgar Dubon, Antonio Bustamante, Delhi Patricia Barahona, Merlin Salgado, Nubia Moncada, Oneyda Barahona, Leticia Barahona, Sonia Castillo, Iris Yolanda Ramos Ávila, María Ángela Gómez, Elda Barahona, Pablo Valerio, María Eugenia Salgado, José Humberto Meza, Javier Escoto Berrios, Santos Cruz.

We carried on recording what was happening and four policemen attacked us, pushing us and covering our camera lens. They took my camera, they bent my arm behind my back, they took my camera and I was fighting to get it back, I said I was leaving so they should give me the camera, and so eventually after a struggle they gave me it back. My colleague Wendy Oliva from Venezuelan television was assaulted, pushed and thrown to the ground, my colleagues from Brazil and Uruguay were also attacked, we left the scene and fortunately outside there were other international media recording and so they let us go because of the pressure of our colleagues from the international media”.²⁰¹

Nikole Yáñez, a reporter from *Común Noticias* was arrested in El Paraíso and released 12 hours later; during her arrest she was held in cells and was not allowed to have any food, drink water or go to the bathroom. Background information analyzed by the CoT confirms that media journalists who supported the coup were attacked by demonstrators who tried to prevent them from taking photographs.

After 72 hours of continuous curfew, the civil authorities from the cities of El Paraíso and Danlí met separately in order to try and resolve the situation. According to information received by the CoT, the mayor of El Paraíso, Carlos Ovidio Segura Aroca,²⁰² described the situation as serious and announced that he would organize a committee to initiate a dialogue with the leaders of the demonstrations in support of President Manuel Zelaya, and that he would request that they leave the city, because they were causing a lot of problems.

“They’re Hondurans and are in their home country. They have a legitimate right to protest, but we’re going to ask them to leave because we’re all tired of this”.²⁰³

His counterpart, Mayor Luz Victoria Oliva and the *de facto* defense secretary, Adolfo Sevilla, led a meeting with the security forces to find ways to make the curfews less strict, because people had no food or bottled water and gasoline was being rationed. Passenger travel and trucks carrying goods and public transport services had been completely paralyzed since July 24th.

The Commission of Truth had access to the logbook of Police Departmental Headquarters No 7 in Danlí and the detainee register from El Paraíso. According to these books, people were arrested in the following municipalities: Trojes, Potrerillos, Danlí, El Paraíso, Alauca, Jacaleapa and at the border in Las Manos.²⁰⁴ Some people were taken to Departmental Headquarters No. 7 in Danlí and the police station in El Paraíso.

On the dates mentioned above, the two detention centers recorded a total of 441 detainees, including 43 minors.²⁰⁵ The authorities arbitrarily confiscated the belongings of the people they arrested, including three vehicles, with the argument that they were being used to transport people

²⁰¹ Testimony of José Vicente Gaya Mengual, given to the CoT.

²⁰² Mayor Segura Aroca died in April 2010 in a speedboat accident in the Coco or Segovia River, which forms the border between Honduras and Nicaragua.

²⁰³ *El Heraldo*, July 27, 2012.

²⁰⁴ Ibid and Detainee Register from the police station in El Paraíso, El Paraiso.

²⁰⁵ Logbook, Departmental Headquarters No. 7, Danlí, El Paraíso, pages 269 and 185.

to the border.^{206 207}

“They took my car away, which was providing the sound. They broke the windows and shot the tires out, the aggression against the population was unstoppable, and then thanks to the presence of the national and international press who were documenting the incidents, the abuse against the resistance stopped for a moment. I was hit on the head, then I lost consciousness and had trouble hearing and walking normally, because of blows I received on my back, but that did not stop me from continuing in the demonstrations, even though the police and the army knew who I was.

I was hospitalized for a day in Danlí, but for security reasons I left the hospital, because just hours earlier the body of our colleague and resistance hero, Pedro Magdiel Muñoz, had been found with signs of torture. He'd been arrested in the same place where I'd been attacked.”²⁰⁸

During this prolonged and systematic repression, the public security forces used live ammunition to force the protesters to return to Tegucigalpa. At midday on July 24, Moisés Hernández, a member of the Coordinating Committee of Grassroots Organizations in Aguán, (*Coordinadora de Organizaciones Populares del Aguán – COPA*), was shot in the ear.

The CoT has identified some common patterns of conduct during the mass arrests. The authorities acted illegally and arbitrarily; arrests were used as a means of political persecution against social, community, union and political leaders; the result of pressure from the Executive branch in order to send a message to the social sectors in opposition. The authorities did not follow the procedures stipulated by law in any of the cases analyzed. Moreover, a number of women were sexually abused while under arrest.

Witnesses interviewed by the CoT confirmed that in one of the cells of the Police Departmental Headquarters in Danlí, police and soldiers raped three women after midnight on July 25.

“At one in the morning we heard the piercing screams of women, who were saying, “No - please, keep away”... We saw the soldiers pass by; we saw that there were 5 members of the police and the army. We tried to break down the metal door but it was impossible, we shouted at them not to do that to the women. And a policeman came and said he was going to throw a tear gas canister into the cell. All we could do was cover our ears...”²⁰⁹

In what was a campaign of mass arrests carried out by the *de facto* government, there were other human rights violations. During the night of July 24, soldiers and police who were stationed at the Alauca junction conducted military exercises which intimidated and inspired fear in the protesters who had remained outside as they could not travel on because of the curfew. The soldiers made low growling sounds and banged their shields, the typical sound used before crackdowns.

²⁰⁶ Ibid, page 198.

²⁰⁷ Ibid, 217.

²⁰⁸ Testimony of Oliver Valladares, as told to COFADEH.

²⁰⁹ Testimony, as told to the Truth Commission, CDV-6-3.

From the early hours, various waves of repression began, which increased in intensity. The first action of the police and soldiers was to bombard the protesters with tear gas for one hour. After some time, when the protesters had gathered again after being dispersed, the soldiers and police attacked again, this time shooting live bullets, leaving some people injured. The attacks occurred at hourly intervals, then, in the afternoon during a new offensive, they fired the tear gas canisters at the demonstrators' bodies. One teacher, who had travelled from Tegucigalpa to the border, declared that she had been near the roadblock when she felt an object hitting her leg which caused her to fall to the pavement; she managed to get up with difficulty, and when she turned around to save herself she was hit again in the calf. Two years after these events, she still uses a cane to walk.

“On Friday, July 24, 2009, we decided to leave at 5:30 am for Las Manos, we reached a roadblock at Alauca and we stayed there with a few thousand other people, and we were told that an officer was coming to let everyone through. But I think it was a trap, because when they let us through they injured a protester in the ear who was sitting in the back of the car next to ours. From that moment on and for the whole time afterwards they began firing tear gas and carrying out other repressive acts every hour. At one moment there was smoke everywhere and we heard a really loud thundering sound, and something raining down, I have heard that they were peppering the floor with rubber bullets. The noise was similar to the sound of a fire. Then after several teargas bombs I came across a granny with two other people. The police were firing live ammunition at peoples’ feet. I knelt down and I said to them, “I beg you, please, no more, no more” and they replied, “What are you doing here, bitches? Get the fuck out of here, you bitches, all you know how to do is fuck about.” We got in the car and we put different shirts on so that they could not identify us, and later that night I parked my car. People didn't want to sell us any food but we found a place to put the car. The repression continued day and night. We were there (in Alauca) for four days, but we decided to leave because of the inhumane conditions”.²¹⁰

On July 25, in the early hours of the morning, protesters were alerted to the killing of one of their number.

The CoT was given information about the death of **Pedro Magdiel Muñoz Salvador**. According to interviews with a number of different witnesses, during the afternoon of July 24, the 24-year-old young man was arrested by a soldier while he was sitting in the shade of a tree, and he was then dragged inside the roadblock area. A friend of Pedro Magdiel Muñoz approached to try and secure his release, and the soldiers who were guarding the checkpoint assured him he would be freed the next day when the curfew was over.²¹¹ Subsequently, the prisoner was transferred in the back of a pick-up truck without license plates to the police station located at the Alauca junction, in the municipality of El Paraíso.

“We argued with the police at the checkpoint but it was no use, we couldn't even get to the Police Headquarters. Later we formed a cordon near the checkpoint to monitor what was happening.”²¹²

The body of Pedro Magdiel Muñoz was found on a piece of wasteland behind the Gonzales Coffee

²¹⁰ Statement to the Commission of Truth by Paula Jacqueline Rodríguez Contreras

²¹¹ Curfew ending at 6:00 a.m.

²¹² Testimony given to COFADEH.

Mill in the San José neighborhood, with signs of torture and multiple knife wounds to his bare torso. The forensic report found 42 wounds to his skin, muscles and internal organs, located in his head, the right side of his neck, left cheek, front and back of his chest, back of his right shoulder and the right lumbosacral region, cracked bones in the right parietooccipital area of his skull, and reddish circular bruising around both wrists. The fatal injuries were caused by stabbing and a blow from a blunt instrument.²¹³ At the site where the body was found there were no signs of blood so he is presumed to have died elsewhere.

In another case of abuse of authority, on August 2, at the Jutiapa junction, in the valley of Jamastrán, Pedro Pablo Hernández, a campesino who was travelling in the back of a vehicle to his work on the land died as a result of being shot by a member of the IX infantry battalion in charge of the military checkpoint in Jamastrán. Witnesses said the driver did not respond immediately to the signal to stop, and the military fired directly at the car, without at any time giving a warning.

In this context, which extended far beyond the geographical boundary of El Paraíso, from the moment the protests began the security forces made repeated use of excessive force to prevent peaceful demonstrations.

Many detainees were released after a few hours or days, often after signing a declaration in which they promised to leave the area, cease all political activity or involvement in the protests. Others were detained for prolonged periods and subjected to insults in which they were accused of being traitors, communists or “Zelayistas”.

A teacher arrested at the Alauca checkpoint and held for two days told human rights organizations that the police and army had arrested him on the road as he was travelling to Tegucigalpa. As a condition for letting him go, they forced him to pose for photographs and recorded his vehicle number plates. At a later date, he was subjected to two gun attacks and his car was also attacked. Together with fellow teacher Felix Murillo,²¹⁴ he had interceded for the release of Pedro Magdiel Muñoz and witnessed a Red Cross ambulance being used to transport tear gas canisters.

Different witnesses are consistent in stating that two ambulances with register numbers 112 and 120 from the Honduran Red Cross, in which Nixon Maradiaga,²¹⁵ its coordinator for Danlí, was travelling, reached the protesters’ security cordon.

Mr. Madariaga asked permission to be let through and left three baskets at the roadblock, which contained tear gas canisters; other witnesses claim that tear gas was fired at them even from inside an ambulance. Citizens held in Alauca reported this to national and international human rights bodies.²¹⁶

²¹³ Report on the recovery of the body on 25 July 2009, signed by the official forensic expert, Dr. Santos Ceferino Zepeda Mejía.

²¹⁴ Félix Murillo was found dead on September 17, 2009.

²¹⁵ Coordinator of the Red Cross in Danlí, as well as Coordinator of the Public Safety Roundtables in Danlí.

²¹⁶ To CIPRODEH and the Ibero-American Human Rights Commissioner, Omar Cabezas Lacayo. Complaint to the International Red Cross presented by Rosa María Messen, a Honduran citizen resident in Europe and the Provincial Secretary of the General Confederation of Interim Autonomous Workers - CGIL Nidil (Italy).

“... neither medicines nor the wounded were being transported in ambulances. They left three baskets with the police and then left quickly passing through the protesters”.²¹⁷

The Commission of Truth concludes that the police and military operation, conducted between July 23rd and August 1st 2009, took place under curfew conditions. This operation violated the principles of legality, necessity and proportionality, which resulted in human rights violations, including violations of the right to life, security, humane treatment and personal liberty and freedom of expression. Moreover, journalists covering protests against the *de facto* government were harassed and arrested.

The Commission considers that the repression of those who wished to travel to the border violated the rights to freedom of expression, thought, assembly and movement. The Commission of Truth cannot find any justification for this type of action by the *de facto* authorities on the basis of an alleged threat to national security or public order.

In addition to the regulatory framework, the CoT identified certain patterns in the actions of the police, including unnecessary violence, excessive use of tear gas - which was even fired at the bodies of demonstrators- mass arrests, torture and sexual assault.

Torture was used to instill panic and it caused at least one death on police premises. Cases of torture, murder and illegal detention were reported to the Public Prosecutor’s Office. To date the no charges have been brought as the step prior to establishing guilt.

In conclusion, the majority of complaints filed relate to the repression of peaceful protests. On many occasions, those affected included bystanders, mere spectators, as well as people who were in their homes.

The Commission also considers that the emblems of the Red Cross which in most people inspire a sense of security, respect and trust and which can even succeed in stopping hostile acts were not used appropriately by those authorized to display and respect them.

1.3 Repression of protesters in El Durazno, July 30, 2009

During the first month after the coup d'état, a significant part of the Honduran population and various sectors of civil society, united in a common organization called the National Resistance Front against the Coup (*Frente Nacional de Resistencia contra el Golpe de Estado*), held 34 protest rallies in different regions.

On July 30 and 31, 2009, demonstrations were held simultaneously in various parts of the country. The largest demonstrations took place in Tegucigalpa, Comayagua and Santa Rosa de Copán, and were brutally suppressed by agents of the state.

²¹⁷ Statements by Claudina Reyes, Christian AID worker

Between 8:00 and 9:00 in the morning²¹⁸ on July 30, thousands of people gathered peacefully on the Pan American Highway, which leads to the north of the country, in the village of El Durazno, 6 kilometers outside the capital.

While protesters were organizing and joining the protest, some 200 members of the security forces, police, COBRA Special Operations Command, army soldiers and officers from investigation units, equipped with tanks, patrols, shields, batons, rifles, tear gas, and with helicopter support, set up a checkpoint next to the El Durazno police station, 200 meters from where the protesters were assembled.

At approximately 9:45 am, the commander of the operation told the protesters that they had 30 minutes to evacuate the area. Suddenly, and before the allotted time had passed, police and soldiers stormed them, to disperse them violently.

According to information obtained by the Commission, police officers belonging to the COBRAs Special Operations Command and a National Police helicopter fired tear gas.²¹⁹ The Preventive Police fired wooden bullets, but also live ones. Meanwhile, a tank aimed jets of water containing chemicals at the protesters, which caused an allergic skin reaction, an effect intensified by the heat of the sun.

An unknown number of protesters were beaten with police batons on the head, face, legs, hips, arms, sides and, in the case of women, on their buttocks and crotches.

Among those detained at the Belén police station were 13 injured people, mostly minors, who were taken to the Teaching Hospital (*Hospital Escuela*), after the intervention of human rights organizations who had travelled to the police station area, including a delegation from Amnesty International and FEDH prosecutors. The organizations found that journalists and ordinary citizens recording the events had been stripped of their cameras and video recorders. The police refused to return them even though this was requested both by the affected people and by the organizations present.²²⁰

“(...) Three COBRA police started to attack me. One of them hit me in the right eye with his baton, at the same time telling me that if I didn’t go, they were going to kill me. That even if I went to hospital they would get me out of there (...)”.²²¹

Given the brutality of the repression, demonstrators sought refuge in unpopulated areas, where they were chased by sectors of the police who continued to beat and insult them, even though the road had been cleared.

“(...) we went down a landslide, because they were coming for us and beating us, and as we ran I

²¹⁸ “Front against the Coup, mobilization 34 on this day in El Durazno. Location: El Durazno, *Northern highway*, Time 8:00 am”. This is what the flyers said. Meeting place DIPPISA Petrol Station at El Carrizal.

²¹⁹ Testimony given to the Commission of Truth, CDV-8.DT.

²²⁰ Interview with journalist Roberto Ibarra and sociologist Oscar Estrada. 46. 47

²²¹ Statement given to CODEH-8-1.

fell and got up again, because if I stayed on the ground they would hit me with their batons (...).²²²

"(...) we arrived at a mechanics. We went inside to hide because we couldn't run any more. When we left the workshop we were surrounded by COBRAs. When they surrounded us, we raised our hands and surrendered. They threw us to the ground and started kicking us, especially in the head. They stood on us and beat us with batons. They insulted us as well. This lasted about 20 minutes. (...).²²³

The statements recorded by the CoT confirm that 12 hours later more police and army contingents were deployed to suppress demonstrators stretched along some 10 kilometers from El Durazno to the Belén market area in Comayagüela. Tear gas was thrown and live and rubber bullets were shot constantly at protesters. The same fate befell protesters who fled down a side road known as El Lolo.

The death of Roger Abraham Vallejo Soriano

Middle school teacher Roger Abraham Vallejo Soriano²²⁴ was at the Belén market, along with other teachers, including Félix Rolando Murillo López. According to statements given, a police patrol car passed at high speed and provocatively close to the protesters. In the back of the vehicle they were transporting detainees and four police officers, who were carrying firearms, one of them with his face covered with a ski-mask. Upon seeing the detainees in the patrol car, some protesters threw bags of water and other objects to them.

The patrol car made an abrupt maneuver and one officer fell to the pavement. At that moment at least five explosions were heard. On hearing this, the protesters took to the floor. They immediately realized that Vallejo Soriano was wounded in the head. The patrol car and the officers left the scene after the shooting.

Roger Vallejo died on July 31 at the Social Security Hospital as a result of the injury to his skull and brain tissue caused by an impact from a firearm.²²⁵

Félix Rolando Murillo collected four bullet cases in the moments following the shooting. He gave them to FEDH and gave a statement on August 14, 2009. According to information gathered by the Commission of Truth, he was given the status of protected witness. Félix Rolando Murillo López died on September 17th in unexplained circumstances,²²⁶ after being struck by an unidentified car.

²²² Statement given to COFADEH, COFADEH-8-1.

²²³ Statement given to COFADEH, COFADEH-8-2.

²²⁴ He worked at the San Martín Institute in Tegucigalpa and was a member of the Association of Secondary Teachers of Honduras (*Colegio de Profesores de Educación Media de Honduras - COPEMH*).

²²⁵ Autopsy report A-1190-09. According to the Metropolitan Police Headquarters autopsy report, he was admitted to the Teaching Hospital at 12:50 noon. On 31 July he was transferred to the Social Security Hospital and was admitted to the intensive care unit, where he died from gunshot wounds. The autopsy report indicates that the presence of 'powder tattooing' at the periphery of the entry wound corresponds to a projectile shot from close range. It also indicates that the damage to the skull and brain tissue is compatible with that produced by a handgun or short-barrelled weapon. The same forensic report suggests that comparisons should be made by considering weapons that could likely cause this injury.

²²⁶ Details from a COFADEH case file.

He had previously been the subject of repeated threats by police officers. During public demonstrations, Félix Murillo had led the marches on a motorbike. He was well-known to the authorities and often negotiated the routes for the marches with them.

Regarding the events in El Durazno and Comayagüela, the CoT heard testimonies of cruel and degrading treatment during the repression of demonstrators, as in the case of a victim who tried to hide in Belén market, where he was caught by two policemen and two soldiers, who then dragged him to the floor, where one of the soldiers put his gun to his head, and the other after having cocked his gun, pushed it between his buttocks.

Similarly, the CoT was informed that the operation involved 120 police officers from District No. 3²²⁷, also known as the “fourth police station”, 80 COBRAs and 200 soldiers²²⁸, under Colonel Santos Castillo. Commissioner Flores Ordóñez and Deputy Commissioner Baudilio Martínez García also participated in the operation, assigned the area around the La Laguna area of Comayagüela, along with 40 police officers, Inspector Rosa Posadas and Deputy Inspector Ayala.

The Truth Commission was able to verify that on that day the police and military forces captured and arrested hundreds of people²²⁹, including 15 minors below 18 years of age.²³⁰ The majority of these people belonged to teaching, student and trade unions.

The CoT concludes that the disproportionate deployment of security forces became a provocation and challenge to the protesters. The CoT also concludes that during this period of repression, the lack of dialogue as the main basis for negotiation and control aggravated the situation, because the authorities resorted to deceptive and malicious dialogue. There is also evidence of standardized

²²⁷ The Metropolitan Police Headquarters No. 3 police districts comprising: 3-1, located in Belén, 3-2, in San Francisco, and 3-3, in the La Granja neighbourhood of Comayagüela. That day, *José Leandro Osorio Santos* acted as chief of the Operations Section.

²²⁸ Affidavit of José Leandro Osorio Santos to the Special Prosecutor for Human Rights, to which the Commission of Truth had access.

²²⁹ Mario Santos Girón, Samuel Escalante, Beatriz Mejía, Digno Rodríguez, Alex Paz, José Francisco Macías, Cristian David Herrera BEATEN, Luis Rodolfo Figueroa BEATEN, Care Leticia Sánchez, Doris Marcial Cruz BEATEN, Modesto Aguilar Herrera, Carlos Humberto Pérez BEATEN, Oscar Moncada BEATEN, Odil Valerio BEATEN, Nefry Pineda, Sandra Escalón, Mainor Telec Gorfi, Sonia Pantoja, Tania Gisela Guzmán, Clenis Rodríguez, Ana Julia Turcios, Carlos H. Reyes, Alexis Agurcia, Pedro Paz, José Lizardo, Olga Marina Reyes, Oscar Edgardo Villanueva, Tania Rosario Reyes, Eneida García, Cristóbal Bonilla Díaz, Héctor Reyes, Emilio Castro BEATEN, José Joaquín Canales, Roy Arturo Romero, Erick Rosales, Fernando Javier Espinal BEATEN, Emanuel Alberto Banegas BEATEN, Víctor Manuel Viliboll BEATEN, Eros Adán Alarcón Rodríguez BEATEN, Danilo Fabricio Castro BEATEN, Naney Gisel Flores BEATEN, Jorge Renán Valle Osorio BEATEN, Alan Leonel Bueso Juárez BEATEN, Francisco Martínez Hernández BEATEN, Humber Munguía BEATEN, Pamela Medina BEATEN, Yeni Molina BEATEN, Daniel Escondan BEATEN, Melin Yurisa BEATEN, Laura Salinas BEATEN, Wesly Mendoza BEATEN, Jorge Fernando Giménez BEATEN, Vivian Ramos Mejía, Eneyda García, José Alberto Andino, Valdemar Portillo, José Luis Herrera, Amado Peña, David Parrales, Juan José Bordas, Ronald Sosa, Milton Torres, Milton Nahúm Borjas, Obed Fernando Banegas, César Adolfo García, Olvin Mejía, Yemi Solís, Gerardo Abraham Solano, Gabriel Galeano, Carlos Ramos, Jorge Canillo, Santos Álvarez, Max Méndez, Porfirio Samatibo, Dimas Aldair Martínez, William Bulnes Rivera, Melvin Roberto Baca, Héctor Rolando Hernández, Héctor Manuel Herrera, Johan Ordoñez, Daniel Rivera, Jorge Ortega, Fernando Izaguirre, Adán Cirilo Velásquez, Ronald Ramón Duarte, Manuel Chávez, Erick Gutiérrez, Guillermo Antonio Amador, Karen Leticia Sánchez, Nelson David Lagos, Héctor David Vallejo, Joel Munguía, Juan Barahona, José Celestino Barahona, Ronald Sosa, Oscar Umanzor, Rudy Izaguirre, Francis Sincler, Carlos Alvarado, Oscar Barahona. List compiled by COFADEH in the Fourth Police Station.

²³⁰ The Convention on the Rights of the Child defines minors less than 18 years as children.

repression that included killings during these peaceful demonstrations.

The CoT learned that local human rights organizations filed complaints with the Special Prosecutor for Human Rights, but three years after the fact, no criminal and administrative sanctions have been imposed on those officials who used disproportionate force during these peaceful demonstrations.

1.4 Repression of a demonstration, July 30, 2009 in El Pajonal, Comayagua

On July 30, 2009, more than two thousand people from different social and community organizations in the departments of Comayagua, La Paz and Intibucá demonstrated by blocking the northern highway, number CA-5, and disrupting traffic, in protest against the coup.

The protesters gathered peacefully in a place known as El Pajonal, in the town of Comayagua, in Comayagua department, near the Enrique Soto Cano airbase which houses the U.S. military base known as Palmerola.

The protest began at approximately 11:00 am. Testimonies heard by the Commission of Truth reveal that the demonstration was peaceful. The event's only message was rejection of the coup and the reinstatement of President José Manuel Zelaya Rosales. That same day there were several protest actions nationwide with the aim of organizing a general strike in the country.

There is evidence of the presence of security forces in the area where the demonstration was held, including soldiers from the Siguatepeque Engineers' Battalion, under the command of Colonel Cañas; officers from the National Preventive Police from the cities of Siguatepeque and Comayagua, where the Regional Police Headquarters is located, at that time under the command of Commissioner Oscar Armando Gómez. There were also soldiers at the Enrique Soto Cano military airbase, COBRA Special Operations Command agents and a small plane, apparently based in Palmerola.

At approximately 1:00 pm, police and army troops arrived simultaneously and gathered to the north of the demonstration. There were about 600 soldiers from the Siguatepeque Engineers' Battalion, accompanied by the National Preventive Police and COBRAs in the same municipality and, on the south side, officers from the National Police in Comayagua and soldiers assigned to the Enrique Soto Cano air base.

Because of this operation, protesters were trapped between the different police and military forces and unable to escape quickly.

The commanders of the police and military operation approached the leaders of the grassroots organizations and agreed to give them 20 minutes to leave the road peacefully, a tactic that, by this time, had become a *modus operandi* to distract protesters' attention, because the commanders of the security forces would then start the crackdowns before the deadlines had passed.

Army and National Police personnel, positioned at either end of the demonstration, began firing guns. At the same time, they threw tear gas and stones at the protesters. When the demonstrators dispersed and fled for cover without putting up resistance, these state agents chased them and

beat them with batons, steel pipes and with their shields. They attacked everyone in their path, including people who were not taking part in the demonstration, women, children and elderly people.

The only alternative for the protesters was to flee to the mountains or to a nearby river. As they did this, they were pursued by members of the police, the army and COBRA commandos. The testimonies of victims are forceful in stating that the intention of the security forces, both the police and the military, was to cause severe injury to people and not merely to open the road up to traffic again. All the statements gathered by the Commission of Truth agree that the blocking of the road was carried out peacefully and there is no evidence that protesters resisted or presented any threat to law enforcement officers or other people.

The statements show that people continued to be attacked even though they were under the control of the police and military forces. They suffered heavy blows to their heads, arms, legs, buttocks, faces, and were kicked all over their bodies, leaving some people seriously injured and causing others to lose consciousness or faint on the spot. One person testified that the security forces broke both his arms and yet he was still forced to board a military truck. Another person was indiscriminately and continuously beaten, even after losing consciousness.

“I thought they were going to kill me, I wonder what it was that saved me? Because I couldn't even get in the (military) truck, they threw me in the back of it, and because I couldn't use my hands I was unable to sit up, and as so many people were being taken away some of them were standing on me. The COBRAs started throwing tear gas in the truck, they were furious, it was as if they were possessed”.²³¹

The Truth Commission heard statements from several women who stated that they were victims of sexual violence. Once seized by the police and soldiers, these took advantage of the remoteness of the place they were being held to grope their private parts and prod their genitals with batons. They were also subjected to gender-specific insults.

“... they told us... “we were bitches”, “we were not even Honduran”, “that we had no business going about defending that dog Mel Zelaya”

Those arrested were taken to police patrol cars and military trucks, where they were beaten again with batons, kicked and punched, and as if this were not enough, tear gas was thrown inside the trucks, making it difficult to breathe.

During this act of repression, approximately 160²³² people were dispersed and pursued for several

²³¹ Statement given to COFADEH.

²³² Nelly Guadalupe Doblado Guevara, Edie René Doblado Guevara, Napoleón Trejo, María Elena Girón, Edgard Guevara, Oquelí Benítez Gonzáles, Oscar Cáceres Donaire, Raúl Antonio López Argueta, Reynieri Gonzales Domínguez, Fausto Ponce Ulloa, Plutarco Antonio Centeno, Lino Gonzales, 45 years old, Santos Eleodoro Gonzales Domínguez, Rony Torres, Luis Antonio Romero Ponce, Félix Pacheco, Jerónimo Sarmiento, Martiriano Sarmiento, Luwin Chávez Rodríguez, Juan Chávez, José Rutilio Ulloa Ulloa, Marco Tulio Almendares. Valentín Castillo Mejía, Mario Alberto Urquía Bonilla, Juan Ramón Montes, Bernarda Vásquez, María de Jesús Mejía, Andrea Suyapa Almendares, Helen Cuello, María de la Paz Palomo, Dixi Yadira Irías, José Edgardo Castro, Didier Ismael Chávez Rodríguez, Óscar Emilio Gámez Martínez, Máximo Bonilla, Sergio Castillo, Evelio Sánchez,

kilometers over difficult terrain, and, once apprehended, they were stripped of their belongings and were detained at the police headquarters in Comayagua, where they were guarded by 40 Cobra officers, 30 policemen and 40 soldiers.²³³ The belongings of most of the detainees were never returned. Hundreds more protesters managed to evade capture, some being forced to hide in inhospitable terrain.

Most of those arrested were released 12 hours later, thanks to the numerous efforts of human rights organizations, but police held 12 people for more than 24 hours. They were charged by the Public Prosecutor's Office and subsequently released.

The Commission received many consistent reports stating that cruel treatment against protesters left at least 16 people with temporary and/or permanent disabilities. Similarly, the detainees were kept in overcrowded conditions, confined in small dark cells with poor ventilation, where they were subjected to violence constituting cruel, inhuman and degrading treatment by police officers who threw pepper gas pellets at them. The impunity with which state agents acted is so blatant that even though human rights defender Bertha Oliva de Nativí went to the detention center to verify the situation of those people being held there, together with judge Alex German Guillén Flores who approved the *habeas corpus* application filed by COFADEH,²³⁴ this did not deter the police from attacking the detainees who were totally defenseless and being held in custody.

A total of 200 people were assaulted, beaten and injured; the 13 who were most seriously injured (fractures in their upper or lower limbs, head contusions, multiple trauma, and hemorrhages from

Pedro Carranza, Oscar Calix. Carlos Roberto Valle. Miguel Saravia, Gerson Noé Jiménez, José Rutilio Ulloa. Mario Alberto Arabia, José Abraham Alvarado, Cristian Rivera Mejía, Fabio Antonio Cabrera, Ismael Santos Elvir, Diosena Flores Bueso, Wilmer Rodríguez, Nelson Gerardo Velásquez, Franklin Joel Velásquez, Leocadio Fiallos, Máximo Bonilla, René Fiallos, Sergio Castillo, Ricardo Alberto Bueso Licon, José Miguel Saravia Membreño. Gerson Noé Jiménez, Santos Gil Gonzales Cabrera. Oscar Cáliz, Félix Pedro Carranza Sánchez. Ismael Santos Elvir, Wilson Armando Suazo Sosa. Eduard Leonel Martínez. Raymundo Domínguez. Fabio Cabrera, Cristian Fernando Rivera Mejía, Oscar Danilo Ortiz Berrios. Mario Alfredo López. Denis Ricardo Torres. Delfín Gómez, Santos Eliezer Hernández, Ramiro Oqueli Benítez Gonzales, Domingo Almendares Fiallos, Edward Guevara Seren. Abelardo Irias Ortiz, Reynaldo Castro. Ana Lucia Varela. Victoria Cáliz. Olinda Trinidad Flores Girón, María Lila Girón Cervantes. Suany Arnital Valladares. Pastora Valladares, Reyna Isabel Contreras. Vilma García. Carmen Fuentes Alemán. Eduviges Sánchez, Riesa Nolasco, Antonia Marilez Maradiaga. Doris Pinel, Angelita Castillo, María Griselda Barahona, Deysi Barahona. Dina Maritza Alemán. Maritza Guillen. Ana Virginia Orellana, Francisca Abigail Sosa Flores. María Edith Villanueva, Norma Hernández, María Enriqueta Suazo, Mery Elizabeth Varela. Salatiel Antonio Cárcamo Canales, Eusebio Carranza Izaguirre, Reynaldo Carranza Vásquez, Mario Roberto Cabrera, Abin Maribel Oliva Martínez, Héctor Barahona Ávila, José Rodil Fajardo Martínez, Félix Ventura Aguilar, Florentino Valle, Raymundo Domínguez García, Santos Gil González Cabrera, Elvin Mercado Fernández, Nobely Rodríguez, Alexis Geovanny Gómez González, Carlos Roberto Valle Santos, Roger Enmanuel Cabrera, Juan Chavero Cardona, Ismael Chávez Machado, Sergio Muñoz Castro, Rosner Geovanna Reyes. Bredesbinda Mendoza Rosa, Rixa Hernández Nolasco, Bernarda García Lorenzo. Ena Felicita Guillén Escobar, Edit Villanueva Medina, María Leticia Guillén Choto, Rosibel Guillén Choto. Rigoberto Hernández, Roberto Alexander Rodríguez. Franklyn Joel Velásquez Bueso, Sandra Lorena Amaya, María Lourdes Caballero, Aline Pineda Cárcamo. List compiled by COFADEH at Police Headquarters in Comayagua.

²³³ Internal report by COFADEH human rights workers.

²³⁴ When Bertha Oliva, Coordinator of COFADEH was inside the police station, she heard detainees shouting (because the lining of their eyes, mouth and nose was burning), who were being held in one of the 2.5 metre cells and without light, who told her that that police had thrown three white balls into the cell which were giving off a toxic odour. She found 80 people crammed into the small cell. Bertha immediately assisted the detainees by taking them water from a nearby sink and demanded that the Judge, who was not at all perturbed at the detainees' cries and complaints, get them out of the cell. Under this pressure, the judge decided to remove the detainees one by one to interview them and then returned them to the same cell. COFADEH Report, "*Cifras y Rostros de la Represión*" (*Figures and Faces of Repression*).

wounds caused by beatings), were moved to medical facilities, primarily the Santa Teresa Hospital in Comayagua, under strict police and military guard. Doctors were only allowed to give them first aid and then they were moved back to the police cells in Comayagua.²³⁵

The Commission of Truth concludes that the protest of July 30, 2009 was attended by a massive number of people. Nevertheless, the people who demonstrated were unarmed and the purpose of their protest was not illegal, but quite the opposite: they were demanding the return to the rule of law which had been fragmented by the coup; therefore it was a legitimate protest within which they were exercising their constitutional rights.²³⁶

In light of the above, although the authorities argue that they acted to restore the right to free movement, the means they employed to that end were totally disproportionate.

This was more like a military operation directed at an armed and organized enemy ready to defend themselves, rather than at a group of peaceful, unarmed citizens.

Moreover, the operation violated the principle of necessity, because even after the road had been cleared, members of the police and the army continued to attack demonstrators. The use of tear gas was abusive; canisters were even thrown into enclosed spaces such as military trucks and police cells. Victims were arrested with excessive force and subjected to cruel, inhuman and degrading treatment once they had been detained.

It is important to note that the expressions of hatred expressed by state agents to protesters, because they were considered to be supporters of President Manuel Zelaya, demonstrate the mood of punishment and retaliation.

This case also reveals the sexist nature of the actions of the police and soldiers who suppressed the demonstration. Their obvious purpose, in the case of women, was to humiliate, degrade and torture them, to send them a message of domination and punishment. This manifested itself in the sexual abuse and degrading comments made against the women.

The physical and verbal abuse suffered by thousands of people protesting July 30, 2009 is indubitable evidence that the police and the military used excessive and, in most cases, unjustified and unlawful force. The Commission of Truth heard about the repeated use of batons, steel pipes, tear gas, chemicals, rubber bullets and guns, and there is ample evidence to conclude that there was a visibly disproportionate use of force.

On December 11, 2009, the Special Prosecutor for Human Rights filed charges against six low-ranking police officers for violation of their public official duties. At the time of writing this report, they are still awaiting trial.

²³⁵ ...At 7:00 pm, the hospital staff members on duty were surprised when police officers removed the protesters who were injured and who had already been admitted to the hospital as patients under observation, without authorization and without prescriptions or instructions from a doctor. COFADEH Report, *"Cifras y Rostros de la Represión" (Figures and Faces of Repression)*.

²³⁶ Article 3 of the Constitution of the Republic of Honduras.

1.5 Repression of the demonstration on August 12, 2009 in the vicinity of the National Congress, in Tegucigalpa

On August 12, 2009, political, union, student, professional and social organizations, and citizens organizations unaffiliated to unions, assembled in a peaceful march to protest against the coup d'état. They set out from the National Teacher Training University (UPNFM), stopping on the way outside centers of economic and political power, and heading towards the center of Tegucigalpa.

When the front of the demonstration arrived at La Merced square, a supposed protester attacked the Vice President of the National Congress, Ramón Velázquez Nassar, and soldiers surrounding the Congress building started to crack down on the demonstration. COBRA police threw tear gas and chased and beat protesters. Some people were made to get off buses and were beaten; others were besieged in surrounding streets, and subjected to cruel treatment.

According to the Ministry of Defense,²³⁷ 148 members of the First Infantry Battalion, 176 members of the First Field Artillery Battalion, 79 members of the Tenth Infantry Battalion, 60 members of the Army NCO School and 84 members of the Army Technical School stationed themselves in the National Congress buildings, with detachments from the National Police and COBRA.²³⁸

The repression resulted in several people being injured, beaten and tortured; and some were stripped of their belongings by security agents.

People who have testified about this event assert that police officers followed instructions given to them by the military. Police fired rubber and wooden bullets. Soldiers and police repeatedly and violently beat people, even when they had been physically overpowered. While they beat the protesters, they asked them absurd questions about whether they came from Nicaragua or Venezuela, and how much they were being paid for participating in the demonstration, etc.

Torture and cruel, inhuman and degrading treatment were deliberately practiced in this repression by state agents to systematically cause pain and suffering to people with the intention of disrupting the march.

The CoT heard statements from Edgardo Napoleón Valeriano,²³⁹ who stated that after participating in the demonstration he was heading for Barrio Abajo, because of the persecution that he had been subjected to by the police. One officer caught up with him and immediately started hitting him repeatedly with a baton on the head, and was then joined by two other officers. Then a fourth police officer arrived and unbuttoned his jacket from where he took out a chain, and looked around to check that he would not be seen. With the chain he repeatedly hit Edgardo Napoleón Valeriano on his back leaving him seriously injured, with unmistakable chain marks.²⁴⁰

²³⁷ Ministry of Defense, letter No. 497-2009, October 20, 2009, judgment 56, in Special Prosecutor for Human Rights file 0801-2009—35981.

²³⁸ Statement given to CIPRODEH, CIPRODEH-9-1.

²³⁹ Statement given to COFADEH.

²⁴⁰ Statement of Edgardo Valeriano: he suffered three scalp wounds down to his skull in the right occipital region needing 3

At the same time as blows were being inflicted upon him, they shouted at him, asking how much he was being paid for demonstrating, and whether he was Venezuelan or Nicaraguan. The victim asked an army officer to stop them because they were going to kill him, but he did nothing. After deciding that he was Venezuelan, they took him to the female police station, stripping him of his cell phone and identity card.

Once in the female police station, he was given no first aid - on the contrary he suffered abuse aimed at aggravating his physical and emotional state. They threw water on him under the pretext of washing the blood from his head wounds, and then several hours after insisting on being taken to the hospital he was taken in a patrol car, where he was harassed again. One of the officers was wearing an identity tag with the name Martínez.

While in the emergency room of the Teaching Hospital, the victim asked a doctor to attend to him because of the respiratory distress he was suffering, but the doctor failed to do so. At the request of a nurse, he finally agreed to attend to him, asking the support staff to leave the cubicle, and once alone he said, ***“It’s good that this is happening to you for getting messed up in this shit”***.²⁴¹

The torture was physical and psychological. Besides blows that caused serious physical injury, victims were insulted, threatened with death, and subjected to electric shocks.

Contrary to what happened in the 1980s and first half of the 1990s, when the main purpose of torture was to make people “talk” in order to gain information, in this period it was used to suppress the struggle to restore democracy, and to deter and create fear in other people.

The Commission of Truth concludes that the actions of the police and the military in the protest on August 12 represented violations of the freedoms of movement, expression and assembly, which then degenerated into the abuse of the personal liberty and the physical, mental and moral integrity of the protesters.

They also attacked and prevented the work of human rights defenders, as in the case of lawyer Leyla Díaz, a CIPRODEH worker who was beaten while trying to do her job. In her testimony she confirms that the soldiers who controlled the Congress building ordered policemen to go after her as she was filming and complaining that they were beating a man they had already immobilized. They pounced on her, slapping her, beating her with batons and punching her in the head and chest, while dragging her by the hair to the National Congress square, where she was finally released.

Twenty-six people were arrested (two women, two minors and 22 men): Alba Leticia Ochoa, Mabel Carolina López, Nelson Gustavo Rivera, José Natividad Pérez Lorenzo, Gerardo Arturo Flores, Emerson Rosikler Barahona, Daniel Cárcamo Sánchez, Magdaleno Lazo Pineda, Allan Samuel Cruz,

stitches and in the left occipital region needing 4 stitches and in the lower left occipital side needing 1 stitch; a wound on the right hand ring finger needing three stitches; bruising of the middle and ring fingers on the right hand, and of the middle and ring fingers and back of the left hand and left wrist; blows to the right side of the neck; blows to the hip and back, with the marks of the chain links with which he had been hit, and blows to the left leg.

²⁴¹ Statement to COFADEH. Dr. Edgardo Valeriano.

Rosario Vásquez, Oslin Daniel George Cantillano, José Lino Ávila, Justo Pastor Mondragón, Oscar Manuel Murillo, Santos Ricardo Peña, Darwin Isaac Amaya, Sergio Raúl Jerezano, Wilmer Orlando López, Santos René Herrera, Mario Rodrigo Ardón, Florentino Izaguirre, Lisandro Gómez, Óscar Manuel Murillo, Darwin Said Hernández, and Milko Durán Céspedes, a joint Colombian-Venezuelan national, who was sightseeing in Honduras at the time. The men were forced to lie on the floor, face down, barefoot and shirtless, while they were kicked and beaten with batons by the police and soldiers; the women were beaten by female police officers.

“At the time I was recording several policemen were hitting a man they had arrested on the head with batons. I started filming the arrest and the police told me that filming was banned and asked to see my identity card, which I was not carrying at the time. When I said it was in my office, a policeman hit me with a baton on the buttocks and they took me to a place near the National Congress, there they threw me to the floor and a police officer who was wearing an identity badge that said Barahona Briceño punched me in the face and then tried to hit me with an iron pipe. I stuck my arm out and immediately started bleeding.”²⁴²

The detainees also suffered humiliation at the hands of the civilian authorities, including members of Congress, while under police and military control. They encouraged the police and military forces to continue beating them.

The detainees were then taken down into the basement of the Congress building, where police commissioners Elder Madrid and José Ventura Flores Maradiaga ordered them to be taken in a military truck to the COBRAs Special Operations Command²⁴³ in Tegucigalpa's 21 de Octubre district; during the journey the detainees continued to face threats and abuse.

Police Commissioner Elder Madrid Guerra, in charge of the COBRAs, initially denied access to family members and human rights defenders to the facilities to monitor the situation of the detainees, who, in their statements, relate that they were held in a grandstand, where they were subjected to interrogation and harassment from COBRA agents.

“Agents who were at the Unit’s Social Club shouted at us, ‘Here come those dogs! To the gallows with them! Why weren’t they killed?’ Hours later other COBRAS arrived for operations and they shouted ‘Wash them! Haven’t you washed them? You are rewarding them by letting them stand in the shade! I haven’t been home for two nights because of these sons of bitches!’”²⁴⁴

At 5:00 pm, commissioner Madrid Guerra²⁴⁵ appeared with documents for the detainees to sign. These documents stated that detainees understood their rights; yet up to that point they had not even been informed of the reasons for their arrest.

It was not until 10:00 pm that 11 of the detainees, who were injured, were taken by Red Cross ambulance to the Teaching Hospital. There they received medical attention, and were returned to

²⁴² Testimony of Alba Leticia Ochoa.

²⁴³ Organic Law of the National Police, Article 71.1.a

²⁴⁴ Testimony of Nelson Rivera, given to COFADEH.

²⁴⁵ Testimony before COFADEH.

the COBRA facilities.²⁴⁶

The Commission considers it important to highlight the fact that medical staff failed in their duty to document the torture suffered by the victims as is their duty and that on many occasions they verbally abused them for participating in the marches. Several testimonies collected by the Commission relate to assaults and insults against patients, and to stigmatizing and discriminating remarks made against them.

At around 3:00 am on August 13, all the detainees were taken to the Metropolitan Police Headquarters Number 1 or Regional Command 7, CORE 7.²⁴⁷ There they remained until the next day, when they were transferred to the police building.

24 of the 26 people arrested were charged by the Public Prosecutor with sedition, theft, illegal demonstration and property damage in the hearing held in the same police facilities guarded by COBRA officers. The trial judge handed down custodial sentences for 11 of the defendants and alternatives to prison for the remaining 13.

The judges who granted *habeas corpus* applications filed by human rights organizations refused to receive complaints of cruel, inhuman or degrading treatment reported by the victims, saying they should report it to the judge instead.

Subsequently, the Special Prosecutor for Human Rights (FEDH) at the request of human rights organizations and victims, filed complaints of abuse of authority, illegal detention, torture, lack of compliance with official duties and cruel and degrading treatment²⁴⁸ against Madrid Elder Guerra (National Police Commissioner), José Ventura Flores Maradiaga (National Police Sub-commissioner), Carlos Isaías Polanco Padilla (National Police Inspector), Estela Esperanza Ramos (Preventive Police), Juana María Alvarado Barahona (Preventive Police), Suyapa Marina Elvir Escalante (Deputy Inspector of Police) and Denis Hernando Casulá Guevara (DNIC agent).

The Commission confirms that at the date of publication of this report, none of these individuals have been punished.

1.6 Repression in Choloma. Sexual violence against a protester, August 14, 2009

In the early hours of the morning of August 14, 2009, about four thousand people convened by the National Resistance Front against the Coup blocked the Pan American Highway, at the bridge over the river Choloma, in the municipality of the same name, in the department of Cortés.

The protest began at 9:00 am and was set to end at 12:00 midday by agreement between the leaders of the demonstration and the Deputy Police Commissioner Jonathan Espinoza Caballero,²⁴⁹

²⁴⁶ IACHR, Honduras: Human Rights and coup d'état, p. 98, para. 358

²⁴⁷ Testimony before CIPRODEH

²⁴⁸ Public Prosecutor's Office, FEDH, File 0801-2009-3591.

²⁴⁹ On February 4, 2012, at 7:00 pm, Police Commissioner Jonathan Espinoza Caballero was driving a Nissan Frontier car, with number plates PCF-7475, along a street linking the ring road with Suyapa Boulevard, near the residential area of El Trapiche, in

Chief of Preventive Police in Puerto Cortes. It was also agreed that the police would provide security during the demonstration to be held in the center of town.

“They have an hour and a half to remove the stones from the road and leave peacefully. The police have agreed to provide security during the whole event”.²⁵⁰

At 11:30 am, police received support from the 105th Infantry Brigade commanded by Colonel Edgardo Isaula; immediately, police officers and soldiers proceeded to disperse the protesters using water jets, tear gas and police truncheons.²⁵¹

The violent crackdown was carried out by two hundred members of the security forces who destroyed the cameras and other equipment of three journalists who were covering the events, shot tear gas into homes located on the edges of the Boulevard del Norte and conducted illegal searches and raids. They chased protesters, placing them under siege in different areas of the community in Choloma and subjected them to cruel, inhuman and degrading treatment. 32 people were arrested²⁵² and eight were injured;²⁵³ five of whom were referred to the Mario Catarino Rivas Hospital, in San Pedro Sula because of serious injuries; namely Rogelio Espinoza,²⁵⁴ Carlos Alberto Linares, Marcial Hernández, Julio Espinoza Carías, and Jesús Alberto Fajardo. The five men were all taken to hospital under arrest. All were treated in the emergency room for injuries recorded as being caused by blows from blunt instruments. Two were released from hospital, but three were kept under observation in the emergency room indefinitely. Julio Espinoza Carías, a resident of El Progreso, suffered an open fracture of the right femur caused by gunshot and other wounds and blows to the face and body.²⁵⁵

Tegucigalpa. He was accompanied by a young man who is a computer technician in the prison complex located in the Valley of Támara. Upon reaching the intersection of Boulevard Suyapa and while attempting to enter the lane that connects the National Autonomous University of Honduras (UNAH) with the Teaching Hospital presumed hired killers travelling on a motorcycle shot and attacked him leaving him injured. He was working as director of the Marco Aurelio Soto National Prison. Press articles reveal that after the attack, he left the country. www.tiempo.hn

²⁵⁰ Statement of Subcommissioner Jonathan Espinoza Caballero, at 10:55 am, to the media.

²⁵¹ “The police did not respect age or sex and acted with a brutality never seen before,” said a Red Cross volunteer who treated the wounded.

²⁵² Minors arrested in Choloma after the violent eviction on the road to Puerto Cortés: Greyci Judith Rivera (16), and Kelyn Danelia Vásquez (15). Both were hit on the buttocks, down the back of their legs and on their back. They were dragged by their hair by police who shouted obscenities at them as they took them to the police station *in* Choloma. The young women are from San Pedro Sula. Also arrested were Paulino Flores, Enrique Villatoro, Elvin Eledio Argueta, Edwin Castillo, Jesús Adalberto Fajardo García, Gustavo Adolfo Cardoza, José Santiago Rivera Escobar, Justo Pastor Reyes, Luis Antonio Álvarez, Marvin René Moreno Lemus, José Julio Umaña, Enrique Emenelio Cáceres Castillo, Eber Eliaquin Torres López, Olvin Javier Laínez, Héctor Giovanni Moray, Enrique Cáceres Castillo, Bertilio Cabrera, Juventino Bonilla Orellana, Wilmer Alfredo Cardoza Mendoza, Nery Sánchez Perdomo, Kevin Danelia Vásquez, Gracy Judith Rivera, José Giovanni Chávez Amador, Héctor Manuel Vásquez. List compiled by local human rights organizations.

²⁵³ Marcia Vargas, Sandi Castro, Elías, taken to the Social Security Hospital.

²⁵⁴ Rogelio Mejía Espinoza, from the Campesino Movement of the Aguán (MCA) and the Guadalupe Carney Cooperative in the Silín area, Colón department, had his left maxillary sinus broken and sustained other injuries caused by blows to the face and head that required several stitches.

²⁵⁵ Espinoza Carías died on July 7, 2010 when hired killers on a motorbike shot him. His killers have still not been brought to justice.

The detainees were sent to the Police Headquarters in Choloma.²⁵⁶ In addition to using fully identifiable police patrol cars, the police drove private cars without license plates.

Afterwards, the detainees were released in compliance with an order issued by the magistrate Wilfredo Castellanos, Human Rights Commissioner in San Pedro Sula.²⁵⁷ Among the detainees²⁵⁸ were the journalists Edwin Castillo, a reporter from Tela, and Gustavo Cardoza of *Radio Progreso*, who were forced into patrol car number 16, beaten with batons and kicked. Also arrested was Julio Umaña, a journalist from the daily newspaper *Tiempo*, who was beaten on the hand with a baton, even though he had been identified as a journalist from the aforementioned newspaper.

Prior to his arrest, Cardoza had contacted *Radio Progreso* reporting that police were pursuing him, pointing their weapons at him, and that they were in the process of taking his mobile phone away.

An hour later, at 12:30, the police and the military once again dispersed the protesters who had regrouped in the city's central park. The officers chased the protesters even to places where they had temporarily taken refuge because of the attack, pursuing them as far as shopping centers and private homes.

Statements given to the CoT confirm that the security forces had the upper hand and that their goal went beyond clearing the arterial road. Its purpose was to punish the protesters.²⁵⁹ At the same time, the *de facto* regime reinforced their control of freedom of expression by seizing, hitting and destroying the equipment of journalists carrying out their job of informing the public.

"From where we had gathered we could see the police arrive, throwing bombs, grenades, shooting tear gas, so we ran towards the park. We ran right over to the other side of the park, and they kept right on following us. And when we came back to regroup in the park, they let some of us get there. They rounded up all the ones who were still scattered, dragging them, hitting them with batons, beating them, and putting them in jail. We stayed where we were. Then they made a circle around the park, so we started running to the side where the bridge is. And as we were running, they appeared ahead of us, so we ran back again. And some women arrived from SITRAMEDYHS. They were also running, and we ran into some pig-sties nearby. We opened a big door and we ran inside, and we closed the door again. But when we got inside, the women who had children with them got into some toilets and there was no room for me, and in any case, we had to save the children. Anyway, I just sat down in a chair. They passed by and we stayed there for about two minutes. When they came back, they found me. They opened the door and ran over. And because for them I was an enemy they grabbed me. They didn't ask me for any statement, someone pointed at me and they came, all at once, with clubs, hitting me on the back and on the head. Then someone grabbed me. One of them grabbed me by the shirt and lifted me right up. And as I was walking forwards, another kicked me and I fell over. And then I had no

²⁵⁶ Except for a 25 year old woman who police officers took in a patrol car to the outskirts of Monterrey where she was raped by four officers who left her lying unconscious in the area.

²⁵⁷ Prosecutors presented themselves at police headquarters to check on the situation of the detainees.

²⁵⁸ Héctor Iván Mejía, head of Police Headquarters Number Five, said the crackdown "sent the message that the free movement of persons should not be disrespected".

²⁵⁹ Statement by Marcial Hernández, member of the Coordinating Committee of Popular Organizations of Aguán (*Coordinadora de Organizaciones Populares del Aguán*) from Tocoa, Colón department.

*other alternative but to shrink down on the floor and let them do whatever they liked until they got bored. Then they dragged me out of there. Then I got up, and when I got up, they took advantage, as I showed them my back, they took advantage to beat me again, it was just what they wanted. And when we went out into the street, they put me into the van again, I was bleeding a lot from my head, and they took us to the police. And as we arrived at the police station they pushed me hard and I fell, and they continued to kick me”.*²⁶⁰

Sexual violence during the repression

On August 14, 2009, I.M.V.,²⁶¹ together with her partner and her mother, travelled to the city of Choloma, in the Cortés department, to participate in the protest convened by the resistance movement against the coup d'état.

When they arrived, the police were already crushing the protest, firing tear gas and water cannons with chemicals. As they tried to flee from the crackdown the three went off in different directions. A policeman caught up with and violently arrested I.M.V.

Police officers handcuffed her and put her in the back of a patrol car. She could hear that more detainees had boarded the patrol car. However, she could not see anything, because she was lying face down and a police officer was pressing her to the floor of the patrol car with his boot on her back, which prevented her from sitting up.

The patrol car arrived at the police station in Choloma. There they dropped off the other detainees at the back door of the police station. They told I.M.V. not to move. She heard someone say: *“Chepe Luis, shall we take this one to San Pedro?”* She was not able to hear the answer. The police told her to stay where she was. After unloading all the detainees she was taken away down the road leading to Ticamaya.²⁶²

The patrol car travelled along dirt roads for about 20 to 30 minutes, reaching a wooded area at the edge of a road where they stopped, and three policemen who were travelling in the front of the patrol car, got out. The fourth, who was travelling with I.M.V. in the back, grabbed her by the neck of her blouse, pulled her out of the car and said, *“Today you’ll find out what happens when you mess with things that don’t concern you”*. She was forced to strip at gunpoint. Then two of them forced her to perform oral sex. Then the four men raped her. They told her that if she spoke out, they would come looking for her. She was able to recognize two of her assailants, one named Ortiz and another named López.

They left her lying naked in the place where the rape had occurred. The victim managed to get up, get dressed in her clothes which they had left lying in the bushes and walked for about 15 or 20 minutes. Totally confused and not knowing where she was, she walked along the main road, where a woman who was travelling by in a vehicle helped her by taking her to her mother's house in the Planeta area. She could not be examined by a physician until the next day. Subsequently she

²⁶⁰ Ibid.

²⁶¹ Statement by I.M.V., given to CDM.

²⁶² An infrequently used side road between Choloma and San Pedro Sula.

decided to denounce what she had suffered to human rights organizations and to a radio station through which news of her case spread.

The Commission of Truth has found that on August 14, 2009, the day that I.M.V. was raped, the police violently crushed a peaceful protest that took place in the vicinity of the Choloma bridge.²⁶³ This coincides with the statements of other victims of the events that took place that day in Choloma.

The police made indiscriminate use of tear gas, even throwing canisters inside homes. The police justified their actions by saying that the demonstrators were blocking the passage of vehicles from San Pedro Sula to Puerto Cortés, which was a severe blow to the economy as this is the main port in Honduras.

I.M.V. was forced to move house constantly and finally decided to leave the country for her own safety and that of her family.

The Commission of Truth concludes that in this particular case disproportionate force was once again used, as evidenced by the systematic nature of the army's intervention to control internal security, and the lack of diligence by the authorities and the judiciary to establish the responsibility of the perpetrators of serious human rights violations. Likewise, the Commission recognizes that the humiliation suffered by I.M.V. constitutes torture and that the repression of the peaceful demonstration constitutes cruel, inhuman and degrading treatment.

The Commission also concludes that the attacks on women during the demonstrations had a strong sexual component, which increased in intensity, ranging from sexist insults to beatings differentiated by gender and finally to the sexual assault of female detainees. At the time of publication of this report, the Special Prosecutor for Human Rights had not completed its investigation into these human rights violations.

1.7 Repression of protesters outside the Brazilian Embassy, September 22, 2009

On September 21, 2009, President José Manuel Zelaya Rosales secretly entered Honduras for the first time since the coup, after two failed attempts on 5 July at Toncontín airport and on July 24th at the Las Manos border post.

Faced with the threat by the de facto government that he would be arrested if he returned, he took refuge in the Brazilian Embassy in Tegucigalpa's Palmira residential district²⁶⁴, where he remained from September 21, 2009 to January 27, 2010.

While the de facto head of state, Roberto Micheletti Baín, denied that President Manuel Zelaya was in Honduras, thousands of people went to the embassy, where they gathered to express their support for him. The crowds increased by the hour and they remained there until dawn on September 22nd.

²⁶³ <http://indigoindependiente.blogspot.com/2009/08/el-unico-delito-testimonio-de-marcial.html>.

²⁶⁴ Address of the Brazilian Embassy - Calle República Del Brasil, 2301, Colonia Palmira, Tegucigalpa, Honduras

In response to the surprise presence of President Zelaya, a set of measures were introduced restricting the rights of the Honduran population, including a curfew²⁶⁵ imposed from 4:00 pm on 21st, and lasting until 26th. Under the curfew, unjustified force was used to disperse, pursue and detain protesters in different parts of the city.

Meanwhile, teachers associations,²⁶⁶ trade unions and union federations called for indefinite strikes across the country to support President Zelaya's presence in the Brazilian embassy.

On 22 September, at 5:00 am, the police and the army moved towards the embassy with water tanks, tear gas, batons and firearms, in order to disperse the protesters, using violation of the curfew as a pretext.

According to testimony received by the Truth Commission, the police, army, and COBRA and intelligence agents surrounded the embassy, fired toxic gases, blocked the exits and cut the power supply. They indiscriminately beat and pursued the demonstrators. They also caused damage to the demonstrators' and local peoples' private property.

Witnesses reported seeing members of the security forces attacking people with batons, tear gas fired straight at the body and firearms.²⁶⁷ There were high concentrations of tear gas for several hours, for a number of blocks, with no consideration for the fact that there were children and elderly people among the demonstrators, and that it was a residential area. The demonstrators were also subjected to physical and verbal abuse.

"I remember a policeman aiming his gun, about to fire a teargas canister at me, and I tried to use a street light column as a shield."²⁶⁸

"The police and soldiers came in and tried to disperse us using their batons. I was beaten in the arms, back, buttocks and head."²⁶⁹

The people in the vicinity of the Brazilian Embassy hid in cars or in neighboring houses. Others used different routes to escape – La Reforma Avenue,²⁷⁰ La Paz Avenue to reach the city center,²⁷¹ Palmira and Guadalupe districts and the Chiquito River.

265 Executive Decree PCM-M-016-2009, published in *La Gaceta oficial journal until September 26, 2009*. The decree suspended for 45 days the guarantees of personal liberty, freedom of expression without censorship, the freedoms of association and assembly, freedom of movement, and arrest under a warrant issued by the competent authority. It also prohibited "any public meeting not authorized by the police or military authorities," and publications "that offend the human dignity of public officials" or contravened the law and government resolutions. The decree authorized CONATEL to use the police and armed forces to "suspend any radio station, television station or cable system that does not change its programming."

266 Eulogia Chávez, President of COPEMH, on behalf of FOMH (*Federación de Organizaciones Magisteriales de Honduras – Federation of Teachers' Organizations of Honduras*), made up of the following teachers unions - COPEMH, COPRUMH, COLPROSUMAH, COLPEDAGOGOS, SINPRODOH, PRICMAH.

267 Testimony received by the CoT, CDV-13-1

268 Ibid.

269 Testimony received by the CoT, CDV-13-2

270 Testimony received by the CoT, CDV-13-1

271 Ibid.

"When I reached the Guanacaste Bridge I jumped in the Chiquito River and I got out at the old prison."²⁷²

"I remember a tear gas canister hit me on the back and knocked me to the ground, so I sought refuge in the surrounding area. I managed to get into a house near the Brazilian embassy, which was empty, but at one point was full of people trying to escape the gas, including women and children. I went up onto the roof in an effort to escape it, lying there for 2 hours. We were attacked by an endless barrage of tear gas, it wouldn't stop. I thought I would choke to death because countless tear gas canisters fell on the roof. To survive, I put my head in a hole in the asbestos roof, to get a bit of air from the space between the ceiling and the roof, like a kind of ostrich."²⁷³

The Commission of Truth has received statements that the authorities continued pursuing and firing live ammunition at about 30 people who had jumped in the river.

"The police, when they followed us, went onto private property so that they could continue firing at us in the river."²⁷⁴

About 150 people, fleeing towards the city center, took refuge in the headquarters of the human rights organization, COFADEH, in La Plazuela district. Around 15 police officers arrived there, and stationed themselves outside revving up their motorbikes. They aggressively tried to enter the building to make arrests. Unable to do so, they attacked the headquarters, firing two tear gas canisters²⁷⁵ that, as well as causing shortness of breath, spread confusion and fear in the people sheltering there, who included children and adolescents, as well as in the staff of the humanitarian organization, who were taking the victims' testimonies.

From the early hours until 10 am, the protesters were relentlessly persecuted. Diana Brown, who had stood vigil with family members in front of the Brazilian embassy, reported to the CoT that, when she saw the military move in and take up positions, she decided to leave. However, she was still in the area when the crackdown began.

She fled, becoming separated from her family. She ran so far that she did not realize she had reached the Guadalupe neighborhood, and was near the female police station. These officers identified her as a protester; she was arrested and subjected to cruel treatment in the police station; they wrapped a Brazilian flag round her head and struck her back, legs and abdomen, while they insulted her. They seized the backpack containing her makeup and replaced its contents with stones. When they tired of beating her, they took her from the police station and threw her into the back of a police pick-up truck, saying that they would send her to court with the backpack full of stones.

272 Testimony received by the CoT, CDV-13-3

273 Testimony received by COFADEH.

274 Ibid.

275 It was possible to establish the origin of the canisters fired into the COFADEH building. The containers had an aluminum label that read "For use only by qualified personnel trained in the use of this product. Made in USA," which hid the fact that they belonged originally to the National Police of Peru.

Ms. Brown was transferred to the Chochi Sosa baseball stadium, in the José Simón Azcona sports complex where over a hundred people were being held. Human rights organizations were in the facilities negotiating the release of the detainees. In the afternoon, the police hastily ordered the detainees out, as it had been announced that UN officials would be arriving.²⁷⁶

As a result of this repression, many injured were taken by Red Cross ambulance to the Teaching Hospital (*Hospital Escuela*) for treatment. There were 15 people²⁷⁷ with head injuries in a single ambulance. The hospital did not keep an adequate record of the injured people referred to it.

The CoT learned that other cases were treated at private clinics, the Social Security Hospital and at the offices of human rights organizations which provided areas where the injured, who were too afraid to go to state hospitals, could be treated.

Local human rights organizations reported more than a hundred injured, who said they had been beaten with sticks and batons. Two people reported having their hands tied behind their backs, being ordered to kneel, and then beaten on their backs with batons which left marks of 3x5cm. Others reported that their belongings were seized, including video cameras.

From lists drawn up by human rights organizations, the CoT has information on 300 detainees in the Chochi Sosa stadium; including 9 children aged 14 to 17.²⁷⁸ There were also reports of people who were transferred to the Lempira Reina ballpark and to near the Peace Monument in Juana Laínez Park.²⁷⁹

"It was a concentration camp. They put us in the sun, they took our details and we were constantly verbally abused."²⁸⁰

According to various testimonies received by the CoT, detainees at the Chochi Sosa stadium were left in the sun for many hours in a line while the authorities slowly took their personal details.²⁸¹ Even though the detainees included people with serious injuries, a forensic unit that arrived did not examine them, but instead quickly went away again.²⁸²

After the crowd was dispersed, military checkpoints were set up on the streets leading to the Brazilian Embassy, and a large number of police and soldiers were stationed constantly outside the Embassy. The surrounding neighborhoods of San Rafael, El Guanacaste and the main access roads were overtaken by the military; public roads were closed and the path of vehicles and pedestrians was blocked by barricades set up at intersections.

276 Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which was visiting the country from 13 to 22 September 2009.

277 CIPRODEH report.

278 Común Noticias, (Común News – Común=Comunicaciones Comunitarias – Community Communications) *Corte responde a la CIDH*. (Court responds to the IACHR).

279 Testimony received by COFADEH

280 Testimony received by the CoT, CDV-13-4

281 Testimony received by the CoT, CDV-13-5, and the IACHR, Honduras: Human Rights and the Coup d'état, p. 27.

282 Internal report by COFADEH, 22 September 2009.

The right to the inviolability of the home was violated for people living near the Brazilian Embassy, who were evicted from their homes so they could be occupied by the police and armed forces. About 300 people were trapped inside the embassy premises where they were subjected to torture and cruel, inhuman and degrading treatment, with loud noises, tear gas and basic services cut off (water, electricity). Most were able to leave with the authorization of state prosecutors, the presence of human rights organizations and the supervision of soldiers who demanded to see the identity cards of those who left the embassy. A group of 60 people remained with President Zelaya and the First Lady, Xiomara Castro.

The area around the embassy remained militarized until January 27, 2010, when President Zelaya left the country. During this time, the guests were subjected to constant harassment by the military surrounding it.

On September 22, there was an equally violent crackdown on protesters in San Pedro Sula. The repression resulted in 50 people being arrested for breaking the curfew and for taking part in activities against the coup, of whom four were tried. The protesters had organized a march from the José Trinidad Reyes secondary school to the Central Park.

Situation inside the Brazilian Embassy

According to testimony given to the CoT, the first 72 hours were critical for the people in the Embassy area, who say they were the victims of attacks on their health. On September 22, soldiers set up a sonic device,²⁸³ that emitted penetrating sound waves in all directions and caused different reactions in people.

"The house where I found myself had a wall adjoining the Brazilian embassy. We saw that they were setting up a strange apparatus, like a flat radar, in the street. The soldiers put on ear protection.

Seeing these preparations I decided to cross over into the embassy, where people helped us to get in, with small number of other people.

We hadn't been there very long when the device began to emit a noise; we heard a recorded voice talking in English. It began with a piercing sound, shrill, unbearable, maddening, which continued for several hours. People walked from side to side, covered their ears, opened their mouths, and sought refuge in the places furthest from the noise. Some people reacted aggressively, and began to stone the device, which meant that the volume increased progressively. Some people lost control emotionally, they cried, you saw the fear of the unknown in their faces. We weren't sure what we were facing - we felt helpless, we thought they were capable of doing all sorts of unthinkable things. ²⁸⁴

283 Its technical name is LONG RANGE ACOUSTIC DEVICE. Sound waves are emitted in all directions, specifically to cause permanent damage to the auditory system. The sound waves penetrate normal ear protectors. Testimony given to COFADEH.

284 Testimony received by COFADEH.

On Friday September 25, 2009, the security forces were condemned for firing toxic gases into the embassy, causing poisoning and bleeding from the nose, mouth, urinary tract and rectum. It also produced eye irritation, drowsiness, vomiting, dizziness and diarrhea²⁸⁵ in at least 40 people who were inside the embassy.²⁸⁶

The Commission of Truth received ample evidence of torture of the people inside the embassy by the authorities. People who reported on the events stated that the soldiers were marching and loading their guns.²⁸⁷ Phone calls to people inside the embassy were intercepted.²⁸⁸ In the early hours of the morning the Honduran national anthem was played through loudspeakers at an unbearable volume for long periods.²⁸⁹

"We were tortured at night with strange noises to stop us getting any sleep. They sounded like endless, repetitive, constant blows, and there were also noises which sounded like digging, which kept us in a constant state of tension, thinking that they would break in through a wall or floor. In the early hours they played us all kinds of music through loudspeakers, including the national anthem for hours, repeatedly, until you couldn't bear to hear it any more, and also the sound of trumpets. At night the soldiers marched outside the Embassy, banging their batons on their shields (like the Romans, when they were preparing for battle), and shouted slogans."²⁹⁰

A "mechanical platform with heavily armed police and soldiers and two snipers" was erected.²⁹¹ Intense searchlights were put in position.²⁹² Behind the embassy an electromagnetic device was set up that caused discomfort to hearing and disoriented people for a long time.²⁹³

"The military were carrying out exercises as if they intended to invade the embassy. Helicopters also hovered at the height of the embassy. We suffered from hunger, thirst, sleep, cold and overcrowding ... "²⁹⁴

The people who were in the embassy could not leave and re-enter. Given their living conditions, several organizations²⁹⁵ tried to provide them with food, medicine and drinking water. However, the authorities at the checkpoints were doing everything possible to prevent any food or object passing through. When permission to access the embassy was finally obtained, the authorities opened the bags and rolled the food about in their hands, and used dogs to sniff it.

"The food arrived very late and sometimes in a bad state, because of the amount of time the soldiers took to allow it in. The food was handled by the soldiers and police and sniffed by the dogs ..."

285 IACHR, Press release 68/09, September 25, 2009.

286 Testimony received by the CoT, CDV-13-6.

287 Ibid.

288 Testimony received by the CoT, CDV-13-7.

289 Testimony received by the CoT, CDV-13-6.

290 Testimony received by COFADEH.

291 IACHR, Honduras: Human Rights and the Coup d'état, p. 27 para.116.

292 Testimony received by the CoT, CDV-13-8.

293 Testimony received by the CoT, CDV-13-7, CDV-13-8 y CDV-13-9.

294 Testimony received by the CoT, CDV-13-8.

295 IACHR, Press release 68/09.

The CoT learned that several of the people who stayed at the Brazilian embassy reported to the Special Prosecutor for Human Rights the damage and the harmful effects on their health caused by the actions of the security forces.

According to the statements of a general practitioner who was inside the embassy, people developed: "febrile diseases, gastrointestinal infections, pains due to muscle cramps, eye infections, panic attacks, stress and irritability in some cases."²⁹⁶ Every day people complained of "pains in the head and neck, dizziness, nausea, abdominal colic, constipation, heartburn, throat problems, such as pharyngitis and tonsillitis."²⁹⁷

On January 27, 2010, Mr. Porfirio Lobo Sosa's inauguration day, President Zelaya Rosales was granted safe-conduct so he could leave the country for the Dominican Republic. Given the prolonged curfew, people opposed to the coup organized and demonstrated in the neighborhoods of Tegucigalpa, where both police and military forces cracked down on the demonstrators, using tear gas indiscriminately, physically attacking people and using firearms continuously, resulting in a large number of injured, including children, both by the shells fired by these guns and contusions from blows.

Deaths of people during crackdowns on demonstrations and in the context of curfews

The CoT recorded the deaths of four people as a result of the widespread repression of September 22, to counter demonstrations in protesters' own residential areas²⁹⁸ in the capital Tegucigalpa. Three died from gunshots fired by the state security forces and one as a result of inhaling toxic gases.

Francisco Alvarado (65) died from a gunshot to the chest, fired by police officers who were putting down a demonstration in the Flor del Campo district of Comayagüela. Francisco Alvarado, who lived opposite the police station and was not taking part in the protest, had gone out at 7pm to do some shopping at a nearby store.

Elvis Jacobo Euceda Perdomo (18), died from two gunshot wounds to the head and back, when he ignored a police checkpoint. The young man, who was riding a bicycle, yelled 'Coups supporters' at the police and kept going. Eyewitnesses reported that police patrol car M 110-6 stopped 70 meters away and shot him in the back. On September 23, the Special Prosecutor for Human Rights filed charges against a police officer, Denis Omar Montoya Murillo, for the homicide of Elvis Jacobo. A report submitted by the Supreme Court to the Inter-American Commission states that the accused has fled.²⁹⁹

296 Testimony received by the CoT, CDV-13-10.

297 Ibid.

298 The residential areas include Kennedy, Villanueva, Cerro Grande, Villa Olímpica, Francisco Morazán, La Cañada, Divanna, Torocagua, Hato de Enmedio, San Francisco, Calpules, El Chile, San José de la Vega, El Pedregal, Centro América Oeste, Las Torres, El Picachito, Los Jucos, el Morazán, Los Pinos, El Reparto, el Manchén, 21 de Febrero, El Bosque, Víctor F. Ardón, Flor del Campo, Bella Vista, Las Pavas, El trapiche, La Cañada, los Girasoles, El Chile, San Isidro, Residencial Plaza, Santa Cecilia, El Carrizalito, Nueva Suyapa, Policarpo Paz García, Smith #1 y #2, La Peña, Reparto, Guanacaste.

299 In the trial court, the three judges from the third chamber found the police officers Denis Omar Montoya Murillo, Gabriel Rodríguez Aguilera and Diana Oneyda Chinchilla Arita guilty of abuse of authority and illegal detention. According to the police

Jairo Sánchez³⁰⁰ died from a gunshot to the face, during a demonstration by residents in Vista Hermosa Centro, the confluence of several residential districts in northern Comayagüela. On September 23, at 11.30 am, a police motorcyclist fired on the demonstrators for no reason.

Wendy Elizabeth Ávila³⁰¹ (24 years) died of bronchial spasms at the *Hospital Escuela* in Tegucigalpa, on September 26, after inhaling the chemicals from the tear gas canisters fired near the Brazilian Embassy in the early hours of September 22 to disperse the protesters supporting the return of President Zelaya. Medical staff who treated her did not refer her body to the forensics unit so that an autopsy could be carried out to establish the cause of death.

The clinical record stated that her death was due to pneumonia and asthma. The forensic doctor stated that the cause of death was influenza AWI N 1, and the autopsy was not performed because it was deemed to be a natural death.³⁰²

The CoT also identified other violations affecting children and adolescents who were not involved in the protests, as in the case of Ángel David Osorto Rodríguez³⁰³ (13) and Gerson Ariel Cruz Zelaya (16).³⁰⁴ They were both injured by gunshots fired by police officers who were cracking down on demonstrations in their neighborhoods. Both are suffering the effects of the injuries to their digestive tracts.

The CoT is aware that human rights organizations reported the cases to the Special Prosecutor for Human Rights and the Office of the Prosecutor for Children, but at the time this report was completed, they were still at the investigation stage.

The CoT concludes that the mass demonstrations in Honduras in 2009 provoked a violent backlash by the state. The right of assembly and right to life were violated; demonstrators were brutally repressed, this repression including the torture of detainees who were criminalized. Constitutional guarantees were suspended, residential areas were militarized and “profiles” were drawn up of civil society leaders, who later suffered attacks, some fatal.

report, the guilty parties had arrested Engris Yomenis Meléndez Vásquez on December 13, 2007, when he was cycling through Villas Paraíso district, who was then transferred to one of the cells at Lomas del Carmen police station where he was ill-treated. *La Tribuna* newspaper, August 17, 2012 - 8:48 PM.

300 National president of the SITRAINFOP (*Sindicato de Trabajadores del Instituto Nacional de Formación Profesional* - Union of Workers of the National Vocational Training Institute), President of the Community Council of San Francisco, where he lived. The police station in Vista Hermosa Centro district refused to provide information about what happened when COFADEH staff arrived to check the logbook. The police officer arrogantly stated solely that they were in the area when the incident occurred. Unofficially it was learned that the police motorcyclists were from the main police station in San Francisco.

301 Wendy had been a member of the Resistance since June 28, the day of the coup; together with her husband she was a member of the *Motorizada de la Resistencia*. (Resistance Motorcyclists).

302 Testimony given to COFADEH by Edwin Róbelo Espinal, Wendy Ávila's husband.

303 Ángel David Osorto Rodríguez. He was wounded on September 22, in the evening, when he was walking with his father Ángel Manuel Osorto and two of his brothers (all minors), near Santa Anita cemetery, in Comayagüela. They came across two policemen on a motorcycle, who were coming down from Ciudad Lempira, firing at demonstrators they were apparently pursuing. One of the shots hit him in the back, causing injury to the left lumbar region, a fractured arm and 4 perforations of the transverse colon. The Office of the Prosecutor for Children came to the hospital, threatening to suspend the parents' custody of their son. Ángel David has required at least four operations. To date, he has still not recovered his health.

304 Gerson Ariel Cruz Zelaya. On September 23, at 8.30 p.m., 4 police officers (1 woman and 3 men) arrived in his neighborhood, firing indiscriminately at people demonstrating in the street. Gerson was wounded in the abdomen, and operated on at the *Hospital Materno Infantil* (Maternity and Children's Hospital).

The stigmatization and humiliation of detainees was very common, with excessive use of force being the norm. Cases of torture have been documented, such as placing the detainees' hands on rocks or walls and then hitting their fingers with planks, accompanied by taunts such as "This way you won't be able to grab another stone, you bastard", "We're going to have to get rid of these assholes".

1.8 Repression of protesters in San Pedro Sula, September 15, 2010

The National Resistance Front against the Coup organized a peaceful protest that would take place simultaneously in different cities on September 15, 2010, to commemorate the independence of Central America from the Spanish Crown. It represented an alternative to the official event organized by the government. Participants were members of trade unions, the FNRP, secondary schools, professional associations and various arts groups. In San Pedro Sula, the rally was passing along Second Street to Plaza Libertad (Freedom Square), where a stage had been erected for performances, including the Café Guancasco music group that had set up its sound equipment and instruments early.

According to information gathered by the CoT, the last group of demonstrators was approaching Plaza Libertad, followed by vehicles accompanying them in convoy, and behind these a police tank. At the head of the demonstration were two officers from the National Preventive Police travelling in a four-door pick-up, including Deputy Commissioner Daniel Matamoros, who was heading for a platoon of COBRA agents. At that moment the police officer Héctor Iván Mejía arrived, who made a call on a radio. Minutes later, the repression began with tear gas, persecution, beatings and arrests of protesters.

According to the various witness statements, suddenly the tank, equipped with a cannon, began indiscriminately shooting jets of water mixed with chemicals and the police inside it fired tear gas at the people taking part in the demonstration. The countless number of tear gas explosions filled the streets and the square with dense smoke, while police and military patrols equipped with body armor, shields, batons and gas masks flooded into the side streets. They immediately began to violently beat and insult any demonstrator they encountered as they advanced. As a result, at least five people were hospitalized and 37 arrested, three of them minors.

The demonstrators sought refuge in nearby buildings, many of them in Radio Uno (Radio One), which was attacked by members of the police, who broke windows and fired tear gas inside. In a clear abuse of authority, they entered the building to apprehend the protesters.

Napoleón Ernesto Bardales, an FNRP member, sought refuge in the lower part of the Radio Uno building along with his 12-year-old son. Then he saw a 7-year-old boy vomiting from the effects of the tear gas, and went over to help him. At that moment, police officers and soldiers who were passing through beat him on the back with batons. The boy was also beaten, and so he immediately passed him over to his mother, who was trying to get to safety with her small daughter.

"... just when I was pouring water on his face, I felt the first baton blow on my back. I was supporting the boy with my left arm. I saw them hitting this boy and they beat him twice with a baton ... he was about 7 years old."³⁰⁵

About 15 policemen and soldiers set about him, subjecting him to cruel, inhuman and degrading treatment. He was brutally beaten with batons and kicked all over his body, and dragged along the ground until he lost consciousness.

"... they began hitting me repeatedly with batons, kicking me with their boots, I received blows to the head. I have a wound with four stitches in my head, baton blows to the face and mouth, they knocked out four of my teeth, they injured my lower lip, I have three deep wounds in my lip, they hit me on the forehead, they hit me in the eye, they hit me on the chest, back, knee, stomach. I was beaten so much and so hard that I lost consciousness."³⁰⁶

Efraín Lopez, a lottery vendor who did not take part in the demonstration, died of pulmonary congestion from inhaling tear gas. The Department of Forensic Medicine (*Dirección de Medicina Forense*) of the Public Prosecutor's Office gave the cause of death as a heart attack. The CoT is aware of four people³⁰⁷ who have died from respiratory complications after being in places where the security forces have made excessive use of tear gas when crushing demonstrations.

Fidencio Cáliz, aged 60, who was in Plaza Libertad, was also seriously injured. When he saw the crackdown he decided to run with the other protesters. Suddenly, he felt a violent blow to the back of his head, and fell to the ground disoriented, due to the impact from a tear gas canister which injured his skull.

Meanwhile the artists who were preparing to launch the music event were surprised by the tear gas canisters falling on stage. They were forced to abandon it, leaving their sound equipment and instruments. One of them tried to protect them, but his explanations were useless. He was hit in the eye and on the back with batons, and as a result was hospitalized.

The police caused damage to private property. They deliberately trashed Café Guancasco's sound equipment and instruments with their batons, and drenched them with water mixed with chemicals.

"... Once the people were dispersed, the police destroyed the instruments, hitting them with batons, including the sound console; they kicked everything. Before going onto the stage and destroying everything, the police fired the jet of water at it ..."³⁰⁸

At the time the report was completed, the CoT learnt that the Special Prosecutor for Human Rights had initiated proceedings against Deputy Police Commissioner Daniel Matamoros and Héctor Iván

³⁰⁵ Testimony given to the CoT by Napoleón Ernesto Bardales.

³⁰⁶ Testimony given to the CoT by Napoleón Ernesto Bardales.

³⁰⁷ Wendy Elizabeth Ávila Amaya (26/09/09), Olga Osiris Ucles Hernández (03/10/09), José Domingo Turcios Alonzo (14/10/09), Efraín López (15/09/10). Data recorded by COFADEH.

³⁰⁸ Testimony to the CoT.

Mejía for the crime of failure to fulfill the duties of public officials (*incumplimiento de los deberes de los funcionarios*). Judge Cristian Urrea will hear the case filed.

1.9 Repression of the teaching profession. Killing of teacher Ilse Ivania Velásquez Rodríguez, March 18, 2011

The Truth Commission considers that this case also falls within the general pattern of the repression of social protest that resulted from the political crisis generated by the coup d'état. All of the cases analyzed occurred after the breakdown of the constitutional order, and these socio-political conflicts continued during the regime which followed the coup d'état, also affecting the full exercise of the right to freedom of expression. This authoritarianism led to conflicts with civil society organizations which rejected the elections and political, economic and military power became concentrated.

Within this context, existing spaces for citizen participation were replaced by spaces controlled by the military, restrictive laws were adopted and the right to different forms of expression was violated. One of the most significant examples of this was the repression of demonstrations in which a number of different social sectors participated, in solidarity with teachers and students who were protesting against the adoption of the Education Act.

From June 28, 2009 onwards, the teaching profession had led the collective condemnation of the constitutional breakdown and as a result suffered various types of reprisals from high ranking officials in the *de facto* regime, including illegal detentions, stigmatization, beatings, threats, harassment, persecution, interference in their organizational affairs, militarization of their offices, suspension from office and fines as an administrative act of repression, as well as interference in the management of their social security institutions: 12 teachers were killed, teaching leaders and their families were threatened, some were attacked and 50 were criminalized during the coup period. In 2010, at least three teachers' demonstrations were violently crushed, resulting in serious injuries and criminalization.³⁰⁹

In March 2011, the teaching profession organized "days on the street" in defense of public education and the respect of their labor victories, employment rights and social welfare rights. On March 8, repressive forces occupied INPREMA (*Instituto de Previsión del Magisterio* - the National Teachers Pensions Institute).

On March 9, teachers' organizations declared an indefinite national strike. These actions were supported by students and their parents, and by members of the National Resistance Front. The protests were concentrated in the financial area of Boulevard Centroamérica, in the vicinity of the INPREMA premises.

On March 17, demonstrations were held simultaneously in different parts of the country, with the aim of pressing forward with their demands indefinitely. In response, the Executive ordered roads and public buildings to be cleared of demonstrators. The operation against the teaching profession

³⁰⁹ August 20 and 29, 2010.

was led by over 300 members of the security forces, who, by beating the protesters and using tear gas and water cannons, dispersed the protesters in Comayagua, Danlí and Tegucigalpa. At all three sites preventive police, army and plainclothes men in unmarked cars pursued the teachers, firing tear gas and automatic weapons. In Comayagua, 31 people were arrested and six were injured, among them Professor Margarito Rodríguez.

In Tegucigalpa on the same day, tear gas was fired at buildings, breaking windows and damaging walls. At least two children, including a baby, suffered serious poisoning, eight people were arrested and 10 injured, requiring hospitalization, while in Danlí, seven people were arrested. The leaders of COPEMH (Association of Secondary Teachers of Honduras) stated that they had agreed with police chiefs Chamorro and Molina to cease the protest at 12:30 midday. However, before the deadline had passed, the police began to crush the protest which had blocked off the surrounding streets and avenues.

On the same day, Porfirio Lobo Sosa, who been President since 2010, and Marlon Pascua, Defense Secretary, expressed radical positions against road blocks by protesters,³¹⁰ arguing that, for the coexistence of citizens, restricting freedom of movement and circulation should not be allowed, also adding that people did not have permission to demonstrate under to the Law on Police and Social Coexistence (*Ley de Policía y Convivencia Social*).

Defense Minister Marlon Pascua told the media that police and soldiers would disperse anyone who hindered free movement:

***“...President Porfirio Lobo has given instructions to prevent any road blocks, and in this case we are going to act firmly and take all necessary action to avoid any roads being taken over”³¹¹,
“If we see that there is any danger, the Armed Forces will have to use force, in line with instructions, to prevent this from continuing”³¹².***

The protests continued in the days following. On March 18, 2011, approximately 60,000 primary and secondary school teachers voted for a national strike against the privatization of education in Honduras, also demanding payment of overdue wages that, since 2010, were owed to over 3,000 of their number. The work stoppage was called by the FOMH (*Federación de Organizaciones Magisteriales de Honduras - Federation of Teachers’ Organizations of Honduras*).³¹³

At approximately 08:00 am, the public demonstration began in the vicinity of the business area of Boulevard Centroamérica in Tegucigalpa. This act of public protest was organized by FOMH and by the National Popular Resistance Front in response to the actions taken by the regime against the teachers’ union.

³¹⁰ *La Tribuna digital*, March 17, 2011. “Defensa ordena desalojo de tomas en vías públicas” (“Defense orders road blocks to be cleared” Available at <http://www.latribuna.hn/2011/03/17/defensa-ordena-desalojo-de-tomas-en-vias-publicas/> *La Tribuna digital*, March 17, 2011.” *Policía disuadirá tomas o procederá al desalojo* “Police will prevent road blocks or clear them”, at <http://www.latribuna.hn/2011/03/17/policia-disuadira-tomas-o-procedera-al-desalojo/>

³¹¹ *Proceso Digital*, March 17, 2011.

³¹² *Ibid.*

³¹³ They also demanded that the government repay its debt to INPREMA, as well as calling for the Teachers Statute, which guarantees their employment and social rights, to be respected.

Multiple witnesses coincide in describing the demonstration as peaceful. Thousands of protesters shouted slogans, sang and clapped as a sign of peace.³¹⁴ At around 10:00 in the morning, riot forces were deployed, ready for a fresh crackdown on protesters.³¹⁵

Among the forces deployed were police and soldiers dressed in olive green and grey camouflage gear. All were heavily armed with regulation rifles, bulletproof vests and gas masks. Two special tanks³¹⁶ for releasing pressurized water jets and tear gas were stationed opposite the INPREMA building entrance; a patrol car was located on the street leading to the National Registry of Persons (*Registro Nacional de las Personas*) near the car park at the Military Social Security Institute (*Instituto de Previsión Militar*) and the BANPAIS bank, on Boulevard Centroamérica, with eight barrels presumed to contain chemicals which were later added to the water in the tanks, weapons for firing tear gas and tear gas canisters, leg protectors.

Between 100 and 150 police and soldiers were in the Luis Landa area, opposite the Vocational College of the Teachers' Union of Honduras (*Colegio Profesional Unión Magisterial de Honduras - COPRUMH*), scattered around the perimeter of the area. Another strong contingent of around 100 to 150 police and soldiers stood in the San Ignacio area, almost hidden in the street leading down from the Banco Atlántida building. Some 30-50 soldiers were also occupying the street in front of the INPREMA entrance and the Banco Atlántida and another 60-70 were stationed in several places, namely near the gas station in the El Hogar district and the Centroamérica shopping center, the area behind COPEMH, the Boulevard Centroamérica near the La Fogata shopping center.

A number of witnesses state that at approximately 10:00 am, members of the National Preventive Police, under Wilmer Eduardo Suazo Aguilera, arrived with a note which ordered the protesters to leave in 10 minutes,³¹⁷ otherwise, the area would be cleared forcibly. The note was photocopied and distributed to the press and people situated nearby. Simultaneously, one of the policemen shouted that they would proceed to evacuate the area in ten minutes. From the back of a car, one of the protesters advised people over a megaphone to "stay calm, nothing is going to happen".

³¹⁴ Video footage and photos from *Feministas en Resistencia* (Feminists in Resistance): chants were heard "Let's clap as a sign of opposition". Appeals by megaphone can be heard from the car, "Let's stay calm, comrades, let's stay calm ..., let's keep calm and stick together. Don't disperse because it's when we go off alone that they get us. Nobody's going to give information about the teachers' union", "The teachers are unarmed".

³¹⁵ <http://www.argenpress.info/2011/03/represión-salvaje-en-honduras-donde-ni-html>

³¹⁶ *Feministas en Resistencia*, photos and videos, news articles, videos on YouTube.

³¹⁷ Office of Commissioner Mario René Chamorro Gotay, dated March 21, 2011, for prosecuting human rights lawyer, Leyla Cristina Alemán, Operations chief JEME-1 BO. Los Dolores. 1. Deputy Police Commissioner Wilmer Eduardo Suazo Aguilera; Police District M1-1 Edén neighborhood. 10 police officers under the responsibility of Deputy Police Commissioner Jorge Daniel Molina Gálvez; Police District M1-2 Manchen neighbourhood; 12 police officers under the responsibility of Deputy Police Commissioner Carlos Mauricio Soto Leiva. Distrito Policial M1-3 Col. San Miguel. 12 police officers under the responsibility of Deputy Police Commissioner José Humberto Ferrufino; Police District M1-4 Col. Kennedy, 3 police officers under the responsibility of Commissioner Leonel Osmín Merlo Canales, Police Inspector Gilberto Rojas, Deputy Police Inspector Krishna Anubis Vaquis Bonilla; Police District M1-5 Belén neighbourhood, 22 police officers under the responsibility of Deputy Police Commissioner Javier Francisco Leiva Gamonedá; Police District M1-6 b. La Granuja; 2 police officers under the responsibility of Police Commissioner Dorian Martín Sobalvarro Bueso; Motorbike squad Barrio Abajo neighbourhood. Police Commissioner Constantino Josue Zavala Laínez. Tank M1-04 driven by Eusebio Ramírez; Documentation DGPN (COE = No. 075-2011, List of 43 police officers, two M1-05 tank drivers; Manuel de Jesús Euceda and José Luis Rodríguez; 6 class I and 28 cobras. Digital document provided by Special Prosecutor for Human Rights.

Killing of the teacher Ilse Ivania Velásquez Rodríguez

Ilse Ivania Velásquez Rodríguez was at a corner near the Tiendas Diunsa shop, having something to eat, along with her daughters Ruth María and Ivania Carolina Velásquez, who are also teachers, and her son-in-law Mauricio Alexis Méndez Amador.³¹⁸ Suddenly they realized that other protesters were running away and they heard the voice on the megaphone, presumably a police representative, giving them ten minutes to leave the area and return home. The police and military forces had already been deployed around the area with their munitions ready before the demonstration had begun.

Before the announced period of time had passed, witnesses recall that about 50 police dressed in blue uniforms and some soldiers in green and grey camouflage gear, who were outside the INPREMA building, simultaneously moved towards the protesters, beating their shields with their truncheons, an action copied by officers near the COPRUMH building,³¹⁹ at the same time sirens sounded from the tanks. Because of this combination of sounds, most people standing any further than about five meters away did not hear the verbal warning or see the photocopied note.

One of the two tanks headed towards Miraflores Plaza shopping center and the other took the Boulevard that runs from DIUNSA to the Las Colinas area, on the right hand side of the road by the Banco de Occidente building.³²⁰ Each tank contained two policemen, who were only visible from the waist upwards. They were firing jets of water containing chemicals. Likewise, the amount of tear gas released from the tanks was so great that it formed thick smoke which did not permit the protesters to see the floor or the direction they were running in as they fled. The concentration of tear gas was described by one witness as “unbearable, totally excessive”.

Most of the protesters fled in different directions. Many began shouting chants and others raised their hands to show that they were unarmed and defenseless. Protesters who were accompanying Ms. Velásquez informed the Commission that they were fleeing with her during the time of the police crackdown. Suddenly they saw a tear gas canister her in the nape of the neck. She fell to the ground, hitting her head as she fell, and started bleeding from the nose and ears.³²¹

Some victims tried to help her, but the fog of tear gas was burning them and they were not able to lift her up because of her weight and the suffocating effects of the gas. Someone placed her face upwards; and it was possible to see that she had a wound on the side of her forehead, and apparently also on her nose and temple.³²²

A few minutes after Ms. Velásquez collapsed, a white Toyota 4x4 pick-up arrived at high speed, passing through the smoke. The pick-up ran over the teacher’s body and stopped a few feet ahead.³²³ None of the witnesses said the driver of the vehicle did this on purpose. The vehicle

³¹⁸ Witness statements given to COFADEH

³¹⁹ <http://youtube.com/watch?v=0171prmihu/nr=1>

³²⁰ http://youtube.com/watch?v=9tltq2y_rly&feature=related

³²¹ <http://youtube.be/4rkzr-5qkgw>

³²² Her daughter Ivania looked at her body in the morgue and observed that she had a forehead wound and a collapsed left temple.

³²³ <http://youtube/6cugxteqlpk>

belonged to a television program called “*Hable como Habla*” with several cameramen and journalists in the back.

Seconds later, a red pick-up arrived. This stopped in front of Ms. Velásquez and several men took her to the emergency department of the Teaching Hospital (*Hospital Escuela*). The vehicle was pursued by one of the police tanks which fired water laced with chemicals at them continuously. Although the people in the pick-up shouted to the officers that they were taking an injured person to the hospital, they continued attacking them. One of the people helping Ilse Ivania Velásquez tried to protect her by covering her with his body to prevent water jets with chemicals falling on the teacher's face and going into her nose and mouth. The pressure from the water jets shook the car violently. This water causes burning to the skin, vomiting and diarrhea.

Physicians attending Ilse Ivania Velásquez at the Teaching Hospital in Tegucigalpa diagnosed grade three severe traumatic brain injury, produced by the impact of an unidentified object.³²⁴ Several minutes after 12:10 a.m., she was declared officially dead by medical authorities at the Teaching Hospital.³²⁵

From the facts described above we can conclude that there are systematic patterns of police violence used against the demonstrators. The conclusion of the CoT can come as no surprise - that the police went far beyond guaranteeing the rights to free movement by using a pattern of abuse against protesters. There is evidence that during mass demonstrations of Honduran citizens, the State violated rights to assembly and freedom of expression instead of protecting them, through actions such as those described above. The most effective form of intimidation they implemented to achieve this was through the death of protesters: five people were killed by state agents during mass demonstrations.

The CoT learned that the Public Prosecutor’s Office, through the Common Crimes Prosecutor, opened an investigation on March 19, 2011 into the driver of the vehicle, who had voluntarily presented himself for questioning. On February 10, 2012, the Special Prosecutor for Human Rights exhumed the body at the request of the relatives and COFADEH. The case remains open.

1.10 Repression in different regions of the country March 30, 2011

The CoT considers demonstrations in Honduras to have increased and, with them, repression, abuse and excessive police violence, and believes that the State has not treated this violence with due diligence. The lack of investigations and punishment of those responsible for the repression in 2009 and 2010, during which some people were killed, has strengthened impunity and criminality. This has also empowered officials responsible for national security.

The year 2011 was no different to 2009 for people exercising their freedoms and rights, with public statements by senior officials against protesters serving as an invitation to use excessive force. On March 17, Defense Secretary Marlon Pascua told the media that police and soldiers would disperse protesters who hampered free movement:

³²⁴ Statement by Dr Nicanor Santos to Radio Globo on March 18, 2011.

³²⁵ Complaint filed by COFADEH on April 6, 2011 with the Special Prosecutor for Human Rights.

***“...President Porfirio Lobo has given instructions to prevent any road blocks, and in this case we are going to act firmly and take all necessary action to avoid any roads being taken over”³²⁶,
“If we see that there is any danger, the Armed Forces will have to use force, in line with instructions, to prevent this from continuing”³²⁷.***

The CoT received information about the decisions taken by the National Popular Resistance Front (FNRP) in its assembly on February 26 and 27. Their resolutions included the decision to call a general strike to support the teachers’ struggle which had been ongoing since 9 March, to defend the Teachers’ Statute, to reject the Education Act and to salvage INPREMA.

The general strike declared by the FNRP was held on March 30, 2011, in different parts of the country. The peaceful protests were crushed by members of the National Preventive Police, supported by the Army. The forcible dispersal of the protesters resulted in arrests, injuries, and tear gas poisoning in different regions: in the north, Santa Cruz de Yojoa, Potrerillos, San Pedro Sula, El Progreso and Planes; in the south, in Nacaome; and in the center, in Tegucigalpa, for students from the National Autonomous University of Honduras (*Universidad Nacional Autónoma de Honduras* - UNAH).

In the city of San Pedro Sula, the National Autonomous University of Honduras in the Sula Valley (UNAH-VS) was surrounded by police officers, who stopped people inside from leaving. Tear gas was fired into the building continuously for over an hour, and dozens of young people were affected by the inhalation of gas and injuries caused by tear gas canisters being fired directly at their bodies.³²⁸

In Potrerillos, a municipality in the department of Cortés, in the El Triunfo area, five injured people were arrested.³²⁹

Lawyers Iris Bude and Evaristo Euceda, who were working in defense of human rights, were attacked in the police station in Villanueva, where a police officer insulted them and prevented them from entering the police station. The deputy police inspector attacked Ms. Bude by pushing her out of the police headquarters.

In Santa Cruz de Yojoa, protesters who had gathered at the junction for Las Flores were repressed by the police and army. The Preventive Police, under the command of Commissioner Rubí, ordered a violent crackdown. 17 people³³⁰ were arrested and sent to the First Police Station at San Pedro Sula. Six injured people were transferred to the Mario Catarino Rivas Hospital.³³¹ The security forces proceeded to burst all 4 tires of over 30 vehicles in the area with their rifle bayonets. In the

³²⁶ *Proceso Digital*, March 17, 2011.

³²⁷ *Ibid.*

³²⁸ Josué Rodríguez (20) was hit in the right ear. 2011 Repression Report, COFADEH.

³²⁹ Alejandro Duarte García, Luciano Barrera Monroy, Haydee Márquez del Cid, Junior Mejía Murillo and the teacher Gloria Marina Perdomo Rodríguez. 2011 Repression Report, COFADEH.

³³⁰ Those arrested included: Lidia Arita, Nedi Santos Castillo, Antonio Maradiaga, Glenda Cabrera. 2011 Repression Report, COFADEH

³³¹ Daisy Sabillón and Manuel Miranda, among others. 2011 Repression Report, COFADEH

light of this crackdown with gas and live bullets, many people fled to the surrounding mountains, where they were also pursued.

The CoT also received information about various incidents in Tegucigalpa. UNAH was once again attacked by the National Preventive Police who fired hundreds of tear gas canisters, causing a small fire in one of the university buildings. Moreover, thousands of young people responded to the police attack by throwing stones.

The Police arrested six youths, who were accused of the crime of unlawful demonstration and held in custody in the Metropolitan Police Headquarters No. 1.³³² The Police also arbitrarily detained three people³³³ who they forced to get off a bus, arrested and took to the police station in the La Granja neighborhood. They were released three hours after being arrested.

That same day, six heavily armed, plainclothes individuals tried to kidnap Edy Guifarro, a member of the security team of the CoT, when the taxi which he was driving came to a halt near the San José de la Vega area. The individuals who surrounded the car were close to a mobile court vehicle that was parked in the area. They beat Edy on the body and head with their weapons, and then he managed to escape by running near vehicles which were backed up because the traffic was at a standstill. These men followed Edy and shot at him six times, without appearing to be concerned that they could also injure other people who happened to be in the area. The blows Edy received ruptured his eardrum and caused injuries to his skull.

At the headquarters of the COPEMH, three serious incidents were reported on the day in question. At 11:00 am, two plainclothes individuals entered premises where a public dump is located, adjacent to the car park for the COPEMH and PRICMAH (*Primer Colegio Magisterial de Honduras – First Teachers’ Association of Honduras*); then police arrived and stationed themselves at the entrance to the car park. At that moment, Bertha Oliva, coordinator of COFADEH, was arriving at the building, and so she approached the head of the police operation. The officer explained their presence by stating that this was at the request of the Public Prosecutor’s Office, because *intelligence* had been received that there were explosives on the site.

These explosives consisted of bottles supposedly containing fuel, which had been carefully placed between the rubbish bags and which were totally clean. To the leaders of COPEMH, this suggested that it was a set-up, a scenario that was all too perfect, to be used as a pretext for launching criminal proceedings against the teachers and the resistance movement.

The CoT also learned about the effects of repression in Nacaome, the main city in the department of Valle, where police staged a violent crackdown by indiscriminately firing tear gas into homes where children were present and who were severely affected by gas inhalation. A two month old baby, Christopher de Jesús Bonilla García, was taken to hospital with symptoms of asphyxiation

³³² Those arrested were identified as: Maynor Lizandro Aguilar (18), Marlon Alexander Rosales Rico (22), Douglas Manuel Flores (18), university students; Oneyri Oneill Moreno Mejía from the Colectivo Arco Iris, Marlon Nahúm Estrada, a taxi dispatcher in the UNAH. Josué Sevilla was beaten on the back with truncheons, as was Elwin Meza. All were arrested and taken to the police station in the Kennedy district and later released. 2011 Repression Report, COFADEH.

³³³ Three people were arrested, including two minors, Emerson Stevez Flores (15), Víctor Geovanny Flores (14) and Wilfredo Flores Aguilar (33). 2011 Repression Report, COFADEH

caused by gas from two tear gas canisters fired directly into his home, and from over a dozen more fired in the immediate vicinity. When his parents tried to take him to safety, they were pursued by the police who fired tear gas at them. As a result his mother (15) was unable to carry on, but his father, a young farmer of 17 years of age, managed to get him out of the area by jumping over a wall.

During the crackdown, police arrested three minors, Mario de Jesús Saucedá (19) and José Raúl Mendoza Posadas (17). The latter was buying food on behalf of his mother. They also arrested human rights defender Andrés Abelino Ortiz Ortega (74). Meanwhile, in the community of La Flor, in the peninsula of Zacate Grande, police officers arrived in the community by boat and intimidated residents by demanding that they reveal whether they belonged to the resistance movement.

In the community of Planes, in Bajo Aguán, protesters were violently repressed by officers from the police and army, who in addition to gas and chemicals, also used live bullets, causing 11 people to be wounded in the gunfire. These included Waldina Díaz Trujillo, a teacher; Neptalí Esquivel from the San Esteban New Rural Cooperative (*Cooperativa Campesina Nueva San Esteban*); Mauro Rosales from MUCA (*Movimiento Unificado Campesino del Aguán* - the Unified Campesino Movement of the Aguán); David Corea, a television cameraman from Olanchito; Juan Antonio Vásquez, president of the Bolero small producers' company, Chávez Rosales Paulino and Franklin Hernández from the 4 March Campesino Cooperative, Víctor Euceda of the 4 February Campesino Cooperative, Daniel Pérez from the 4 December Campesino Cooperative, Professor Elías Erazo Hernández from the community of Los Leones, in the municipality of Trujillo; Eduardo Rivera and a security guard who was passing at the time of the shooting. It was also reported that eight people were arrested and taken to the Police Headquarters at Sabá.

The CoT is concerned about the **human rights violations** reported in 2011 during **protests**. Complaints were made regarding excessive **use of force by the police, misuse of tear gas and water cannons, arbitrary arrests and reports of torture and maltreatment, including beatings and threats of sexual violence**.

Regarding these incidents, the CoT reminds the State that **it has an obligation to respect the human rights of the demonstrators** and that to this end, there are international protocols governing the use of force by public officials responsible for law enforcement. "The use of gas and water are the last resort, and never the first resort during a demonstration".

Illustrative cases for pattern 2:

Repression which is selective or targeted at people considered by the de facto government to be destabilizing the regime

2.1 Patricia Rodas Baca – Foreign Secretary

Expatriation of the Foreign Secretary Patricia Rodas

Patricia Isabel Rodas Baca, who has a doctorate in history, was born into a family of liberal politicians, and spent her childhood in exile. In her youth, in the 1970s and 1980s, she was a member of the student movements in the National Autonomous University of Honduras (UNAH), groups which were considered left-wing. Its main leaders were victims of politically-motivated killings and disappearances. She had been a resident in Nicaragua for family reasons. In 2005 she became Chair of the Liberal Party's Central Council, a position she held until the Liberal Party convention in 2009.

In January of that year, she accepted her first post in the government of President José Manuel Zelaya, who named her Foreign Secretary. From her appointment onwards, and even long before that, she was criticized by the corporate media.

"The news that Patricia Rodas will be the new foreign secretary, replacing Edmundo Orellana, is surprising. Mel seems to delight in treating the presidency as a joke, making premature decisions without consulting stakeholders, failing to engage in dialogue and provoking conflicts everywhere. As if the country didn't have enough problems already. We're faced with a constant circus - Mel loves being in the limelight, for better or worse, and he leads us from one scandal to another. There's enough material here to entertain those of us who are passively observing national events. After threatening the economy with the specter of unemployment by drastically increasing the minimum wage, Mel has now excelled himself by choosing Patricia Rodas as foreign secretary. You'd think that Mel wasn't Honduran, as he seems to be hell-bent on destroying Honduras. And this is a good opportunity to achieve it. It's well-known that Ms. Rodas Baca is a fanatic of an unhealthy strain of leftist populism. What next? Demand that the United States lift the sanctions against Cuba? Expel the US Ambassador? We hope that common sense will prevail, and that Ms. Baca will radically alter her line. Otherwise, the country may well slide out of control."³³⁴

"When Zelaya announced at a press conference that Rodas would go to Foreign Affairs, it was met with a chorus of disapproval from the journalists covering the event."³³⁵

³³⁴ Univisión News.

³³⁵ La Prensa newspaper 06.01.09

She was constantly criticized for her ideas for change and her public respect for figures such as Hugo Chávez, the President of Venezuela,³³⁶ Fidel Castro and Daniel Ortega. The smear campaigns in the media intensified from 2008. The Liberal Party's right-wing, led by Roberto Micheletti, repeatedly accused her of being an upstart, as well as of abusing her position. She was heavily criticized for her participation in the Council of Ministers when she was the Chair of the Central Executive of the Liberal Party. Businessmen and ultraconservative politicians blamed her for President Zelaya's ideological shift. She was also accused of having formed a closed group to foster new alliances; the group was contemptuously called 'the patricians' by the media.³³⁷

As Foreign Secretary she continued to support negotiations with the ALBA countries. On February 17, 2009, she gave campesino organizations tractors donated by ALBA.³³⁸ In May 2009, she met the Venezuelan Foreign Minister, Nicolas Maduro, in Caracas to review the agreements and conventions concluded between the two countries and to analyze Latin American political and integration processes.³³⁹

In early June 2009, the corporate press began another line of criticism against the Secretary of State. They accused her of disregarding parliamentary procedure to lead the OAS Assembly. This body held its 39th Assembly in San Pedro Sula, where it approved the admission of Cuba to the OAS, proposed by Patricia Rodas, as host.

On the morning of June 28, 2009, her home in Tegucigalpa was besieged by soldiers commanded by an officer identified by the name Oseguera. The platoons, which were in place from 5:00 am, cut off the electricity supply and phone lines. Upon receiving the call from the President's daughter telling her that soldiers had taken her father away by force, after breaking the door by shooting at it, she managed to contact the ambassadors accredited to Honduras and inform her friends and diplomatic figures.

Then she was completely cut off; the street outside her home was taken over by the army who would not allow anyone through. Although snipers remained in position, there was a moment when the soldiers disappeared from the block, which the foreign secretary's family took advantage of to evacuate the younger people from the house. It was also at that point that the ambassadors Juan Carlos Hernández Padrón of Cuba, Armando Jose Lagunas of Venezuela and Mario Duarte of Nicaragua visited her to find out about the coup and to protect her with their diplomatic immunity. At 10:00 am, she opened the door to let the diplomats out of the house. A contingent of 15 armed soldiers in civilian clothes, their faces covered with ski masks, stormed the gate, knocking over the diplomats.

³³⁶ 'Chavez came to mess up Honduras with his ALBA in tow. A businessman opposed to ALBA even said that currently the real President of Honduras was called Hugo Chavez. It was confirmed by photographs showing Patricia Rodas, the chair of the Liberal Party, anointing the new savior of Honduras with hugs and kisses.' *Envio Digital Magazine*.

³³⁷ The deputy head of the National Party representatives, Antonio Rivera Callejas, said the patricians group close to President Manuel Zelaya is promoting the keeping in power of the Government of Citizen Power. *Hondudiario*, September 2, 2008.

³³⁸ The Honduran Foreign Minister Patricia Rodas said that with the accession of her country to the Bolivarian Alternative for the Americas (ALBA), "we are liberating our country, liberating ourselves from the impossible, from the chains that subject us to permanent pessimism and the most retrograde pettiness of thought in the history of our people." *Proceso Digital*.

³³⁹ *La Prensa* May 13, 2009

At first, the commanding officer tried to negotiate with the Foreign Secretary. According to the information received by the Commission of Truth, when she refused to accompany them, she was violently detained without a warrant and the soldiers physically assaulted the ambassadors of Cuba, Nicaragua and Venezuela, who tried to defend her from attacks.

"We surrounded Patricia to stop them taking her, asserting our diplomatic immunity, and we tried to explain to the soldiers that they were violating the Vienna Convention, but we were removed. I grabbed her tightly and they had to take me with her "³⁴⁰

The Nicaraguan and Venezuelan ambassadors were released; the Cuban ambassador, who was taken away with Patricia Rodas, was released at the gates of an air force base. Before this, his mobile phone had been seized while he was having a conversation with his foreign minister in Havana. The Foreign Secretary was detained at a location not authorized for detention, a Honduras Air Force base, where she remained for several hours under the control of the base's chief, General Prince, with whom she had contact prior to her forced departure from the country.

Patricia Rodas, in her testimony, states that the last image she had of her home was of her husband Rodolfo Gutiérrez Gonzales, powerless, lying on the living room floor with a soldier's boot on his chest.

"... From that moment my last contact was with the US Embassy on the day of the coup, when Hugo Llorens called me at my house, maybe at about half past seven, because I had publicly denounced the involvement of the American Embassy, and the fact that I had witnessed a meeting where President Zelaya had been threatened. That meeting had taken place at the US ambassador's residence, in his presence and of course he could not host anything without also being part of it. He called to tell me I was wrong, that he had absolutely nothing to do with the coup, and that the coup leaders were stupid ..."

When she arrived at the air base, she was taken by armed men into an empty room with a single chair and a small window. She was guarded by three armed soldiers in ski-masks and civilian clothing; they stood a meter and a half away from her, pointing their weapons at all times. The troops were relieved three times. No food was provided, only a bottle of water and a cup. She was photographed on three separate occasions. She was allowed to use the bathroom, but they tried to prevent her closing the door by poking a rifle in the doorway.

General Prince³⁴¹ appeared around midnight, accompanied by the Ambassador of Mexico in Tegucigalpa. He talked to her rudely and gave her two options:

1. The Prosecution Service would prepare a case against her;
2. That she should leave for Mexico.

At her request she was allowed to make a phone call. After this call, she agreed to leave for Mexico, but not to seek asylum. The General withdrew to a distance of one meter from her, at the

³⁴⁰ Statement by the Cuban ambassador, Juan Carlos Hernández Padrón.

³⁴¹ Head of the Honduran Air Force.

request of the Ambassador, so that he could take her personal details. The Mexican diplomat explained that the de facto President had asked in writing for Mexico to receive the Foreign Secretary, as she was a close collaborator of President José Manuel Zelaya.

Patricia Rodas stated that she had been abducted, violently and illegally arrested and taken to an inappropriate location. Prince, who was listening, said that she had not been kidnapped or arrested, only detained for her own safety. It was not until the early hours of the morning that she was ordered to board the plane, accompanied by a Mexican Embassy official; the military boarded the plane and only left when the door was about to be closed. The aircraft was owned by the businessman Miguel Facussé; the pilot had a foreign accent and physical features which suggested that he was Guatemalan.

They flew directly to Mexico City, where she was received by immigration officials who took her to specialized staff for a physical examination. She was then taken to the diplomatic departure lounge and she flew to Nicaragua accompanied the President of Mexico, Felipe Calderón. On 5 July, Ms. Rodas was part of the delegation that accompanied the deposed President José Manuel Zelaya Rosales on his return to Honduras, when they were not only refused entry, but were also physically barred by obstacles on the runway at Toncontin airport and by its militarization. They were not allowed to return. She finally entered the country on May 28, 2011, together with President Zelaya.

The case described above is clearly one of political persecution, aimed at crushing and dismantling President Zelaya's government, and punishing and suppressing ideological or political positions opposed to or critical of the regime that was installed.

For the Commission, the deportation of Patricia Rodas was a situation where the armed forces had total discretion and freedom of action. How can the extradition of a citizen be justified? Article 102 of the Constitution totally prohibits extradition and does not allow any exceptions: 'No Honduran may be expatriated or handed over by the authorities to a foreign state.'

No formalities of any kind were respected in the case of Patricia Rodas. She was not informed of a judgment against her, she was not notified of the existence of an arrest warrant, nor was she shown a search warrant. The violent raid on her home was carried out without the formalities required by law, given that Patricia Rodas, rather than being arrested, was expelled from the country. There is no judgment against her whatsoever. Although her deportation was an illegal act and a complaint should have been filed with the Special Prosecutor for Human Rights at the time, to date no legal proceedings have been launched to prosecute and punish those responsible for her forced exile. This, of course, shows the high levels of impunity in Honduras. This also confirms that there was an official hate campaign conducted against Patricia Rodas, who was regarded as having masterminded President Zelaya's initiatives.

Due process is defined in terms of the exercise of ordinary criminal jurisdiction as the guarantor of respect for the rules and formalities of procedure, and of the absolute protection of constitutional rights and guarantees of a person subject to trial. The absence of legal protection was so obvious that two writs of habeas corpus, filed on her behalf, were not effective, as they failed to establish her whereabouts, even though she was still in the country when they were filed.

On the same day, the Inter-American Commission on Human Rights (IACHR) granted precautionary measures in favor of Patricia Rodas.³⁴² The decision adopted by the IACHR was based on requests for precautionary measures presented by several organizations, as well as on publicly-known recent events – that Patricia Rodas was arbitrarily deprived of her liberty and her whereabouts remained unknown. The IACHR requested the State of Honduras to establish her situation and her whereabouts; to adopt the necessary measures to guarantee her life and personal integrity; and to ensure her immediate freedom.

The CoT learned that close relatives of Patricia Rodas were victims of constant and systematic persecution, death threats which were eventually realized when one of her nieces, present on June 28 at her residence, was the victim of an attack on her home while she was inside. They were also victims of psychological torture when strangers phoned her home to tell her husband that she had been murdered. Her credit cards and bank accounts were cancelled by her bank.

2.2: The media: Channel 36 and Radio Globo

The media played a central role in the extreme political polarization of 2009, taking one of three positions: a) maintaining or trying to maintain a difficult balance of independence, b) supporting the aggressive media strategy against the government of José Manuel Zelaya c) supporting President José Manuel Zelaya's proposal for a fourth ballot box.

With the coup and the subsequent establishment of the de facto government, those parts of the media which condemned the coup were the victims of raids, confiscation of equipment, military occupation of their buildings, blocked signals, power cuts, and illegal detentions of administrative and technical staff, who faced cruel, inhuman, degrading and discriminatory treatment, threats, kidnappings and torture. Moreover, the de facto government issued laws restricting their work.

On September 26, Decree PCM-M-016-2009 was published in *La Gaceta*, the official bulletin. Its purpose was to limit freedom of speech and press freedom; Article 3 paragraph 3 states: 'It is forbidden: to publish anything through any spoken, written or televised medium that offends human dignity, public officials or violates the law and government resolutions; which in any way threatens the peace and public order. CONATEL³⁴³, through the National Police and the Armed Forces, is authorized to suspend any radio station, television station or cable system that does not adapt its programming to these provisions'.³⁴⁴

In addition, through the Executive Agreement number 124-2009, radio programs by social and human rights organizations and several women's rights programs, which had been in existence for several years, were cancelled and ceased to broadcast.

The CoT notes with concern that, in the climate created in 2009 which has lasted up to and beyond the presentation of this report, the media were converted into weapons for the opposing sides;

³⁴² PM 196/09 – Foreign Minister of Honduras, Patricia Rodas, and request for information on other persons

³⁴³ CONATEL - *Comisión Nacional de Telecomunicaciones* (National Telecommunications Commission)

³⁴⁴ *La Gaceta* Official Journal, Tegucigalpa, September 26, 2009. No. 32,024. Section A. *Acuerdos y Leyes* (Agreements and Laws)

they were able to raise awareness but also create situations of real danger for some sectors. Local human rights organizations received complaints about the behavior of some journalists and media considered to be supporters of the de facto government, as they began to stigmatize demonstrators and present them as enemies of the new authoritarian order. The Telecentro channel's news programs and talk shows were the subject of most complaints about these practices, harmful to protesters' human rights.

Testimony received shows that one of the young people stigmatized by these television networks died riddled with bullets in his home in the first half of 2010.³⁴⁵

Talk shows on this network aimed to encourage retired colonels and generals³⁴⁶ to support and drive forward the coup, which shattered the rule of law with serious consequences for journalists and the media. To date there have been 25 journalists killed since 2009, and 158 assaults,³⁴⁷ generating a climate of intimidation that makes journalism a highly vulnerable profession and encourages self-censorship.

Honduras has become one of the most dangerous countries for journalists.

Delmer Membreño, a photojournalist for *El Libertador* newspaper, was kidnapped on September 28, 2009 outside the newspaper's offices by masked soldiers who were travelling in a military vehicle. He was taken towards the road leading to the east of the country, and immediately after he was taken out of the vehicle, the soldiers proceeded to torture him, stubbing out several cigarettes on his body. Before torturing him, the soldiers made him take off his shoes and pushed him to the ground with his hands handcuffed behind his back. At the time he was seized, he was on his way to cover the closure of Radio Globo and the confiscation of its equipment. The reporter was left on the side of the road leading to the department of Olancho, where he received help from his work colleagues.

"They forced me to get into the vehicle and covered my head with a ski-mask."

"While they were beating me, the soldiers told me that if the newspaper carried on with its communist line they were going to kill its editor, Jhony Lagos, and everyone who worked there would meet the same fate."³⁴⁸

³⁴⁵ Gilberto Alexander Núñez Ochoa was shown in media as one of the people who boycotted the 2009 elections. His photograph was shown on television by the police commissioner Danilo Orellana. He died after being shot 17 times, at 6:30 pm on May 13, 2010, with a friend identified as Andrés Oviedo. Alexander had been a member of the Resistance's security committee since June 29, 2009. On September 22 he joined President Zelaya's security detail in the Brazilian embassy, where he remained until October 10, 2009.

³⁴⁶ Armed forces intelligence officers in the 1980s, accused by human rights organizations of being responsible for forced disappearances, torture, killings and profiling of people considered political dissidents. On June 23, 2009, the journalist Renato Álvarez, in his morning show *Frente a Frente* (Face to Face), accompanied by retired generals and colonels, openly called for the military to act, to ignore orders from the President and, if the people's demands continued, to take control of the situation and "restore public order and peace." The guests were: Rosales Abella, graduated 1972; Santos Aguilar, graduated 1972, Leonidas Torres Arias 1971; Reyes Barahona, 1972, René Fonseca, 1972, Daniel Lopez Carballo, 1972. Chronology of the coup, 23-06-23, 1B, 5, Commission of Truth.

³⁴⁷ From June to December 2009.

³⁴⁸ Testimony to the CoT.

The CoT is also concerned at the attacks on journalists from media outlets considered sympathetic to the de facto government by demonstrators who were members of the resistance against the coup.

Many media outlets and many journalists – women as well as men – were prevented from carrying out their work. Various media buildings were temporarily closed and occupied by the army, including: Channel 36, Maya TV, Radio Marcala, Radio Globo, Radio X, Radio La Catracha, Channel 11, all in Tegucigalpa; Channel 32 in Olanchito; Radio Sonaguera in Colón; Radio Uno in San Pedro Sula; Radio Progreso in Yoro; Radio Juticalpa in Olancho; Radio Faluma Bimetu in Triunfo de la Cruz; Radio Guarajambala in Colomoncagua; Radio La Voz Lenca in La Esperanza; Radio La Voz de Zacate Grande in Puerto Grande; *El Libertador* newspaper and the Sustainable Development Network (*Red de Desarrollo Sostenible*). Radio programs by human rights organizations such as COFADEH's Voices against Forgetting (*Voces Contra el Olvido*) and feminist organizations such as *Tiempos de Hablar* (Times for Talking) of CDM (Centre for Women's Rights); *La Bullaranga* (Hubbub) of the *Centro de Estudios de la Mujer* (Centre for Women's Studies); *Entre Chonas* (Among Feminists), of the *Movimiento de Mujeres por la Paz*, *Visitación Padilla* (Visitación Padilla Pro-Peace Women's Movement) and special programs by the teachers unions (COPEMH, COLPROSUMAH, COPRUMH, PRICPHMA) and other unions were interrupted and taken off the air or permanently cancelled. These programs rented airtime from the following companies: Emisoras Unidas, Audio Video S.A. and Radio Cadena Voces.

"Radio Progreso was suddenly totally invaded by a contingent of around 25 soldiers about half past ten in the morning, while the staff was broadcasting news about this political event, and they were forced to completely cancel transmissions".³⁴⁹

The operation was led by Lieutenant Colonel Hilmer Enrique Hermida Alvez, and Lieutenant Dennis Mauricio Valdez Rodas. Both soldiers were attached to the Armando Escalón air base in Lima, Cortés. On August 6, 2009, they were charged with crimes against the media and other public services. The judge, Enrique Flores, sentenced them to alternative measures to imprisonment (*medidas sustitutivas a la prisión*). He later dismissed the charges against them, arguing that the staff of Radio Progreso had voluntarily stopped broadcasting.³⁵⁰

In the early hours of June 28, 2009, Radio Juticalpa was the target of an attack, consisting of five shots from an M-16 rifle, a weapon used exclusively by the army. The staff managed to continue broadcasting despite a power cut by using an emergency generator. At 10 am a contingent of troops took over the building and forced them to stop transmission. The children of Martha Elena Rubí, the radio's owner, received threatening text messages on their mobile phones. The operation was led by Lieutenant Colonel René Javier Palao Torres and junior officer Juan Alfredo Acosta. On November 19, 2009, a request was lodged with the courts for the indictment of both soldiers on charges of abuse of authority. The examining judge dismissed the application on the basis of an amnesty decree passed by Congress in January 2010.

³⁴⁹ Public statements by Father Ismael Moreno, director of Radio Progreso.

³⁵⁰ CoT field research.

The Commission would also like to highlight the actions carried out systematically against cable companies and international television channels such as TELESUR TV, CUBANA DE TELEVISIÓN and other news outlets. In addition to the raids by both the army and the police described above, there were also phone calls ordering them to stop transmitting and signals were cut, carried out by soldiers who took control of telecommunications.

By way of illustration, the CoT would like to focus in this section on the attacks on Channel 36 (*Canal 36*) and Radio Globo.

The Commission of Truth investigated a number of violations of the rights and freedoms of the owners, employees, listeners and viewers of Radio Globo and Channel 36. Interviews were conducted with key people, the stations inspected and documents examined. CoT staff met justice officials to report the abuses. The investigations succeeded in demonstrating that the independent media was subject to multiple and systematic violations limiting their fundamental rights.

Channel 36

The Commission of Truth received a formal complaint from the journalist Esdras Amado López, the owner of Channel 36 and Radio La Catracha. In his testimony, López described how, on June 28, 2009, at 5:30 am, between 20 and 30 soldiers took over the television channel's main premises, in Piedras de la Gloria Building in Tegucigalpa. Transmission was stopped for about 72 hours. Esdras Amado López reported that Colonel Herbert Bayardo Inestroza,³⁵¹ the army's legal adviser, told him that the army takeover of the station was justified because of the editorial stance of its journalists.

The Commission of Truth found that the army takeover extended to Channel 36's site in Cantagallo, a village where its transmitters and antenna were located. A colonel arrived there, along with other soldiers, and ordered the channel's security guard, Pedro Ochoa Ochoa, to turn off the transmitters and not to switch them on again for about 100 hours. The soldiers stayed in the vicinity of the transmission control booth, where they took turns to guard the premises.

In response to this situation, the Inter-American Commission on Human Rights (IACHR) granted precautionary measures to the owner, journalists and other staff of Channel 36 on June 29, 2009, in order to safeguard their lives and personal integrity.³⁵² Once broadcasting resumed, the attacks continued. It was not until April 2010 that the State signed a deed of commitment to protect Channel 36.

According to testimony given to the Office of the Special Prosecutor for Human Rights, the owner of the channel stated that on August 17, 2009, at 2:25 am, a vehicle resembling a Frontier pick-up truck passed in front of the television station and several pamphlets were thrown out of it containing a list of President José Manuel Zelaya's officials and accusing the channel's proprietor of being a criminal, and of taking a position against the coup because he had received large sums of money from Zelaya.³⁵³

³⁵¹ Joint commander of the Crisis Room, with Danilo Orellana

³⁵² IACHR, PM 196-09 - Amplification of Precautionary Measures, Honduras.

³⁵³ Copy of a public statement available on the CoT website www.comisiondeverdadhonduras.org

The Commission of Truth received information and corroborated, through both written and verbal evidence, the details of the attack on the television transmitter on August 23, 2009. According to an interview with Mr. Pedro Ochoa Ochoa and other testimony, three armed men dressed in black overpowered and physically assaulted him, while another entered the transmission control booth and poured an abrasive liquid into the main transmitters. Another of the unidentified men threatened him, saying that he must not report the matter to the police. Due to this attack, the channel remained off the air for almost a week, until the damaged transmitters could be replaced.

Technical staff from the channel reported that on August 24, 2009, at 4:22 am, two strangers on a motorbike threw a tear gas canister that fell into the car park of the channel's main building. According to leaflets thrown along with the canister, responsibility for the attack was claimed by the '*Comando Central de Lucha Anticomunista*' ('Central Command for the Fight against Communism'), also called the '*Frente Armado Nacional General Álvarez Martínez*' ('General Álvarez Martínez Armed National Front').³⁵⁴

This act was clearly intended to intimidate the proprietor and journalists into ceasing to transmit news which went against the de facto regime.³⁵⁵ According to videos and photographs provided by the channel's owner, on August 26, 2009 an unknown woman, with short, red hair and with her right hand in a plaster-cast, was caught on the main building's security cameras. The woman walked in front of the building and stopped to take down the registration numbers of the channel's vehicles. In response to this unusual behavior, Esdras López confronted her and told her that he had photos of her. She became nervous and left. Subsequent investigations by the staff identified the woman as a clerk at Tegucigalpa's municipal town hall.

On September 3, 2009, López reported on Channel 36 and to the Special Prosecutor for Human Rights that his satellite signal had been interrupted again. Subsequently, he stated that he had requested a report from his international provider INTELSAT explaining what was happening. The company investigated the interference and found an unknown carrier signal, that is, the interference was caused intentionally by specialists.

Transmissions were interrupted when reports of abuses or news unfavorable to the de facto government were being broadcast, and were reestablished when the programs were on other subjects. The channel's owner reported the attack to CONATEL, but did not receive a satisfactory response.³⁵⁶

³⁵⁴ General Gustavo Alvarez Martinez was head of the Honduran armed forces between April 1982 and March 1984. He is considered the major driver of the national security doctrine and jointly responsible for the crimes of forced disappearances, killings, torture and other outrages against those considered "enemies" of the state.

³⁵⁵ C-LIBRE, *Informe sobre Libertad de Expresión 2009*, (2009 Report on Freedom of Expression) at <<http://www.cedoh.org/documentacion/page30/fles/Libertad%20ex.pdf>> p. 32

³⁵⁶ "In response to your letter of today reporting problems receiving your television signal via the country's cable systems, we would like to inform you that we have reviewed our teleport and found everything to be normal. We have therefore contacted our satellite provider (INTELSAT) who has informed us that, in addition to the signal carrier for COCATEL's teleport (which we use for Channel 36's signal) there is another carrier signal of unknown origin on our teleport's frequency, producing interference. To rule out the possibility that this anomaly was caused by our own equipment we turned our teleport off, but the unknown carrier continued in the satellite at the frequency assigned to the COCATEL Teleport. Signed: Mr. Allen Maldonado, General Manager, COCATEL" Report by COCATEL, September 4, 2009 to Mr. Esdras Amado López.

On September 21 and 22, 2009, the channel's signal was off the air throughout Honduras. On those days, the most notable news was the return of President José Manuel Zelaya. This was also reported to the Special Prosecutor for Human Rights.

On September 28, 2009, at 05:00 am, various armed and masked men entered the television station's main building. There were about 60 soldiers, several National Police officers and some officers from the National Criminal Investigation Directorate (DNIC). No judge or public prosecutor accompanied them. Once they were inside the premises, they disconnected and seized equipment used for storing the channel's information and for broadcasting.

They took away the transmission equipment. According to information and documents provided by Amado López, the equipment seized included several computers with material for programs, audio consoles, internet links, microwave links, transmission equipment, video distributors, keypads and other accessories.³⁵⁷ According to a statement by the victim, the people who seized his property did not draw up an inventory. He also said that a CONATEL official took part in the military and police operation but did not identify himself as such.

The equipment was subsequently returned through the intervention of the IACHR, which gave the state a reasonable period to restore it.³⁵⁸

On September 30, 2009, a contingent of various soldiers and police arrived at the relay station for Channel 36, Radio La Catracha and Cholusat Sur, a radio station based in El Aterrizaje neighborhood in the city of Choluteca. It is the site of other transmission aerials. They intimidated the people present and remained stationed there for several hours. The incident was reported to the Special Prosecutor for Human Rights. Mr. Jorge Alberto Rodas Gamero, Minister for Public Security, said (in response to the prosecutor) that the military presence was due to the fact that, since June 29, 2009, Esdras López had been subject to precautionary measures issued by the IACHR and the purpose was to protect the beneficiary of such measures, regardless of the fact that the measures had not been agreed between the beneficiary and the Ministry of Security.

It has been confirmed, through photographic evidence and testimonies, that on October 1, 2009 about 70 soldiers and police officers once again stationed themselves outside the channel's headquarters in Tegucigalpa and remained there for several hours watching the building. In answer to enquiries by Mr. López, through the Special Prosecutor for Human Rights, the soldiers and police said their presence was in order to protect the channel and its owner.

On November 5, 2009, at 7:30 am, the press staff were at the Marriott Hotel covering the news of the Guaymuras-San Jose agreement, when suddenly a CONATEL employee requested the frequencies that the channel was using, supposedly in order to verify the legality of the broadcast.

³⁵⁷ List of confiscated items provided by Esdras Amado López.

³⁵⁸ On October 16, 2009 the IACHR expanded Precautionary Measure 196/09 'for workers of Channel 36, Radio La Catracha, and Cholusat Sur Radio and Radio Globo, in order to request the restoration of the right to freedom of expression through the reopening of these media outlets and the return of their transmission equipment in order to guarantee the right to free expression and information for the above and for Honduran society as a whole' [Unofficial translation]. The IACHR asked to have information on the implementation of the required measures within 15 days.

When Miguel Ángel Rodas, president of CONATEL, was questioned about this, he replied that it was an exercise to identify people who were broadcasting illegally. However, Mr. López rebuked him and asked why, when there were so many media outlets present, the CONATEL official only targeted the Channel 36 team.

On Saturday November 7, 2009, there was a brutal crackdown of demonstrators in Choluteca. On Monday, November 9, when a report was about to be broadcast on the incidents, the transmissions were again jammed.

Radio Globo

The Commission of Truth received testimony from Alejandro Villatoro, owner of Radio Globo, the journalists David Romero Elnor and Lidieth Díaz, and several members of the technical staff, all of which coincided in relation to the following events. On Sunday June 28, Radio Globo, owned by Alejandro Villatoro, was to report on the public consultation by President José Manuel Zelaya to pave the way for a 'fourth ballot box' at the November elections. At 5:00 am David Romero, the radio's director, and Rony Martínez, a reporter, arrived to open the station and found that it had been taken over by the military, together with the *Ministerio Público* (Public Prosecutor's Office): *"The military have taken control of the country"*, the soldiers said. Although the soldiers cut off transmission,³⁵⁹ the two journalists remained in the building. That same day, the military re-entered the station at 11 am and 6 pm.

Lidieth Díaz was answering an international call from YVKE, a Venezuelan radio station, when soldiers burst in: ***"In Venezuela they asked me, why did the radio go off the air? The internet had just gone down." I said, 'The soldiers are outside right now shouting and pushing at the door! Now they're coming in and they're pointing a gun at me!' "***, she managed to shout over the phone before they seized it from her. ***"They put us against the wall; they took our press jackets and turned off our mobile phones. At that moment, a colleague calls my phone and a soldier answers and says, 'Come over, I'm from Channel 10'. He lied in front of us."*** 60 soldiers entered, taking the station owner prisoner, as well as Rony Martínez, Lidieth Díaz and three other staff. One was viciously beaten and subjected to racial abuse.

David Romero heard that there was an arrest warrant out against him and, fearing the worst, he went to the third floor and jumped out of the window, fracturing his arm. ***"We were taken to the Public Prosecutor's Office headquarters in our own vehicles - three soldiers got into my car. The alternative was to get on a truck"***³⁶⁰. When they got there, they found that there was no prosecutor available.

On arriving, an official whose name is unknown to them said that charges would be brought against them, without explaining either the content or the grounds for the indictment. He also told them that they would be transferred to Metropolitan Police Headquarters No. 1 (also known by its old name, CORE VII). Finally, at 8:00 pm, the official told them that, by order of General Romeo

³⁵⁹ Evidence given by Lidieth Díaz.

³⁶⁰ Testimony by Alejandro Villatoro provided to the CoT.

Vásquez,³⁶¹ they would be taken back to the Radio Globo building and could go home.

He also told them, ***"Look, you know that things aren't normal in the country. I want to ask you as a favor to stop broadcasting. The radio's going to be closed down and the transmitters turned off, and it won't go on air again until further notice."*** From 6 pm on Sunday to Monday at 10 am, the radio remained closed, while its owner, Alejandro Villatoro, Romero, the director, and Sandra Ponce, the chief human rights prosecutor, negotiated the conditions under which the station could resume broadcasting.

Finally, the de facto government agreed that it could be reopened on condition that there were no interviews with President Zelaya's former officials and that no air-time was given to opponents of the coup who were organizing protest marches. The radio did not obey the order and broadcast the unfolding events. As a result, it suffered interruptions; every 20 minutes, there was a military presence outside the station³⁶² and radio aerials were occupied by soldiers.

Again the station had to resort to the Special Prosecutor for Human Rights who warned the military that "if they cut transmissions again, they (the military) are going to be in trouble."

In the days that followed June 28, 2009, this was one of the radio stations that gave citizens a voice and enabled the resistance marches to be organized, as well as reporting on the many human rights violations that followed the coup. In retaliation, its staff were threatened, and subjected to physical and verbal abuse from the police and armed forces when they were covering demonstrations. They were also excluded from coverage of official press conferences; Lidieth Díaz was even personally told to get out of the Presidential House by the de facto President Roberto Micheletti Baín.

On August 4, it was made public that, on behalf of the Military Prosecutor General's Office (*Auditoría General Militar*), José Santos Lopez Oviedo, a lawyer, had filed a request with CONATEL to shut down the radio and confiscate its equipment because it had committed various crimes such as 'sedition', 'having interests contrary to sovereignty', 'spreading slander and insults contrary to the honor of the fatherland' and 'threatening public order and the peace of the nation'. Hundreds of people from the National Resistance Front against the Coup demonstrated to express their solidarity with the radio station.³⁶³

On September 21, when it became known that President José Manuel Zelaya had returned to Honduras, Radio Globo, along with other media outlets, was publicly accused by Micheletti Baín of "media terrorism" and of conducting "campaigns of lies and disinformation." In the face of clear evidence that the president was in the country, the de facto government declared a curfew, imposed power cuts and drafted Executive Decree PCM-M-016-2009 which stopped Radio Globo from broadcasting from September 28 to October 19, 2009.

On September 28, 2009, at approximately 5:20 am, about 200 soldiers and police, under

³⁶¹ Head of the Joint Chiefs of Staff of the Honduran Army

³⁶² On June 30, 2009, the fiber optic internet connection with Puerto Cortés was cut by the military. The next day interruptions continued due to a lack of electricity supply at the Suyapa substation in Tegucigalpa.

³⁶³ In recognition of its work in the face of the news censorship imposed by the de facto regime, Radio Globo received the *Ondas* Award for the best Ibero-American radio station in 2009.

commanding officers Rodríguez, Sergeant Mendoza, and Cerrato, arrived at the building occupied by Radio Globo³⁶⁴ with officials apparently from CONATEL. Without presenting a warrant nor accompanied by judge or a public prosecutor, they forced staff to leave the Radio Globo offices and proceeded to confiscate broadcasting equipment. At no time did they present a confiscation warrant or provide any explanation for their actions.

According to Alejandro Villatoro's statement, he arrived at the scene at 6:00 am, together with Sandra Ponce, the Special Prosecutor for Human Rights. They attempted to enter the building but were prevented by a line of soldiers stationed at the entrance.

It was not until 11:30 am that Villatoro was able to gain access to the station's premises. He found that the transmitters had been disconnected. Among the items of value removed were an Orban console, a connection and amplifier, a driver and aerial for wireless connections, a USB, a monitor and a CPU (central processing unit), a laptop, several mobile phones, security equipment, and some private company documents.

Alejandro Villatoro informed the CoT that he telephoned the Special Prosecutor for Human Rights to report the matter. Ms. Ponce instructed him to tell the soldiers and police to leave the building, which he did. The military duly left, but took away the broadcasting equipment.

Although the soldiers departed, eight policemen remained and searched the station owner's office.

Among the police was a sergeant named Mendoza, and two officers called Cerrato and Rodríguez. They later withdrew by order of the Special Prosecutor for Human Rights, who came to the radio station in person.

As regards to other, related incidents, Pedro Antonio Rodríguez, the security guard for the Radio Globo transmitters in the village of Cantagallo, testified to the CoT that, from June 28 to July 24, 2009, the area around the transmitters was militarized.

Eight heavily armed soldiers remained constantly stationed there. The first arrived at 8:00 am on June 28. They disconnected the transmission apparatus and ordered the security guard to keep the transmitters switched off until further notice. Then they set up field tents, in order to keep a constant watch and thus ensure that the transmitters remained switched off. The guard stated that although he managed reconnect them, the soldiers on duty by the side of the aerials still controlled the transmissions, under the instructions of a soldier assigned to CONATEL.³⁶⁵ After more than a month had elapsed, the soldiers left the area and it was possible to restore transmissions to relative normality.

Pedro Antonio Rodriguez also stated that on August 23, 2009, at 8:00 pm, four masked men arrived at the transmission station and poured unknown chemicals onto the transmission equipment. The liquid caused serious damage and stopped transmissions for several days. The Commission of Truth had access to the toxicology laboratory report ordered by the Special Prosecutor for Human Rights

³⁶⁴ Edificio Villatoro, on Bulevar Morazán in Tegucigalpa

³⁶⁵ His name is on the case file of the Special Prosecutor for Human Rights.

on Channel 36 and Radio Globo's damaged equipment.³⁶⁶ The report concludes that the liquid poured over the transmitters contained nitric acid, a corrosive substance classified as very toxic and harmful to the environment.³⁶⁷

He also stated that between September 21 and 23, 2009, when President José Manuel Zelaya returned to Honduras, seeking refuge in the Brazilian Embassy, the electricity supply was cut off in the entire area around the transmitter. When the radio station's owner made enquiries, he was told by the National Electrical Energy Company (ENEE) that an army officer had issued an order for them to switch off the power.

Alejandro Villatoro said that, in another example of harassment, on July 5, 2009, he was at home when he received, over a period of about three hours between 11:00 am and 2:00 pm, five phone calls from Mr. Miguel Ángel Rodas, President of CONATEL. Mr. Rodas ordered him to silence his journalists and not to report on what was happening at Toncontín Airport, referring to President Zelaya's attempt to land at the airport in order to return to Honduras.

The Commission of Truth has gathered various statements that agree on how the events unfolded. The testimonies of the injured parties have been verified, and documentation relating to each of the reported incidents has been corroborated. Thus, we have been able to confirm that there have been multiple and systematic violations related to the media.

The Truth Commission examined Executive Decree PCM-M-016-2009, of September 22, 2009³⁶⁸; Executive Agreement 124-2009, of October 5, 2009³⁶⁹; Agreement No. 136-2009, issued on September 28, 2009 by the Ministry of Interior and Justice, (*Secretaría de Gobernación y Justicia*)³⁷⁰ and Agreement OD 19/2009, issued by CONATEL on September 28, 2009. The latter law authorizes, with the help of the armed forces, 'the shutdown of transmitters, the disconnection of systems for radio signals or confiscation of broadcasting equipment and radio systems only if the need arises'.

The de facto government used all these instruments to attempt to legalize violations of the right to freedom of expression, information and freedom of thought. However, in fact they were measures used by state agents to persecute the media outlets opposing the coup and denouncing the usurping regime's abuses. These media outlets included Radio Globo and Channel 36.

On the basis of its investigations, the Commission of Truth concludes that there is sufficient evidence to indicate that the abovementioned media outlets were prevented from exercising their

³⁶⁶ Inventory of damaged equipment annexed to the case file of the Special Prosecutor for Human Rights.

³⁶⁷ Toxicology laboratory report of September 2, 2009, which is also included in the above case file.

³⁶⁸ Through this decree the de facto president, in the Council of Ministers, suspended constitutional guarantees contained in Articles 69, 72, 78, 81 and 84, for a period of 45 days.

³⁶⁹ The Executive Agreement* No. 124-2009 authorized CONATEL and other state institutions to proceed to 'revoke or cancel the use of permits and licenses granted by CONATEL to radio and television stations which broadcast messages that incite national hatred, affect legally protected assets, or provoke a regime of social anarchy against the democratic State, threatening the peace and human rights.' [*Translator's note – 'Agreement' is a translation of '*acuerdo*' which is similar to a decree (*decreto*)]

³⁷⁰ The resolution authorizes the revocation or cancellation of permits or licenses of radio or television stations which transmit broadcasts 'disturbing the peace and encouraging calls to popular insurrection, which threaten public order and the national security of the State, offending the human dignity of President Roberto Micheletti.'

rights effectively, due to interruptions to transmissions, closures, harassment, threats and other acts carried out by the military and police and by officials of the *de facto* government. To date, they have not received any effective remedy in relation to this.

2.3. Kidnap and torture of journalist César Omar Silva Rosales

The kidnappings carried out between 2009 and 2011, the period under examination by the CoT, were not a common practice. In the known cases, the aim was to profit politically and they appear to be linked to a general plan to intimidate and dismantle civil society groups considered dangerous because of their work against the *de facto* regime.

The forces that carried out the kidnappings and detentions did so with a high degree of speed and accuracy; in none of the cases were the people detained for long periods. The objective seemed to be to have an impact on public opinion; this appears to be confirmed by the nature of the victim in the cases studied by the CoT. One constant is their position or the work they perform.

The kidnapping and subsequent torture of César Omar Silva Rosales, a journalist, is probably a case in point. César Silva worked as a presenter on Channel 8 (*Canal 8*), a state television channel, during President José Manuel Zelaya's term in office. During his career, he had broadcast several reports on the situation of the most vulnerable groups in Honduras. He openly opposed the coup and documented various key moments in the repression imposed by the *de facto* regime.

While documenting and reporting on the oppression, he worked closely with Renán Fajardo, a young member of the Resistance who was found hanged in his apartment on December 22, 2009.³⁷¹ They exchanged video and photo material and filmed independent reports, screening their work in local neighborhoods due to the closure and censorship of media outlets considered to be opposed to the *de facto* government. On June 28, 2009, he had been assigned to cover the voting on the 'fourth ballot box' in the municipality of Guaymaca, east of Tegucigalpa.

The CoT learned from César Silva's testimony that on December 29, 2009, at about 8:30 am, when he was returning to Tegucigalpa from the south of the country, he took a taxi in Loarque district, which went onto the Tegucigalpa Beltway. When it was nearing La Cañada district, close to a petrol station, an off-white or white van began to closely follow his taxi, and signaled with its light for the driver to stop. Silva asked the driver not to stop and to get to a petrol station, but when the driver tried to accelerate, the van drew alongside and they were threatened with guns (9mm caliber and 38) to make them stop. The van drew in front of the taxi, and two men immediately got out with guns in their hands and violently pulled Silva out of the taxi and pushed him into the van. Silva shouted at the taxi-driver "I'm a journalist and I'm from the Resistance." Another driver who was passing by tried to stop but, seeing the guns, continued on his way. The kidnappers told the taxi-driver to get lost - if not, they would kill him.

³⁷¹ Fajardo's camera and computer were taken, which contained a lot of material on the repression, notably a 23-minute documentary called "*Honduras Reprimida*" ("Honduras under Repression"). One of the most disturbing images is of a policeman killing a football fan in the national stadium, and the images of El Paraíso, as well as of the victims of August 21, one by one.

The kidnapers took him away in the van, putting him on the back seat between two men who forced him to keep his head between his legs; they threatened to shoot him if he raised his head and when he tried to make himself more comfortable they hit him. They travelled round in the van for between 45 minutes and an hour. Silva asked where they were taking him, but they did not answer. On the way they made and received several phone calls; one of the men reported that the target was now on the way and that everything was going smoothly and asked, *"What else do we need?"*, and then said *"Okay, okay, that's fine."* There was another phone call in which the man who appeared to be leading the operation said: *"Hello, look, I'm calling and I don't know what else they're going to use us for. I've already said so to the Jackal – confirm it"*. Everyone laughed.

When they were nearing their destination, they put a black leather hood on his head and took him out of the vehicle. Here other men were waiting; two of them had a foreign accent, possibly Chilean, and another person, apparently in charge of receiving Silva, asked *"What's happening with this one?"* He heard another reply *"I don't know, that's all they told me."* Then they took him into a small room, apparently a small kitchen, where there was a stove, totally dark like a prison, and there they held him captive, interrogated him and asked about the videos, photographs, the location of the guns, and they accused him of being involved in forming groups. These interrogations were carried out every 10 minutes. He was also asked about his identity and profession and about his foreign contacts – it was certain that they had looked at his contacts on his mobile phone which they had taken from him, along with his video and photo cameras. They asked him what he wanted the photographs and videos for, *"Why are they fucking us over?"*, and one of them said *"You son of a bitch – how long's it going to be before you talk?"* He then left, returning shortly afterwards with a chair and he shone a light in his face. He was angry because Silva did not tell him what he wanted to hear, and he roughly took the chair and put it against his neck, throwing him to the ground. He threw water on Silva's face and tried to force a plastic bag of water into his mouth. Then another person arrived, posing as friendlier, who told him to talk and offered him a cigar, a piece of sugar-cane and even a beer. He was held captive all day and night.

"Once when they asked me my name, I said 'Carlos Hernández' and one of the men said to me, 'Cut the crap – you're César Silva. What do you do?'"³⁷²

Prior to his release, one of the men said to him, *"You have a guardian angel, you're being protected. Now cut the crap – you're free."* Moments later he was taken out, the hood was put back on and he was put into another vehicle. Nobody spoke, which made Silva nervous because he thought he was going to be murdered. They came to a dirt road where he was thrown out of the car with a kick in the back. He was near the Cerro Grande neighborhood, in the east of Tegucigalpa, the place where bodies were dumped in the 1980s. He could see the vehicle rapidly leaving, an ochre-colored van.

While he was kidnapped, a man calling himself Francisco Aguilar or Aguilera phoned his sister's house and said *"You know that César Silva is being held?"* Before the kidnapping, CoT learnt that César Silva had suffered several acts of persecution, including illegal detentions, beatings and death threats. On June 28, he was arrested in Guaymaca, where he was reporting on the public consultation on the 'fourth ballot box'. The local people interceded on his behalf and he was released immediately. On July 5, while covering the mass demonstration at Toncontin Airport to

³⁷² Testimony provided by César Silva on December 30, 2009.

welcome President José Manuel Zelaya, he helped carry the body of Isy Obed Murillo, who had been shot in the head by soldiers near the Honduran Air Force base, which was captured on camera, and the photograph published widely. On August 12, 2009, while covering the crackdown on demonstrators in the center of Tegucigalpa, several policemen and soldiers jumped on him to try and steal his video and photography equipment. When he filmed a COBRA agent firing a toxic pellet directly into a protester's eyes, he was beaten with batons, mainly on the head. On October 29, 2009 he was attacked while covering a demonstration in the El Prado district of Tegucigalpa. The security forces wanted to confiscate his cameras.

The CoT notes that in the cases submitted to it, the kidnappings occurred on the public highway, more than two vehicles were used and the people carrying them out openly showed their weapons. After analyzing the situation around the time of the coup, the role of the media, the reaction of the de facto government and having interviewed 53 journalists and other media workers³⁷³ affected, the sense of fear among the media is apparent even two years later, with many sections of the press choosing to gag themselves rather than put themselves at risk. Violence, self-censorship and powerlessness were identified as the most worrying problems for journalism in the current context, because Honduras lacks adequate security and the political will to dismantle the bodies that create insecurity for citizens and for journalists in particular.

The general impunity in Honduras is another factor impeding justice. This case, like others, is subject to impunity at its crudest. Although the Public Prosecutor's Office opened a file on the case, nothing has actually been done to investigate and prosecute those responsible, who continue to go unpunished.

An analysis of the cases documented by the CoT allows the factors to be identified, both immediate and structural, persistently affecting journalists while they are carrying out their work, as evidenced in the increase in attacks by intolerant individuals, both on the truth and on the political stance taken by journalists in the context of the coup.

In that climate, there were also persistent attacks such as murders, threats, physical and verbal abuse, forced displacement, kidnapping and attacks on media premises. These attacks show that in most parts of Honduras, the conditions for a free, independent and secure press are less than optimal and, therefore, citizens are unable to effectively enjoy the rights to freedom of expression and information. Cases of judicial persecution, primarily charges of sedition against journalists, amounted to 13 cases in 2010 and these were initiated by the Public Prosecutor's Office.

On the basis of the interviews, the CoT is able to state that journalists' work was obstructed while they were covering or investigating events of a public nature such as marches, protests, riots and court hearings. This obstruction took various forms: the use of physical force, verbal abuse and harassment. This has been established in the case of the attacks suffered by César Silva on August 12 and October 29, 2009.

³⁷³ Including cameramen, TV producers, reporters and photographers.

2.4 Torture and cruel, inhuman y degrading treatment of Manuel de Jesús Varela Murillo

Manuel de Jesús Varela Murillo, a cameraman by profession, was working in 2009 for Channel 8 (*Canal 8*),³⁷⁴ Honduran National Television. Immediately after the coup, he became involved in the activities of the National Front against the Coup. As a cameraman he covered all the demonstrations, filming the crackdowns on peaceful protests. From September 2009, when the repression spread into the neighborhoods of the major cities, he became involved in denouncing the human rights violations being committed daily, and giving political training to the residents, along with journalist César Silva, his friend Ricardo Antonio Rodríguez Vásquez, Vanessa Zepe³⁷⁵ and Ricardo Domínguez Hernández,³⁷⁶ producing documentaries based on their own reports of the repression of political opponents.

On June 28, 2009, he had been chosen by his immediate line manager to join the team of reporters and cameramen covering the public consultation on the 'fourth ballot box', broadcasting from Central Park (*Parque Central*) the moment when President Manuel Zelaya cast his vote.

At 5:00 am that same day his boss called to tell him that he should pass by his house before going to the Channel 8 studios to pick up the broadcasting equipment. While he was at his locker taking out his equipment, his manager called him again to ask him to go to the President's house, because soldiers were arriving, looking as though they were about to carry out a coup.

As far as he was aware, he was the first cameraman to reach the area near President Zelaya's home and it was almost impossible to pass through military checkpoints. When he tried to film what was happening, the soldiers beat him and covered his camera lens with their hands. However, when other media workers arrived, they decided to get closer to the house and they saw that some of the presidential guards were face down on the ground. Others said they were not able to get through and that President Zelaya was alright.

Varela Murillo relates that a few minutes later, his boss called him and asked him to go to the National Electrical Energy Company (ENEE) building. On the way, he saw that the main building of the state telephone company (HONDUTEL) was surrounded by soldiers, and he and his team decided to stop and film when the soldiers entered.

At 7:40 am he returned with the videos to the Presidential Palace, where Channel 8 is based. However, he realized that a large military contingent was entering the building. He therefore decided to stay outside and continue filming.

While the soldiers were entering the Palace, a crowd of people gathered outside to protest against the coup. Manuel de Jesús Varela Murillo continued working and decided to stay with the group of people standing outside the Presidential Palace. He continued filming. He feared the potential consequences

³⁷⁴ Channel 8 is the official channel of the Honduran government. It was founded during the administration of President Manuel Zelaya Rosales. Its headquarters are in the Presidential Palace in Tegucigalpa.

³⁷⁵ Murdered on February 2, 2010, allegedly in a crime of passion. The Public Prosecutor's Office has launched criminal proceedings against Rafael Sierra Linares, a neurosurgeon.

³⁷⁶ Murdered on January 15, 2011, in circumstances still unexplained.

of filming the military's movements during the day, but being with the people made him feel safe.

On 29 June, in the morning, he noticed that two men were following him. He made several moves to see if his suspicions were justified, and confirmed that he was being tailed, although they always kept a prudent distance from him. On the afternoon of the same day, the 29th, a large military and police contingent violently cracked down on about 15,000 people who were demonstrating at the Presidential Palace. The security forces started firing tear gas and made the protesters disperse towards the Teaching Hospital (*Hospital Escuela*). Varela Murillo ran to the heliport, but started to pass out because of the effects of the gas. Now powerless, he felt someone grab his camera.

With his eyes closed and unable to see, he heard a man's voice saying to him, "Come on, come on, we're going to help you." At that moment he managed to open his eyes and realized that they were the men who had been following him all morning. He started shouting for help. Several young people, members of the Democratic Unification Party (*Partido Unificación Democrática*), came to his aid. The men fled in a car that was parked on the pedestrian bridge, running over a passerby.

On November 25, 2009, he was arrested by the police while he was putting up posters that read 'Yes to the Constituent Assembly, no to the elections' and was taken to the police station in Kennedy district. A policeman forced him to hold up the poster while he took a photograph of him.

On November 27, two days before the general elections, he received several calls from relatives who advised him to flee his home. He decided to go, leaving his daughters with his mother. On November 28, at 5:00 am, he received a call from his mother warning him that several policemen were looking for him and that at that moment they were searching her home without a warrant. The police entered her home, took out his daughters and his brother, and pointed guns at his mother. They also seized a computer and several photographs. According to the accounts of neighbors, the police said that Varela Murillo was accused of being responsible for a bomb explosion³⁷⁷ at *Torre Libertad* (Freedom Tower).³⁷⁸

On February 2, 2010, he was at the festival to celebrate the saint's day for the Virgin of Suyapa,³⁷⁹ when he realized he was being watched, so he decided to go on the Ferris wheel. Varela Murillo and his girlfriend were at the festival from 5:00 pm until approximately 9:00 pm, when they decided

³⁷⁷ The report by the National Criminal Investigation Directorate (DNIC) states that the first blast occurred on the stroke of 2:15 am in the car park of *Abriendo Brecha* TV News, where criminals on a motorbike allegedly threw a bomb. The blast damaged the building's main gate and completely destroyed the glass in the door on the ground floor. A second floor window was also broken. Bomb Squad officers arrived at the scene to gather evidence in order to establish the type of device that was thrown, while a DNIC team started investigations to identify and arrest those responsible for the attack. Orlin Cerrato, the spokesman for the Ministry of Security said that it was a powerful device which may have contained about a pound of explosives. *Missile explodes at the Supreme Court of Justice*. At 3:30 in the morning the police were informed that there had been another explosion, at the Supreme Court, of an RPG-7 missile, similar to that detonated in the Miraflores Sur district. The bomb struck the left side of the third floor leaving a smoking hole, and windows were also broken. At the scene they found the remains of the Russian-made surface-to-air missile which were taken away by the Bomb Squad technicians for analysis. Cerrato said that although these acts were wicked and criminal, there had been no injuries reported, only damage to both buildings. Specialist police and army teams are continuing their investigations and will not rest until they find those responsible. 25/11/09 *El Heraldo* newspaper.

³⁷⁸ Building belonging to Mr. Rodrigo Wong Arévalo, director of *Abriendo Brecha* News and owner of Channel 10 (TEN - *Televisión Educativa Nacional* (National Educational Television)).

³⁷⁹ Patron saint of Honduras.

to go because they were worried about being followed.

They hailed a taxi and, as they were just about to get in, he received a call from Mr. José Ricardo Domínguez Hernández, who also belonged to the National Popular Resistance Front (FNRP).³⁸⁰ Varela Murillo and Mr. Domínguez Hernández were making a video and needed footage of demonstrations and crackdowns. When he was about a block from his house he asked the driver to drive round, so that he could make sure that nobody was following him. When he got home, he called his colleague, Ricardo Rodríguez Vásquez, also a cameraman, to arrange to go to his house to work with him. When they met up, Domínguez Hernández arrived to take them somewhere else.

They got into the car driven by Domínguez Hernández; after the necessary introductions they left. After about five minutes, he asked Domínguez Hernández where they were going. He replied, *"We're going to the Esso in El Hogar"*³⁸¹, and then said, *"It's because there's a job for you."* The three of them continued on their way to the petrol station.

When they arrived, Domínguez Hernández parked his car in the last space on the right-hand side of the car park. He got out of the car and went into the petrol station's convenience store. Varela Murillo and Rodríguez Vásquez stayed in the car. Varela Murillo suggested to Rodríguez Vásquez that they get out of the car, but at that moment he noticed that several cars and motorbikes were parked behind their car, whereupon he became frightened and said to his colleague that they should run, but they were already surrounded.

Manuel de Jesús Varela Murillo saw two men approaching him. They told him not to shout out, to co-operate with them, and to get into the car. When he realized that there were security cameras, he struggled with the assailants so that the cameras would pick up when handcuffs were being put on him. The assailants called another vehicle and a 3.0L brown 4-door Toyota Hilux arrived. The men put him in the back with his colleague Ricardo, together with two police officers, one by each door, who were later identified by the victims. Manuel Murillo recognized one of the men as the policeman who took photos of him at the police station on November 25, 2009.

They took Rodríguez Vásquez's computer from him and demanded that Varela Murillo tell them the whereabouts of the dollars and arms cache that 'Mel' had left him. In the car they blindfolded him with brown sticking tape, the kind used to seal up cardboard boxes. The ride was short, not even three minutes long. Varela Murillo could hear an electric gate open and the house where they were taken was in a busy location, as there was constant traffic noise.

They were taken into the house, made to kneel down and were systematically tortured. They had hoods put on their heads, and they lost consciousness from asphyxiation. They were threatened with having their fingers and heads cut off, with something which seemed like a machete. They were also verbally threatened while they were being asked about the weapons.

They were put into a car again and taken to another place where the weather was slightly cold.

³⁸⁰ Archives of CODEH (Committee for the Defense of Human Rights in Honduras) http://codeh.hn/v1/index.php?option=com_do-dom%C3%ADnguez-hern%C3%A1ndez&Itemid=1.

³⁸¹ Esso on the Run petrol station in El Hogar district.

They were taken out of the car, an object - apparently a gun - was put against the back of their necks, and they were then made to get back into the car.

They went onto a highway, similar to the Tegucigalpa Beltway. The car stopped and they were made to get out again and forced to kneel. Varela Murillo heard one of the kidnappers talking on a radio and saying, "Are the chainsaws on their way?" Then the car went off and at that moment Varela Murillo decided to make a run for it.

He managed to remove the tape that bound his hands and feet and that blindfolded him. He realized that he was in the Victor F Ardon district, by one of the walls of the Leche Sula dairy factory.

He quickly went over to Rodríguez Vásquez, helped him break free of the tape and they both ran. Then they saw that two policemen had arrived on motorbikes and seemed to be looking for them.

Manuel de Jesús Varela Murillo was asked at the interview what happened to Mr. José Ricardo Domínguez, to which he replied that he had not heard from him since the abduction. The CoT learned that José Ricardo Domínguez's body was found in January 2011; the circumstances of his murder have still not been established.³⁸²

On February 25, 2010, the IACHR granted precautionary measures to Manuel de Jesús Varela Murillo, Ricardo Antonio Rodríguez Vásquez and their families, in Honduras.³⁸³

Both reported the incident to the Office of the Special Prosecutor for Human Rights which opened an investigation. Human rights NGOs supported this process, providing scientific evidence concerning their torture. Both young men were examined³⁸⁴ by Alejandro Moreno, an expert in forensic medicine.³⁸⁵

The Special Prosecutor for Human Rights brought charges against the policemen Juan Carlos Sánchez, David Antonio Picado Espino, Melkín Esaú Triminio and Santos Alexis Morgan, for their alleged responsibility for the illegal detention, torture and cruel, inhuman and degrading treatment of Manuel de Jesús Varela Murillo and Ricardo Antonio Rodríguez Vásquez. At the time this report was completed, the CoT learnt that the case against the accused had been dismissed at the preliminary hearing.

The CoT concludes that torture was used in this case as a punishment, reprisal or threat to the opposition, and therefore constitutes an act of State terrorism, systematic in nature.

³⁸² CODEH archives, <http://codeh.hn/v1/index.php?option=com_k2&view=item&id=251:asesinan-a-jos%C3%A9-ricardo-dom%C3%ADnguez-hern%C3%A1ndez&Itemid=1>. José Ricardo Domínguez Hernández was allegedly a witness for the Office of the Special Prosecutor for Human Rights in the case of the torture and kidnapping of the Globo TV cameramen. He was found murdered on January 17, 2011 on the outskirts of El Sitio district in Tegucigalpa. The body bore several stab wounds, apparently from an ice pick. His hands were a different color from the rest of his body.

³⁸³ IACHR, Precautionary Measures 2010, <http://www.oas.org/en/iachr/decisions/precautionary.asp> PM 38-10 - Manuel de Jesús Varela Murillo et al.

³⁸⁴ Case files PHR/IFP No. HON mjm20100323 and PHR7IFP No. 20100 321

³⁸⁵ Medical Doctor, Master of Public Health, a specialist in forensic medicine, member of the NGO Physicians for Human Rights, author of the Istanbul Protocol.

2.5 Execution of Walter Orlando Tróchez

In the course of its investigations, the CoT has received direct reports of murders of human rights defenders, such as the case of Walter Orlando Tróchez Andero³⁸⁶, aged 26, Secretary of the Management Board of APUVIMEH³⁸⁷, a human rights activist for the LGBTTI³⁸⁸ community and for people with HIV. Tróchez monitored human rights violations in the area around El Obelisco Street in Comayagüela, a place where sex workers plied their trade. At the time of his death, he had started an organization to support these people called *Movimiento Ser Humano* (Human Being Movement) and was volunteering with CIPRODEH, the human rights organization.

Before the coup he was involved in a range of different fora and bodies involved in inter-institutional coordination between civil society and the state. This included the working groups on violence prevention, and on the development, dissemination and validation of the Second Plan for Gender Equality and Equity 2008-2015 by INAM (National Institute of Women).³⁸⁹ Latterly, he was an activist in the National Resistance Front against the Coup, and the Citizen's Observatory for Human Rights (*Observatorio Ciudadano de Derechos Humanos*).

With the coup, Tróchez started to monitor police stations and handle the release of detainees. In July 2009, he went to El Paraíso, to the turn-off for Alauca, to support victims of repression; as part of his work, he recorded the names of the people detained at the police stations in Danlí and El Paraíso. He was one of the people who tried to negotiate the release of Pedro Magdiel Muñoz³⁹⁰ at the police roadblock in Alauca, after witnessing his arrest. As a result of his work in that region, he was subjected to surveillance, along with the director of Casa Renacer, and photos were taken of both of them. They subsequently provided testimony to the Inter-American Commission on Human Rights during its visit to Honduras from August 17 to 21, 2009 and joined its visit to El Paraíso.

Exercising his right to freedom of expression, he issued public statements by email opposing the coup regime and published articles on the abuses that, in his view, were being committed against Hondurans. The number and quality of his writings are a testament to the intensity of this activity.³⁹¹

³⁸⁶ In 2004, he was referred to the organization Renacer by the Alonzo Suazo Health Centre in the terminal stages of AIDS. Renacer supported him and started him on pre- and retroviral treatment; he remained living in the Renacer house, which saw leadership qualities in him, gave him training in workshops in Honduras and abroad, which enabled him to manage a project called Healthy Relationships, targeted at the population vulnerable to HIV/AIDS.

³⁸⁷ *Asociación para una Vida Mejor de Personas Infectadas/Afectadas por el VIH SIDA en Honduras* (Association for a Better Life for People Infected/Affected by HIV/AIDS in Honduras)

³⁸⁸ Lesbian, gay, bisexual, transgender, transvestite, and intersex.

³⁸⁹ Witness statement to the CoT – No. CDV-16-1.

³⁹⁰ Murdered on July 25, 2009.

³⁹¹ Testimony given to the Commission of Truth, nº CDV-16-2.

A las y los ciudadanos y ciudadanas de las diferentes masas populares de Honduras les hacemos un llamado para unirse a la insurrección pacífica (To the citizens of the various Honduran grassroots movements, we call on you to unite for a peaceful insurrection) (July 9, 2009);

• *No a la dictaduras. No más muertes en América Latina y el Caribe* (No to dictatorships. No more deaths in Latin America and the Caribbean) (July 9, 2009);

• *Se tambalea la oligarquía golpista, por una Honduras libre* (The coup-supporting oligarchy totters, for a free Honduras) (July 10, 2009);

• Statement by ILGA-LAC (*International Lesbian and Gay Association - Latin America and Caribbean*) against the coup d'état in

Together with the director of Casa Renacer, he filed a complaint with the Special Prosecutor against Corruption against Cardinal Óscar Andrés Rodríguez Maradiaga over the misappropriation of public funds.³⁹²

On December 13, 2009, at around 11:00 pm, Walter Orlando Tróchez was wounded by a bullet to the chest, reportedly from a car driving by while he was walking through the center of Tegucigalpa, in the Historic District. His dying body was found by police officers³⁹³ travelling in patrol car MI-112, at the taxi stop in Torocagua district.

In addition to the police officers, two of his friends arrived there. With his remaining strength, Walter Orlando Tróchez had managed to make a last call. He was able to tell a friend that he had

Honduras (July 10, 2009);

- *Di ¡jino!! al fraude electoral dictatorial* (Say no to dictatorial election fraud!!!) (November 16, 2009);
- *Como el ave fénix resurge la radio del pueblo Radio Globo y Cholusat Sur Canal 36* (The people's radio rises again like a phoenix - Radio Globo and Cholusat Sur Channel 36) (sic) (October 19, 2009);
- *Invitación a conferencia de prensa: "Repudio a los crímenes de odio hacia la comunidad LGBT de Honduras"* (Invitation to a press conference: "Condemnation of hate crimes inflicted on the Honduran LGBT community") (October 21, 2009);
- *Polarización y manipulación de los medios de comunicación hondureños ante el golpe de Estado* (Polarization and manipulation of the Honduran media in the wake of the coup) (November 4, 2009);
- *Las dilataciones y contradicciones de un Congreso Nacional, un sistema de justicia al servicio del golpe y las debilidades generadas de la crisis en Honduras (sic)* (The delays and contradictions in Congress, a justice system at the service of the coup and the weaknesses created by the crisis in Honduras) (November 5, 2009);
- *Judas Escariote (sic) y Poncio Pilado encarnados en la cúpula religiosa hondureña* (Judas Iscariot and Pontius Pilate incarnate in Honduras' religious leadership) (November 9, 2009);
- *Incremento de los crímenes de odio y homofobia hacia la Comunidad LGTTB a raíz del golpe de Estado cívico-religioso-militar en Honduras* (Increase in hate crimes and homophobia targeting the LGTTB community as a result of the civic-military-religious coup in Honduras) (November 16, 2009);
- *Manifiesto: Juventud protagonista en la redefinición de Honduras* (Manifesto: Youth take leading role in redefining Honduras) (November 20, 2009);
- *Por medio de la presente les hacemos llegar copia de la última publicación de La Gaceta No 32,069 del 21 de Noviembre de 2009, la cual contiene los Decretos Ejecutivos No PCM-M-029-2009; PCM-M-030-2009; PCM-M-031-2009 y oficio No 2169-2009 (adjuntamos copia de La Gaceta)* (Via this message we are making available a copy of the latest edition of La Gaceta, No 32,069 of November 21, 2009, containing Executive Decrees No PCM-M-029-2009; PCM-M-030-2009; PCM-M-031-2009 and official letter No 2169-2009 (we attach a copy of La Gaceta)) (November 26, 2009);
- *Por estas ocho razones no asistiré a votar este domingo 29 de noviembre* (For these 8 reasons I will not be voting this Sunday November 29) (November 26, 2009);
- *¡¡¡Urgente!!! Denuncia pública: las Fuerzas Armadas invaden y transgreden las instalaciones de la Red Comal parte del Frente Nacional de Resistencia contra el Golpe en la ciudad de Siguatepeque (sic)* (Urgent!!! Public denunciation: the armed forces are invading and attacking Red Comal's premises, part of the National Resistance Front against the Coup, in the city of Siguatepeque) (November 28, 2009);
- *Veá usted el fraude electoral: la carta escondida de las y los burgueses golpistas* (Witness election fraud: the secret letter of the bourgeois coup supporters) (November 30, 2009);
- *¿El encarnado de un régimen político militar, empresarial, religioso, nacionalista, liberal? ¿Tres golpes de Estado en tan solo 4 meses?* (The embodiment of a political, military, corporate, religious, nationalist, liberal regime? Three coups in the space of 4 months?) (December 3, 2009);
- *El triunfo del abstencionismo en Honduras* (The triumph of the election boycott in Honduras) (December 4, 2009).

³⁹² The Special Prosecutor against Corruption grouped this with several other complaints made on the same grounds against Cardinal Rodríguez Maradiaga and ex-president Carlos Roberto Flores Facussé. The case came to trial (case nº 41099-10), and the First Court of Appeal definitively dismissed the case against both of them.

³⁹³ Wilmer Ulises Galindo Zepeda and Selvin Corea. Case file of the Office of the Special Prosecutors for Human Rights.

just been shot.³⁹⁴ Two more people arrived, a man and a woman. Eyewitnesses told police they heard a shot and saw a person running. Fatally wounded, he was taken to the Teaching Hospital (*Hospital Escuela*) in a fire department ambulance that had been called by the police. He died at 12:30 am, from a hemothorax, according to the forensic report.³⁹⁵

The Commission of Truth heard testimony from the friend, who said: *"At about 11:13 I received another call from Walter when he was on the point of death, saying [...] they've killed me [...] they've killed me and left me lying outside Larach³⁹⁶, near the Banco de Occidente"*.³⁹⁷

Before his death he was the victim of repeated threats, all related to his work as a human rights defender. On the day of the coup, he went with other members of the LGBTTI community to the Marco Aurelio Soto National Penitentiary to address the alleged violations of the human rights of LGBTTI people being held prisoner there. Walter Tróchez had received a complaint that the prison guards had cancelled visits to the inmates and were mistreating people at the prison gates.

On that day, the police burst in firing shots, hitting people and saying, *"Everybody out. Get away from the National Penitentiary, because due to the 'fourth ballot box', there aren't any visits, there's a coup"*. Walter Tróchez complained to the police about these attacks. A police officer called Sánchez threatened him saying: *"Give me your documents. Tell me, who've you come to see?"* He also told the other policemen to hold him until further notice.³⁹⁸

On July 5, 2009, at 5:30 pm, he went home, due to the curfew announced by the de facto regime in retaliation for the mass demonstration supporting the return of President Zelaya. A few meters from his home, he realized he was being followed by an SUV, a Mitsubishi Montero, grey with tinted windows and no license plates. When he entered his home he saw through the window that the car was parked outside. The driver rolled down the window and then left for the National Stadium. Walter Tróchez immediately changed his address due to threats and the surveillance.³⁹⁹

Testimony provided to the CoT stated that on July 8, 2009, he was monitoring human rights violations at 7:00 pm, in the El Obelisco area of Comayagüela, a center for the transsexual-transvestite sex trade. He noted that two transgender women were taking refuge in a petrol station. Tróchez approached them when he saw six soldiers from the Chief of Staff in the same place. The soldiers made threats. They sought to withhold his personal documents, but he told them that they did not have the power to do so. The soldiers became annoyed and replied: *"Faggot, where are the other assholes who are in this area? We're sick of all of you and your bullshit. You're worthless trash and now we've decided to give you a beating. There's more – if I can be arsed to kill you and the other assholes, who's going to stop me? We give the orders round here. We're the authorities - the armed forces."*⁴⁰⁰

³⁹⁴ Truth and Reconciliation Commission report, op.cit, p.305.

³⁹⁵ Preliminary Certification A-2018-09.

³⁹⁶ A hardware store.

³⁹⁷ Testimony to the Commission of Truth n° CDV-16-11.

³⁹⁸ Testimony by Walter Tróchez, provided to CIPRODEH.

³⁹⁹ Testimony to the Commission of Truth n° CDV-16-3.

⁴⁰⁰ Testimony to the Commission of Truth n° CDV-16-4.

When a passerby intervened, the soldiers chose to leave, but as they did so, they laughed loudly and said to Tróchez and the transgender women, *"You, faggot, and the other two who hang round here, you've got it coming to you sooner or later. If not, we'll take you and shoot you in the head on La Montañita⁴⁰¹ and who's going to know it was us?"⁴⁰²*

Twelve days later, on July 20, he was leaving a group of protesters who were outside the Congress building when several COBRA agents made threatening gestures and signs at him. National Police officers detained him in the old ENEE building. An officer kicked him in the stomach, telling him *"he'd get rid of his anger by shooting him in the forehead and dumping him on La Montañita, where no one would know who killed him."*

He verbally abused him because of his sexual orientation, telling him that *"fags are worthless,"* that he did not care if he was an activist and that *"besides, fags have no rights."* This policeman took out a file that he had hidden and Tróchez realized that it had his name on it. The policeman then ordered another officer to arrest him; he was immediately handcuffed and put in police patrol car M-06. Before they took him away, they mockingly asked each other, in a way designed to humiliate him, who would put the fairy or the damsel into the police car, so that she did not hurt herself.⁴⁰³

On the way to the police station he was beaten again. He was roughly taken out of the patrol car at the station in Police District No. 1 in Barrio Abajo. The officer who had assaulted him told the police officer on duty that he had to leave Tróchez tied to a pipe in the yard, in the sun.

The policeman, turning to the victim, stated that there brave activists - and fags even more so - were made into men. He gave the order that Tróchez should not be released and at 3:00 pm they would see what to do with him. He was free after pressure from human rights organizations, and Tróchez told them that the police should be held responsible for any attempt on his life in the future.

He was walking home on the night of November 17, 2009, along a narrow cobbled street, when an unidentified man on a motorbike approached him from behind and kicked him in the back. Walter Tróchez fell to the ground. The motorcyclist passed by him and stared down at him, before accelerating his motorbike and speeding away due to the timely intervention of neighbors who shouted at him to leave him alone.⁴⁰⁴

⁴⁰¹ Literally, 'Little Mountain', the place known in Honduras as the first clandestine cemetery used in the 1980s to bury and dump the bodies of political opponents.

⁴⁰² Testimony by Walter Tróchez, provided to CIPRODEH.

⁴⁰³ Members of the Honduran LGBTTI community have historically been the targets of multiple and systematic violations of their human rights. The coup d'état on June 28, 2009 created a climate which encouraged an increase in these violations. A large proportion of the increased number of murders were politically motivated, in particular due to the LGBTTI movement's opposition to the coup and the de facto regime. This is reflected in the 35 murders of people identified as LGBTTI since the coup. *Red Lésbica Catracha* (Catracha Lesbian Network), *Table of murders LGBTTI-Honduras, 2009, 2010 and 2011, Tegucigalpa, 2011*. According to this document, the people belonging to the LGBTTI community extrajudicially murdered were: in 2009, Vicky, Valeria, Christian, Martina, Fabio, Héctor, Michelle, Enrique, Salomé, Sayda, Marión, Monserrat, Zelaya, Larissa, José Luís, unknown youth, Marco Tulio, Walter, Luis Arturo, Edwin Renán, Giuseppe; in 2010, Ernest, Nicolás, Débora, Juan Manuel, José Luís, Germán, Jorge Nelson, Idania Roberta, Luís Alexis, Oscar, Keneth; in 2011 (partial figures only), Génesis, unknown; Fergie. It is important to note that all the murders of transsexual women in 2009 were committed under the de facto regime.

⁴⁰⁴ Testimony to the Commission of Truth n° CDV-16-6 and CDV294-693.

The CoT noted that, according to the testimony given by the victim to human rights organizations and that provided to the Commission, on December 4, 2009, at approximately 10:00 pm, four men in plain clothes, heavily armed and with their faces covered with hoods, violently forced him into a vehicle, a grey SUV with tinted windows and no license plates, while he was walking home after monitoring the situation of sex workers in El Obelisco. The men insulted him, calling him a faggot, and told him they knew who he was, what his job was, and that he had escaped the first time, but this time he would not be able to. They said: *"You're from the Resistance. Now we'll see how resistant you really are."*⁴⁰⁵

While they were travelling through the streets in the center of Tegucigalpa, he was threatened, beaten and interrogated about the activities of the National Resistance Front against the Coup.

Tróchez managed to escape from his captors by jumping from the moving vehicle and took refuge on a piece of wasteland. In evidence given to the Commission of Truth, the witness stated that Walter Tróchez had already reported to human rights organizations that a vehicle with similar characteristics to the one that he was forced into on this occasion had been watching his previous home, as a result of which he had been forced to move. However, the surveillance and attacks by unidentified men continued when he moved to his new home.⁴⁰⁶

"I stayed on the piece of wasteland for about an hour and then started walking. I met a man who asked me what was wrong. I just carried on walking. I was trying to get to my home in the El Bosque district. When I got home at around 4:05 am [December 5], I asked Gerardo López, my flat mate, to call someone and that was how Francisco Mencía of CIPRODEH came to help me. He accompanied me to the duty public prosecutor, at Core VII.⁴⁰⁷ The prosecutor mockingly took just a few notes and more or less dismissed my complaint. Then an hour later I reported the incident to the DNIC, mentioning that I needed a medical examination. I was again referred to the duty prosecutor (González). I said that, because I was HIV positive, I needed an examination and counseling. The prosecutor referred me to Forensic Medicine.

I was examined by the forensic physician, who reported that I had multiple injuries with trauma to the bridge of my nose due to blows from a gun.

The forensic physician referred me to the Teaching Hospital (Hospital Escuela) for a check-up and asked me to have some X-rays done, a test that was not carried out at Forensic Medicine. On December 7, I went to Forensic Medicine about the X-ray, as the Teaching Hospital said that they needed the Forensic Medicine report, but they would not give me an examination because one of the employees said, "We don't have time." I also tried to get counseling from Forensic Medicine's duty psychologist. They told me they did not attend to cases from the duty prosecutor and that it was a matter for Common Crimes.

The person from Forensic Medicine refused to give me their name because of their negative attitude. I have already informed Sandra Ponce, the Special Prosecutor for Human Rights, of my case, as well as Carlos Flores, a lawyer from her department. On December 8, 2009 I went to CIPRODEH staff and the Public Prosecutor's Office as soon as I could, but three days have elapsed

⁴⁰⁵ Ibid.

⁴⁰⁶ Testimony to the Commission of Truth n° CDV-16-7.

⁴⁰⁷ The old name for Metropolitan Police Headquarters No. 1

since the incident and the file has not been issued to enable investigations into my case to get started."⁴⁰⁸

Several people, including representatives of human rights organizations, accompanied Walter Tróchez to the Public Prosecutor's Office to formally report the events of December 4, 2009.⁴⁰⁹ The complaint was accepted and the crime categorized as illegal detention.⁴¹⁰ According to the testimony of the victim, later made available to the Commission of Truth, the duty public prosecutor who dealt with the case handled the matter in a mocking and negligent fashion.⁴¹¹

The CoT believes that, in this case, justice officials were inexcusably negligent and discriminatory in their treatment of the victim, which left him defenseless in face of the serious security situation he faced because of his work.

The Office of the Special Prosecutor for Human Rights launched an investigation into the execution of Walter Tróchez. The case file records a series of actions taken, but not one of them has allowed the perpetrator of the murder to be identified. The Special Prosecutor's Office does not have a hypothesis or a theory driving the investigation process, even though over 33 months have passed since the events.

The CoT has received reports indicating that the Walter Tróchez case is not the only targeted killing. Killings and attacks designed to cause fatalities became a calculated, generalized and systematic means of sowing terror and anxiety among the population in resistance. According to the information available, the first selective killings occurred in 2009, almost immediately after the coup, becoming more obviously targeted from September 2009. The victims have in common their membership of the resistance and their condemnation of human rights violations. The CoT considers such killings to have two objectives: to sow terror among the population and to create leadership vacuums in order to paralyze it.

2.6 Reprisals against the COMAL Network and its staff

The COMAL Network (*Red de Comercialización Comunitaria Alternativa* - Alternative Community Marketing Network) describes itself as a social movement of producers and consumers. At the same time it is a social enterprise that educates, produces and markets. It has national coverage. Its mission is to contribute to sustainable community development, promoting local production, the development of equitable market channels and reforming the country's unjust legislation. Taking on board the main problems in Honduras, including rising unemployment and poor access to sustainable livelihoods for the majority of the population, and the rapid destruction of the environment, it has become an advocate for sustainable development and the ecology, solidarity economics and fair trade.

Taking these issues as its starting point, and drawing on its experience built up over 15 years, the

⁴⁰⁸ Information submitted to the Commission of Truth nº CDV-16-6 and CDV294-693.

⁴⁰⁹ Testimony to the Commission of Truth nº CDV-16-8.

⁴¹⁰ DNIC, record nº 0801-2009-49670.

⁴¹¹ Ibid and testimony to the Commission of Truth nº CDV-16-6 and CDV294-693.

COMAL Network was implementing its 2009-2011 Business Plan at the time of the events referred to in this case. The aim of this plan was to create concrete mechanisms for addressing the country's structural crisis, especially for families living in rural areas. COMAL Network intends to make its contribution through its support for agro-environmental production, the formation of social enterprises generating employment, community marketing and the establishment of alliances and initiatives to achieve political structural changes for small-scale producers.⁴¹²

The COMAL Network, as part of the Honduran social movement, has always made its facilities available to many of the country's civil society organizations for days of reflection, analysis and decision-making. Such a service came to greater prominence in the period before the coup, with its decision to support the establishment of a national constituent assembly that would re-found the Honduran state. The COMAL Network has played an important role in the aftermath of the coup, by virtue of which the political opposition were constantly holding meetings on the premises of the ECOSOL (*Escuela de Economía Solidaria* - School of Solidarity Economics), which is part of the COMAL Network.

It was there that the FNRP often developed its strategies for fighting and mobilizing against the de facto government. The COMAL Network also led the grassroots demonstrations in the central region, the departments of Comayagua, La Paz and Intibucá, against the coup. As a result, during the crackdown on the demonstration in El Pajonal, referred to in this report, many of those injured and arrested belonged to its local networks.

On August 4, 2009, it published a detailed report on this crackdown. On August 20, 2009, it was the host for the victims and the Inter-American Commission on Human Rights which, represented by its Chair Luz Patricia Mejía, its Second Vice-Chair and Rapporteur for Honduras, Felipe González and Executive Secretariat staff, visited Comayagua to prepare its report in situ. The COMAL Network made the arrangements so that the IACHR could meet the victims.⁴¹³

Context

On November 29, 2009, after the coup, the de facto government called elections to appoint the President, deputies and mayors across the country. These elections were not intended to safeguard democracy and the principle of rotation of power - they were called to consolidate the coup and impunity for human rights violations.

The National Resistance Front against the Coup decided to boycott the elections on the grounds that they were illegitimate, as they were being called by authorities born of the coup. Moreover, those who were promoting them were involved in actions that had resulted in the breakdown of the constitutional order, as well as being militarized. The boycott would imply a refusal to recognize the legitimacy of the authorities voted into office as a result of these elections.

On November 28, 2009, over 50 soldiers and police and DNIC officers in ski-masks stormed the COMAL Network offices at about 1:30 pm. They pointed their guns at those present and ordered the immediate evacuation of the building. They then began ransacking the offices, apparently looking for any information or materials of the Resistance.

⁴¹² COMAL Network, "*Vida y prácticas de Economía Solidaria en la Red COMAL*", ("Solidarity Economics Lived and Practised by the COMAL Network") Honduras, at < www.redcomal.org.hn>

⁴¹³ IACHR report. Honduras: Human Rights and the Coup d'état. P.12 Para.67.

One of the employees asked what they wanted, and a police officer replied that they were looking for weapons. In the operation, they broke gates, doors, door-locks, door-handles and shutters. They also threatened to shoot if those present did not do what they said. One of the institution's security guards, who is small and thin, was beaten up by six police officers, who punched and kicked him, and also threatened to shoot him.⁴¹⁴

Both the offices of the COMAL Network and the building occupied by ECOSOL were raided and searched. In the end it was found that the locks on desks were broken, as well as several doors to offices and other rooms. Computers, checks and private documents of the institution were seized, as well as cash.

Nobody was arrested during the raid, but a number of the COMAL Network's staff were detained on site for approximately three hours. The operation was conducted by Captain Fredy Lagos Sánchez, chief of police at Siguatepeque at the time. Lagos Sánchez arrived 20 minutes after the raid began, announcing that they were carrying out a court order to locate and confiscate firearms and equipment that were a risk to life. He refused to give the head of COMAL Network a copy of the search warrant, a document required from the moment the police and military entered the building. The police also refused to draw up a list or document identifying the items that were being seized.

At 3:30 pm that same day, Elizabeth Orellana Rodríguez, a public prosecutor, arrived at the COMAL Network offices. She limited herself to watching the activities of the police and soldiers. According to several statements given to the Commission of Truth when it travelled to the city of Siguatepeque, while the prosecutor was on the COMAL Network's premises, she made insulting remarks about its work, questioning the advocacy that the COMAL Network carried out. Following the raid and the attack on the COMAL Network, it was learned that the Public Prosecutor's Office had downloaded all the information stored on the confiscated computers. It was also learned that all the statements from the various banking institutions with which COMAL Network works had been examined. These actions were performed without any involvement by the officials of the institution supposedly being investigated.

On April 5, 2010, after repeated requests by the COMAL Network, the local branch of the Public Prosecutor's Office in Siguatepeque recommended the closure of the investigation launched into its representatives. According to the case file, the resolution is based on the fact 'that there is no crime to investigate in relation to the NGO COMAL Network and ECOSOL' and, in addition that 'the act reported or investigated is not a crime.'⁴¹⁵

After the raid, people connected to the network and its leaders were the targets of repeated harassment and attacks culminating in illegal entry of their homes⁴¹⁶ and illegal detentions.

The Commission of Truth learned that Trinidad Sánchez, Executive Director of the COMAL

⁴¹⁴ Testimony to the Commission of Truth CDV-15-1.

⁴¹⁵ Siguatepeque local Public Prosecutor's Office. Recommendation for closure, April 5, 2010.

⁴¹⁶ Raid on the home of José Pacheco, member of the National Resistance Front against the coup; he was at the COMAL Network at the time, showing his solidarity for the raid on ECOSOL.

Network,⁴¹⁷ received death threats directed at him and his family, through text messages on his mobile phone. His home was also burgled by several unknown men who stole only his computer. While on holiday in Honduras, one of his children, who studies in Cuba, was summoned and mistreated by police in a community in the department of Santa Bárbara. All these acts are related to COMAL Network's political, social and economic work.

On February 12, 2010, Hermes Aníbal Reyes Navarrete was attacked at 7:30 pm by two unidentified persons who were parked at the main entrance of ECOSOL, the property of the COMAL Network, where the Resistance Front leadership was meeting.

When they saw the young man leaving the building, the strangers started up the blue pick-up truck and the man in the passenger seat punched him in the face with a bicycle speedometer, causing a wound to the right cheek and a blow to the left. The blow caused him to lose his balance and fall to his knees. The car stopped about 20 meters further on and one of the men shouted, "We know where you, you sons of bitches" and drove away at high speed, taking the road from Siguatepeque to La Esperanza, Intibucá department.⁴¹⁸

The CoT learned that the raid was carried out by court order at the request of the Public Prosecutor's Office. This body claimed to have received complaints stating that in the place raided "a number of people had been meeting for several days and had other people lodging there who they called guerrillas, who were heavily armed. They were talking about creating a mess to prevent the general elections taking place."

The COMAL Network and its legal representatives were investigated for alleged election offences and sedition. The officials of the COMAL Network considered the actions of the state bodies as abuses, and reported the matter to the Office of the Special Prosecutor for Human Rights.⁴¹⁹

The Commission of Truth, having studied the testimony, documents and official records on the COMAL Network case is convinced that the purpose was to undermine its reputation and good name but, above all, to violate the fundamental rights of the people managing and working at the COMAL Network, creating a climate which aimed to hinder the lawful political activities at its premises.

Reviewing the contents of the case file, which contains the Public Prosecutor's application and the Siguatepeque district court's authorization to raid and search the premises of COMAL Network, ECOSOL and a private house, it can be seen that the request for the search warrant was based on a complaint lodged by a representative of the Local Electoral Tribunal (*Tribunal Local Electoral*), who stated that the COMAL Network was encouraging a boycott of the elections.

The Commission of Truth considers it appropriate to note that the direct actions against the COMAL Network, carried out with the appearance of legality by the institutions of the State, can be directly related to the threats and harassment suffered by the COMAL Network's Executive Director and his

⁴¹⁷ She ended her term as director at the end of 2011.

⁴¹⁸ COFADEH, *Acción urgente en favor de Hermes Reyes*, (Urgent action for Hermes Reyes) February 17, 2010.

⁴¹⁹ Complaint filed by COFADEH, December 16, 2009.

family, and the attack on Hermes Reyes.

The Commission of Truth is also of the opinion that, with the raid and search, the victims of the violation of the right to freedom of thought, expression and opinion are not only the staff managing and working for the COMAL Network. It was also a frightening attack on the rest of the people who regularly use the organization's facilities to reflect, discuss and make decisions about the political situation or particular issues relating to their organizations.

With the consolidation of the coup, these attacks multiplied and became more systematic, used by repressive entities to pursue broader objectives such as flaunting their power and showing their strength. In several cases, the political motives for these attacks have been concealed, although they have been ordered by the highest levels of the de facto regime.

Illustrative cases for pattern 3:

Dysfunction of institutions responding to the needs of the coup regime to the detriment of the population

3.1 President José Manuel Zelaya Rosales

The administration of José Manuel Zelaya Rosales began on January 27, 2006 and was interrupted by a coup d'état on June 28, 2009. The process of overthrowing, seizing and subsequently exiling President José Manuel Zelaya Rosales involved the collusion and manipulation of a number of public institutions, particularly those linked to the legislature, the judiciary and part of the executive branch, who took the decision to remove him violently - although with a veneer of legality - from the Presidency of the Republic. Army units attacked the private residence of President José Manuel Zelaya Rosales in the San Ignacio district of Tegucigalpa, arrested and exiled him; his close associates were persecuted and his foreign minister arrested and exiled. President Zelaya's family was persecuted by the Public Prosecutor's Office, which put the homes of his closest relatives under surveillance.⁴²⁰

*'On June 28, in El Trapiche residential district, on Main Street (calle Principal), about 100 meters from the Body Center gym, the movement of people had been observed at the apartments of Mr. Juan Medina, and vehicles from which black bags and suitcases had been removed in a suspicious manner. It is presumed that these materials are related to the so-called fourth ballot box, instigated by the presidency in total defiance of legal judgments, according to the informant in apartment number two.'*⁴²¹

A power cut was imposed nationally, the media was ordered to close and a curfew declared from 18:00 hours. From then onwards began the political violence across the country; thousands of people were arrested and detained, and the country was militarized and polarized. More than a hundred people have been killed for political reasons. For the CoT, the actions relating to the overthrow of the government led by President José Manuel Zelaya Rosales can be divided into three phases: a) preparation, b) execution and c) consolidation.

Preparatory phase. From the written and oral evidence that it has received and examined, the CoT has been able to establish the chain of events which constitute violations of the human rights of President José Manuel Zelaya Rosales. For the purposes of this report, they begin on May 8, 2009, when the Public Prosecutor's Office, through its Prosecutors, Gelmer Humberto Salgado Cruz and Henry Geovanny Salgado Núñez,⁴²² filed a suit with the Court of Administrative Litigation (*Juzgado de lo Contencioso Administrativo*) seeking to declare null and void the consultation on whether there should be an additional or 'fourth' ballot box at the general election that year, asking citizens

⁴²⁰ Application for a search warrant. Residence of Carlos Armando Zelaya Rosales, Case file, 0801 2009 28818, Addressed to Judge Elvia Trinidad Matamoros Reconco, from Prosecutor Marvin Dolores Zabala Mena.

⁴²¹ Residence of Carlos Armando Zelaya Rosales, brother of José Manuel Zelaya Rosales.

⁴²² Ordinary suit, before the Court of Administrative Litigation.

about the possibility of convening a National Constituent Assembly.

On March 23, 2009, the Council of Ministers passed Executive Decree PCM 05-2009, which provided for a consultation of the Honduran population. It was formulated as follows: 'Do you agree that at the general elections in November 2009, there should be a fourth ballot box to decide on the establishment of a National Constituent Assembly to approve a new political constitution?'

Several factors enable the CoT to identify this date as the starting point for the process of democratic breakdown and collusion between Congress, the Supreme Court of Justice, the Public Prosecutor's Office and other state institutions. It is worth highlighting the following:

a. The lawsuit filed by the Public Prosecutor's Office could only be accepted by manipulating the law, as the public consultation provided for by Decree PCM 05-2009 could not be subject to the rules set out in Article 5 of the Constitution on plebiscites and referenda⁴²³ since, at the time that this decree was passed, there was no law specifically governing consultations.⁴²⁴ Given this legal vacuum, the only regulatory instrument in force was the Citizen Participation Act (*Ley de Participación Ciudadana*) which did not lay down a specific procedure for consultations, except as provided for in Article 25 (10) of the amended Municipalities Act (*Ley de Municipalidades*), and in its Articles 16, 17 and 18, which are quite general about the consultation process and place it within

⁴²³ Article 5. Government must be based on the principle of participatory democracy from which is derived national integration, which involves the participation of all political sectors in the public service, to ensure and strengthen the progress of Honduras, based on political stability and national reconciliation.

In order to strengthen participatory democracy and to ensure it functions, referenda and plebiscites are established as mechanisms for the consultation of the citizenry on matters of fundamental importance to national life. A special law approved by two-thirds (2/3) of all Members of Congress shall determine the procedures, requirements and other matters necessary for conducting public consultations.

A referendum shall be called on an ordinary law, or a constitutional rule, or its amendment, passed in order to be endorsed or rejected by the citizenry. A plebiscite shall be called to ask citizens to pronounce on constitutional, legislative or administrative matters on which the powers that be have taken no prior decision.

At the initiative of at least ten (10) members of the National Congress, the President of the Republic through a resolution of the Council of Secretaries of State, or six percent (6%) of the citizens registered on the National Electoral Roll, the National Congress shall meet and discuss such requests, and if approved by the affirmative vote of two thirds (2/3) of all its members, it shall pass a decree that will determine the consultation period, and order the Supreme Electoral Tribunal to call the referendum or plebiscite.

It is solely the responsibility of the Supreme Electoral Tribunal to call, organize and manage the consultations of citizens mentioned in the above paragraphs.

The exercise of the vote in public consultations is obligatory.

Draft legislation to amend Article 374 of this Constitution shall not be subject to a referendum or plebiscite. These consultations may also not be used for matters related to taxation, public credit, amnesties, the national currency, budgets, international treaties and conventions and social progress (*conquistas sociales*). The Supreme Electoral Tribunal must inform Congress of the results of such consultations within a period not exceeding ten (10) days. The results of the public consultations shall be binding:

- a) If there is participation by at least fifty-one percent (51%) of the citizens registered on the National Electoral Roll; and,
- b) If votes in favor form the majority of the valid votes.

If the result of the voting is negative, a consultation on the same subject may not take place in the next period of the Government of the Republic.

The National Congress shall order the enactment of the rules arising as a result of the consultation through the relevant constitutional procedure of the Law.

⁴²⁴ The Special Plebiscite and Referendum Act (*Ley Especial de Plebiscito y Referéndum*) was debated and approved by National Congress on the night of June 8, 2009 and ratified by it at its session on June 23 the same year. This Special Act (Decree No. 135-2009) was published in the Official Journal, *La Gaceta*, number 31972, of July 27, 2009.

the responsibility of the municipalities themselves and of key municipal officials. This lack of specific rules in the Citizen Participation and Municipalities Acts of itself means that it is not possible to define the consultation as illegal, as the application by Public Prosecutor's Office sought to do.

b. In respect of that application, the submission by the Attorney General's Office (*Procuraduría General de la República*), effectively accepted the Public Prosecutor's Office lawsuit, thus failing in its duty not only to defend the state, but also to secure the express authorization of the Executive before accepting it, as stipulated in the first and second paragraphs of Article 24⁴²⁵ of the Administrative Procedure Act (*Ley de Procedimiento Administrativo*). In addition to these failings, official letter D-PGR-112-2009 dated June 12, 2009 was issued, containing the opinion of the attorney Tania Melissa Mejía Fortín on the case, in which she requested authorization to not contest the lawsuit and to accept the plaintiffs' demands (which she had done in her statement presented on May 28). Interestingly, the date of this communication was the last day of the period to contest the lawsuit and 16 days after the interlocutory judgment was issued ordering (in violation of the law) the suspension of the public consultation, which was accepted in violation of the second paragraph of that article.

c. The interlocutory judgment issued by the Court of Administrative Litigation on May 27, 2009, along with its clarification of May 29, showed not only exceptional and illegal procedural speed (the judgment was issued on 27th, clarification was requested by the Public Prosecutor's Office on 28th and this was issued on 29th), but also breaks the rules on the period before which a legal ruling can become final (the working day following the latest notification).

Another key event, demonstrating the existence of a technical coup, even though President José Manuel Zelaya had not yet been ousted, was the filing of a writ of *amparo*⁴²⁶ and subsequent ruling by the Supreme Court in favor of General Romeo Vásquez Velásquez, Head of the Joint Chiefs of Staff of the Armed Forces, whose removal from office had been announced by President Zelaya on June 24.⁴²⁷ This ruling was in violation of the provisions of Article 245 (5) of the Constitution.⁴²⁸

The *amparo* writ is another example of the undue speed of the Honduran justice system, given that at 10:50 am on June 25, the Prosecutor for the Defense of the Constitution (*Fiscal de Defensa de la Constitución*) filed the action challenging the dismissal of General Romeo Vásquez Velásquez, and at 12:59 pm the same day (2 hours and 9 minutes after the writ was filed), the Attorney General had already been notified of the decision in favor of General Vásquez Velásquez regarding his dismissal,

⁴²⁵ Article 24. The representation and defense of the State before the Court of Administrative Litigation is the responsibility of the Attorney General's Office. The Attorney General's Office may only accept lawsuits when specifically authorized to do so through an Agreement issued by the Executive.

⁴²⁶ An appeal on grounds of unconstitutionality.

⁴²⁷ On June 24, 2009, on national television, President José Manuel Zelaya, accepted the resignation of the Secretary of State for Defense, Edmundo Orellana Mercado and dismissed Romeo Vásquez Velásquez as Head of the Joint Chiefs of Staff of the Armed Forces. Miguel Ángel García Padgeth, commander of the army; Juan Pablo Rodríguez, commander of the navy and Luis Javier Prince, commander of the air force resigned in solidarity with him.

⁴²⁸ Article 245 on the duties of the President states at Paragraph 5 that he is to '*Freely appoint and dismiss Secretaries and Deputy Secretaries of State and the other officials and employees whose appointment is not the responsibility of other authorities*'.

announced less than 24 hours earlier by President José Manuel Zelaya Rosales.

The Constitutional Chamber of the Supreme Court had accepted the *amparo*, and issued an order provisionally suspending his dismissal, as result of which General Romeo Vásquez Velásquez continued in office. President Zelaya, upon being notified of the ruling, described it in a press conference as a technical coup and called on Latin American leaders to express their solidarity with his government.

Execution Phase. This phase includes the transition from the technical coup to the coup itself. This phase started on June 25, when the Public Prosecutor's Office filed an indictment against President José Manuel Zelaya Rosales for his alleged responsibility for crimes against the 'system of government, treason, abuse of authority and usurpation of functions' to the detriment of the public administration and the State of Honduras. The Supreme Court put it into effect immediately, holding a plenary session in which Tomás Arita Valle was nominated as the judge assigned to the case, and who issued an arrest and search warrant within 24 hours.

The arrest and search warrant was not issued to the National Police as required by law, but instead to the Armed Forces of Honduras, who violently enforced it on June 28 at 5:40 am, according to most reliable accounts. Under Honduran law, the procedure for searches is governed by Article 99⁴²⁹ of the Constitution and Articles 177, 212 to 215 of the Code of Criminal Procedure (*Código Procesal Penal*), which states that it is the DNIC (National Criminal Investigation Directorate), with *occasional* help from the National Preventive Police, that is the body responsible for carrying them out, thereby safeguarding people and evidence.

The violent entry of the Armed Forces into President Zelaya's home and his subsequent capture is converted into his abduction from the moment when, unilaterally, the military decide not to present him to the judge who ordered his arrest, but instead take him to the air force base in Tegucigalpa and then, after a stopover at Palmerola air base, proceed with his forced exile to Costa Rica.

In parallel, treating President Zelaya's case as if he had already been tried and found guilty of the criminal charges against him, Congress met the same day, June 28, and decided to censure⁴³⁰ his behavior,⁴³¹ remove him from office⁴³², and replace him with the then Chair of Congress, Roberto

⁴²⁹ **Article 99.** The home is inviolable. No entry or search may be affected without the consent of the person resident or by order of the competent authority. However, it may be raided in an emergency, to prevent the commission of crimes or their impunity, or to prevent serious damage to people or property. Except for emergencies, a home may not be raided from (6) six pm to (6) six am without incurring liability. The law shall establish the requirements and formalities for entries, searches and raids, as well as the liabilities whoever carries them out may incur.

⁴³⁰ The Legislature passed an emergency motion proposed by Ramón Velásquez Nazar to investigate the actions of President Zelaya in order to approve or censure his administration. The congressman told the media that there was no technical coup, as the President had started the coup three years earlier.

⁴³¹ According to Article 205 Paragraph 20 of the Constitution, relating to the powers of the legislature, they are restricted to: '20. Approving or censuring the administrative conduct of the Executive, Judiciary and the Supreme Electoral Tribunal, the Court of Auditors, Attorney General's Office, Office of Environment, Public Prosecutor's Office, National Human Rights Commissioner, National Population Registry, decentralized institutions and other special and auxiliary state bodies.'

⁴³² The Constitution does not grant Congress powers to remove the President of the Republic from office, only his replacement in cases of permanent absence.

Micheletti Baín, for the remainder of the term of the administration, which would end on January 27, 2010. The reasons cited by Congress include the following:

- Failing to submit a draft 2009 budget for approval by Congress;
- Allegedly neglecting to deal with the emergence of the H1N1 virus (swine flu);
- The alleged lack of response to the effects of the earthquake in Honduras in May of that year;
- Failure to respond to the effects of the global economic crisis, which had claimed an estimated 100,000 jobs in Honduras;
- The lack of security in the country;
- Issuing PCM-019 ordering the consultation via an opinion poll on whether to introduce an additional or 'fourth' ballot box at the November 2009 general elections to decide on a National Constituent Assembly;
- His conflict with other branches of government and,
- The receipt of a resignation letter issued by President José Manuel Zelaya Rosales.

In the following days, President José Manuel Zelaya Rosales was refused re-entry into the country. The events of July 5, 2009 were particularly serious, when he tried to enter via Toncontín airport and vehicles were parked on the runway to block it; snipers were stationed on the airport and military buildings in the area and soldiers and police formed a security cordon, and ended up shooting at people demonstrating outside the airport for the return of President José Manuel Zelaya Rosales, causing the death of the youth Isy Obed Murillo.

Consolidation phase. During this consolidation phase, three recurring features stand out in the actions against President Zelaya and his followers: a) the persistent refusal to allow him to enter the country, b) the domestic and foreign media campaign to discredit him and c) the continued aggression against him and the other people who took refuge in the Brazilian embassy in Tegucigalpa.

a) The actions of the de facto government, using the military and police to prevent President Zelaya's return, including blocking borders, imposing a continuous curfew (in some cases for over a hundred hours on end as was the case in the departments bordering Nicaragua, particularly in the department of El Paraíso), and moving military equipment and personnel to the area.

b) The media campaign to discredit the President Zelaya and his officials, although starting from before the coup, and including calls for the coup itself, intensified with his forced exile, branding him as corrupt, 'leftist', communist and other descriptions which sought to undermine public confidence in him, both nationally and internationally.

c) On September 21, 2009, President Zelaya entered the country and took refuge at the Brazilian embassy in Tegucigalpa, where he remained until January 27, 2010 when he was given a safe-conduct to leave for the Dominican Republic. During this period the people taking refuge in the embassy, and the embassy buildings themselves, were systematically attacked with tear gas, particularly on September 22, when it was besieged by the police and soldiers using chemicals that can cause vomiting and diarrhea, sound equipment to prevent sleep, a long range acoustic device (LRAD)⁴³³ and special equipment to jam telephone signals.

⁴³³ The LRAD device is circular, with an average diameter of 83 cm and weighing 29 kg. It can be targeted using two levers on its

The Commission has been able to confirm that the principles, guarantees and rights of President José Manuel Zelaya Rosales contained in the Constitution were violated. Among the human rights of President Zelaya which were violated are:

- The right not to be discriminated against and thus to enjoy all the rights enshrined in Article 2⁴³⁴ of the Universal Declaration of Human Rights. This right is violated by the explicit restriction of all his other rights and guarantees established in the Constitution and in international human treaties signed and ratified by the State of Honduras and which are in force.
- The right to humane treatment, through the assault on his physical, mental and moral integrity at the time of his violent arrest, which was repeated with the refusal to allow him to return to the country and the attacks on his place of refuge in the Brazilian embassy in Tegucigalpa.
- The right to personal liberty, through his abduction by members of the armed forces and subsequent expatriation to Costa Rica.
- The right to a fair trial and due process, being denied an adequate defense before an impartial court, and instead considered guilty by Congress when it ordered his removal from office.
- Freedom of thought and expression, being judged and considered guilty because of his proposal to consult the public on the possibility of convening a National Constituent Assembly.
- The right to nationality, violated through the denial of the rights enshrined in the Constitution, such as that of remaining in the country and not being expatriated.
- The rights to freedom of movement and residence were violated through his expulsion, as well as through the measures taken to prevent his entry into the country and his departure from the Brazilian embassy in Tegucigalpa.
- The right to equality before the law, an equality which is violated by the lack of due process, through the application of extralegal measures such as his removal from office, ordered by Congress, and forced expatriation.
- The right to judicial protection, enshrined in Article 25 of the American Convention on Human Rights,⁴³⁵ with the rejection of the appeals submitted against his forced expatriation.

back. Through a series of piezoelectric transducers at intervals in phase, the LRAD amplifies an input, creating sound pressure. Gaps in the transducers on the edge of the LRAD and a diameter slightly larger than most of the wavelengths it emits allows it to have a directional beam with relatively little scattering. Fifteen degrees outside the beam the sound pressure decreases to 20 decibels. A person may be directly behind the device, operating it at full volume, and still not experience unbearable discomfort. In its normal mode it can emit messages of up to 120 decibels which are still highly intelligible. The LRAD can connect with the Phraselator, a speech translator which understands approximately 1000 phrases in English and translates directly into the local language. The second option for LRAD is to emit a loud sound, disorientating and potentially painful, of up to 151 decibels. The shrill and strident tone emitted resembles a car alarm. A version of the LRAD-RX uses remote control via the internet, and is additionally equipped with a camera, high-powered lights and a radar to detect intruders.

⁴³⁴ **Article 2.** Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

⁴³⁵ **Article 25. Right to Judicial Protection**

3.2 Fired Judges

The CoT received information on the removal, arbitrary transfer,⁴³⁶ dismissal and disciplinary action of a large number of judges who expressed their opposition to the coup. The trial judges Adán Guillermo López Lone and Ramón Enrique Barrios; the domestic violence judge Luis Alonso Chévez de la Rocha and the judge at the Court of Appeal in San Pedro Sula, Tirza del Carmen Flores Lanza were members of the Association of Judges for Democracy (*Asociación de Jueces por la Democracia*), known by its initials AJD. This association was founded on August 12, 2006 in San Pedro Sula by independent judges, to protect the fundamental rights of society in general and of judges in particular, in pursuit of a legitimate and effective justice system to strengthen the rule of law. Judge López Lone was the President of the AJD, Judge Flores Lanza was Secretary of its Disciplinary Committee and Judges Chévez de la Rocha and Barrios Maldonado had been members since 2008 and 2006 respectively.

On June 30, 2009 an *amparo* writ was filed with the Constitutional Chamber of the Supreme Court on behalf of President José Manuel Zelaya Rosales for violation of Article 102 of the Honduran Constitution. The application was signed by various civil society leaders and members of the Association of Judges for Democracy,⁴³⁷ which also issued a statement condemning the coup and calling the attention of the Supreme Court to the facts relating to it.⁴³⁸ On June 30, a group of

1. Everyone has the right to simple and prompt recourse, or any other effective recourse, to a competent court or tribunal for protection against acts that violate his fundamental rights recognized by the constitution or laws of the state concerned or by this Convention, even though such violation may have been committed by persons acting in the course of their official duties.

2. The States Parties undertake:

a. to ensure that any person claiming such remedy shall have his rights determined by the competent authority provided for by the legal system of the state;

b. to develop the possibilities of judicial remedy; and

c. to ensure that the competent authorities shall enforce such remedies when granted.

⁴³⁶ Judge Maritza Arita was not subjected to a disciplinary hearing, nor fired, but suffered other reprisals. On August 12, 2009, she was the judge for the case brought by the Public Prosecutor's Office against the protesters Dagoberto Andrade, José Antonio Torres and Juan Guevara, accused of terrorism and aggravated arson directed at protected witnesses and the INTUR Group of fast food franchises. The judge sentenced them to alternative measures to imprisonment (*medidas sustitutivas a la prisión*). These included requiring the accused to report to the court in Catacamas, Olancho every Monday, Wednesday and Friday to sign the attendance register and to be under the supervision of their legal representatives. .

The judge reported to human rights organizations that she had been the target of a smear campaign across the media, and that both she and her family had been subjected to threats and harassment solely because, by not handing down a custodial sentence, she was assumed to be sympathetic to the Zelaya government. Judge Arita stated in her testimony that when she arrived at her office, she was surprised to find someone else doing her job because she was on vacation, a vacation she had never been notified about. When she returned from this vacation, she learned that she had been removed from her post, and been appointed as a supernumerary judge, a job which she described as being an archivist for cases already decided. Testimony given to COFADEH.

⁴³⁷ 'A Writ of 'Amparo' is filed. It is requested that, as a precautionary measure, the immediate repatriation of Jose Manuel Zelaya Rosales be ordered by the Constitutional Chamber of the Supreme Court. Claudia Herrmansdorfer, Victor Fernandez Guzman, Adan Guillermo Lopez Lone, Bertha Oliva, Tirza del Carman Flores Lanza, Osman Fajardo Morel, Ben Hur Lopez.'

⁴³⁸ 'In a situation such as that described, where state institutions have been manipulated in violation of the essential foundations of the rule of law, there is no doubt that the judiciary, as part of its mission, has the duty to act independently and, in line with the principle of the separation of powers, maintain a position in favor of the restoration of the constitutional order, and thus the positions adopted in recent days must be reconsidered. The Supreme Court can take two courses of action: on the one hand, express its support for all the clauses of the San José Agreement, and on the other, give effect to all the writs of *amparo* and unconstitutionality that organizations and citizens have filed, so that the judiciary, by accepting these writs, may subject the violations of the Constitution to effective legal scrutiny and thereby address the illegal situation in which we

citizens and civil society leaders filed a complaint with the Public Prosecutor against the expatriation of President Zelaya.⁴³⁹ After the seizure of power by the de facto government the fundamental rights of the people were breached and state institutions weakened. The AJD's stance was one of denunciation and defense of the rights of the population, issuing statements and alerts on the repression of protests against the coup.⁴⁴⁰ As part of her duties, Judge Flores issued writs of habeas corpus for detainees which succeeded in restoring the rights of the protesters, which had been violated.⁴⁴¹

In reprisal for their stance, an investigation was launched into the four judges. The investigation of Tirza Flores Lanza and Guillermo López Lone began on July 1, 2009, and was based on the fact that on June 30, 2009, they had filed an *amparo* writ on behalf of President José Manuel Zelaya Rosales with the Secretariat of the Constitutional Chamber of the Supreme Court, according to the subpoena issued by the Sub-Directorate of Personnel Management of the Judiciary.⁴⁴² For having filed the *amparo* writ, Ms. Flores was found guilty of:

‘1. - Being absent from her office, on June 30, 2009, when she was in the capital of the Republic, conducting procedures not inherent to the functions of her post, without requesting due permission. 2. - Engaging in activities incompatible with the performance of her duties, in seeking to obtain the annulment presented in case No. SCO-896-2009, (amparo) dated August 12, 2009. 3. - Naming the offices of the Court of Appeal in San Pedro Sula as the place to receive notifications on actions that have nothing to do with its exclusive function of providing and administering justice impartially. 4. – Performing activities which, due to her position as a judge, are not permitted, such as visiting the Public Prosecutor’s Office and filing a complaint against

currently find ourselves. While the collapse of the democratic system will surely be reversed by the citizens who have mobilized in resistance, nonetheless, facing the judgment of history, our collective of judges repeats that it expects the judiciary, and in particular the Supreme Court, to fulfill its responsibility to guarantee fundamental rights and to establish limits on the other branches of government, by exercising its jurisdiction exercise to allow, along with other actors, the return of the constitutional order in the interests of safeguarding our weakened rule of law. San Pedro Sula, July 28, 2009’

⁴³⁹ ‘We report the Commission of Crimes against senior State Officials, against the Government System, Terrorism, Illegal Detention, Rebellion, Abuse of Authority, and Treason. We offer documentary evidence and oral testimony to substantiate the allegations made. Victor Antonio Fernandez Guzman, Adan Guillermo Lopez Lone, , Osman Antonio Fajardo Morel, Jari Dixon Herrera, Foad Alejandro Castillo, Marco Tulio Padilla Mendoza, Tirza Flores, Claudia Herrmansdorfer, Hermes Anibal Reyes Navarete, Bertha Oliva, Maria del Rosarios Roiz Andino, Myrna Isabel Mejia Flores, Lidia Calix, Marcela Guzman Melghe, we, adult Honduran citizens, with all due respect denounce the crimes of abuse of authority, usurpation of functions, terrorism, rebellion, treason, crimes against the government system and senior state officials; we ask that you establish the extent of the responsibility for these crimes by Messrs. Romeo Orlando Vasquez Velasquez, Migurl A. Garcia Padgett, Juan Pablo Rodriguez, Rodriguez, Luis Javier Prince Suazo, members of the Armed Forces Supreme Council; Roberto Micheletti Bain, Jose Alfredo Saavedra Paz, Ramon Velasquez Nazar, Mary Elizabeth Flores Flakes together with the other members of Congress who passed the resolution or decree removing Jose Manuel Zelaya Rosales from office as Constitutional President Of Honduras.’

⁴⁴⁰ Date: Thu, July 2, 2009 13:06:29 -0600 violent crackdown on 5,000 protesters in San Pedro Sula Hundreds of soldiers and police cracked down this morning on more than 5,000 citizens demonstrating against the coup in the main shopping streets in San Pedro Sula, Cortés. Police are firing bullets and tear gas at the demonstrators. Mauricio Martínez, 19, was shot in the foot by soldiers, and there are about 20 wounded and several arrested and beaten, including Ernesto Bardales, coordinator of JHA-JA (Honduran Youth – Let’s Go Forward Together - *Jóvenes Hondureños Adelante Juntos Avancemos*) Five minutes before the crackdown a helicopter flew over the area controlled by the protesters. Then an army platoon began to surround the demonstration and started shooting their regulation weapons, and riot police fired tear gas and water cannon.

⁴⁴¹ Writ of Habeas Corpus of August 3, 2009

⁴⁴² Subpoena of November 23, 2009

state officials for alleged crimes, and publicly commenting on proceedings of other legal bodies and the Supreme Court itself.'

Mr. López Lone was found guilty of:⁴⁴³

'Failing to comply with the duties of his office by engaging in acts that compromise the dignity of the Administration of Justice in having actively participated in the demonstration on 5 July of this year 2009, near Toncontín International Airport'.

On Sunday July 5, 2009, Judge Adán Guillermo López Lone, a member of the First Chamber of the Sentencing Court of San Pedro Sula, took part with thousands of people in a march that began at the Teacher Training University (UPNFM) and ended at Toncontín Airport in Tegucigalpa. During the march the protestors peacefully condemned the breakdown of the constitutional order and demanded the restoration of democratic institutions. Violence erupted when the military, who were guarding the airport runway, opened fire with their regulation weapons on children, women and men.⁴⁴⁴ The security forces fired tear gas that caused a stampede.

Mr. López Lone sustained a tibial plateau fracture of his left leg while trying to get to safety. It required surgery and he was off work for over 90 days.

Judge Chévez de la Rocha was found guilty, according to the subpoena issued by the Sub-Directorate of Personnel Management of the Judiciary, dated November 11, 2009, of:

'Being arrested by the National Police on August 12, 2009, because of his presence at acts of public disorder, as well as having tried to get several court employees to rebel against the established government. He also said that he was "ashamed to belong to the judiciary". He committed acts undermining the dignity of the Administration of Justice.'

On August 12, 2009, Judge Luis Alonso Chévez de la Rocha, of the Domestic Violence Court of San Pedro Sula, was at the main entrance of the City Mall, when a march by members of the resistance to the coup passed by. At that moment, riot police arrived, went into military formation and without any warning or discussion proceeded to crack down on the demonstrators.

The judge noticed the police beating elderly people and decided to go to the avenue and complain to the riot police about their behavior. The policemen jumped on him. He responded by saying he was a serving judge, making them even angrier and they proceeded to arrest him while shouting offensively at him, saying that they did not care if he was a judge. They arrested him and put him in a pick-up patrol car. Minutes later they drove him, along with the other detainees, to the First Police Station (*Primera Estación de Policía*).

Mr. Chévez de la Rocha was released after a writ for habeas corpus filed before the Court of Appeal was processed speedily. The presiding judge, on finding that his and other demonstrators' arrests

⁴⁴³ Subpoena of October 30, 2009.

⁴⁴⁴ Regarding this protest, see the human rights violations case study '1.1 Repression of demonstrators in Toncontín airport, July 5, 2009'

were illegal, ordered their immediate release.

In the case of Judge Ramón Enrique Barrios, he was found guilty of:

*'...having made remarks in a lecture which were then published in El Tiempo newspaper of August 28, 2009 in an opinion piece entitled, 'It was not a constitutional succession', in which he is identified as a trial judge and censures the actions of the Supreme Court in its treatment of the indictment against Mr. Jose Manuel Zelaya Rosales, also indicating the procedure that in his opinion should have been followed.'*⁴⁴⁵

Judge Ramón Enrique Barrios Maldonado is a member of the First Chamber of the Sentencing Court of San Pedro Sula, Cortés. On August 19, 2009, in his capacity as professor of law at the Valle de Sula campus of the UNAH, he gave a lecture on the circumstances surrounding the coup. *El Tiempo* newspaper, in its issue of August 28, 2009, published a summary of that presentation as an opinion piece entitled 'It was not a constitutional succession'. The summary of the talk was written by the journalist Patricia Murillo who, as the column's author, commented and reflected on the lecture given by Barrios.

These reflections prompted the Supreme Court judges to feel that they were being alluded to disrespectfully, given the presentation of a position contrary to their own, and led to the disciplinary proceedings against Judge Barrios Maldonado.

Despite submitting various forms of evidence, Judges López Lone, Chévez de la Rocha, Barrios, and Flores Lanza, were sacked via a plenary decision of the Supreme Court, which imposed the sanction of dismissal by ten votes to five on May 5, 2010. This penalty was ratified on May 12, 2010. On July 6, 2010, the Association of Judges for Democracy (AJD) and the Center for Justice and International Law (CEJIL) filed an initial complaint with the Inter-American Commission on Human Rights. The petition 975-10 was admitted on March 31, 2011.

According to the facts presented to the Commission of Truth, the violations of the rights and freedoms of the judges Tirza Flores Lanza, Adán Guillermo López Lone, Ramón Enrique Barrios and Luis Alonso Chévez de la Rocha, are in retaliation for their exercising their rights and for their actions on behalf of victims of human rights violations. They have suffered the violation of their right to judicial protection, the right to effective remedy and the State failed in its duty to investigate, prosecute and punish. They have also been subject to persecution and repression because of:

- a) their alleged links with political sectors opposed to the coup
- b) their vulnerability as members of certain cultural or social groups - in the case of the four judges, because they are public officials and human rights defenders.

3.3 Secretary to the President's Office Enrique Alberto Flores Lanza

After the coup of June 28, 2009, Enrique Flores Lanza, who at the time was the Secretary to the President's Office (Chief of Staff) under José Manuel Zelaya Rosales' government, was pursued by

⁴⁴⁵ Subpoena of October 30, 2009.

the police and military from the morning of that day, and as a result was forced to leave his home and hide in different parts of the country, to avoid capture and deportation.

For his own safety, he left the country and lived in exile in Nicaragua for 23 months. The CoT was informed that his wife and children remained in Honduras and were subjected to surveillance, harassment, persecution and psychological torture. There were constant rumors that their house would be searched. On July 16, 2009, the home of Julio César Dubón, Enrique Flores Lanza's brother-in-law, was attacked by armed men who brutally beat him and his children and then proceeded to search his house, located in Tegucigalpa. They took money, jewelry and the family car. Marlina Dubón, the former Supreme Court judge, sometimes spent the night at the house for security reasons. These actions were committed within the context of the persecution of President Zelaya's cabinet, as well as a media campaign against civil society leaders.⁴⁴⁶

Within this context of political upheaval, the harassment took another turn; the entire state machinery was used to persecute Flores Lanza judicially through the Public Prosecutor's Office, which prepared four indictments for abuse of authority, misappropriation of public funds, falsification of public documents and fraud, which were filed at the Criminal Court of Francisco Morazán department (*Juzgado de Letras de lo Penal de Francisco Morazán*) under case numbers 0801-2009-27096, 0801-2009-27640, 0801-2009-31042 and 0801-2009-31126. As a result, warrants were issued both nationally and internationally for his arrest, as well as border alerts.

Enrique Flores returned to Honduras on May 28, 2011 and on June 15 he voluntarily appeared at the hearings at Francisco Morazán Criminal Court in the criminal proceedings brought against him after the coup. He returned under Section 3 of the Agreement for National Reconciliation and the Consolidation of the Democratic System in the Republic of Honduras⁴⁴⁷, which literally reads:

'3. Strengthen the guarantees for the return in safety and freedom of former government officials of ex-President José Manuel Zelaya Rosales and others affected by the crisis who are currently abroad, with full recognition of their rights under the Constitution and laws of Honduras.'

In the days before his return, his lawyers requested, in a submission presented on May 24, that he be permitted to appear before the court voluntarily, and the arrest warrants against him rescinded so that he could return home safely, and that once he had given his statement as a defendant, if deemed appropriate, he should be sentenced to alternative measures to imprisonment which did not restrict the exercise of his civil and political rights.

On June 15, 2011, the trial hearings ended, with the presiding judge, Claudio Aguilar, sentencing

⁴⁴⁶ At about 7 pm, Iván Mejía, the police spokesman, announced on television news that, according to investigations by military intelligence, acts of terrorism were being planned in Honduras, consisting of attacks in various cities. The police were going to arrest the people involved, and warned that they knew who the leaders of the popular movement were, and that they would be considered accessories to these acts of terrorism if they did not report the people involved to the police. *Vida Laboral* (Working Life) magazine.

⁴⁴⁷ Signed on May 22, 2011 by Porfirio Lobo Sosa and ex-President José Manuel Zelaya Rosales, with the Presidents of Colombia and the Bolivarian Republic of Venezuela, Juan Manuel Santos and Hugo Rafael Chávez Frías as witnesses. (*Acuerdo para la Reconciliación Nacional y la Consolidación del Sistema Democrático en la República de Honduras* in Spanish).

Flores Lanza to house arrest as well as imposing bail of 27 million lempiras⁴⁴⁸ (US \$1,428,941.89) to be paid within 30 days; otherwise a custodial sentence of preventive detention would be imposed. The sentence restricted Flores Lanza's movements to within his home, and he was only allowed to leave if authorized to do so by the courts and under police guard.

House arrest restricted his political activities, which had been guaranteed by the Cartagena Agreement. In addition, the level of bail was really unattainable because of Flores Lanza's financial situation. Many hours before the hearings were held, the radio media were already reporting that the judge's sentence would be house arrest and bail amounting to millions of lempiras, which was later confirmed by Judge Aguilar's ruling.

As has been pointed out repeatedly by both the Inter-American Commission on Human Rights (IACHR) and the United Nations Office of the High Commissioner for Human Rights (OHCHR) in its report on human rights violations committed in Honduras after the coup, state institutions failed to fulfill their mandates and, instead, there was evidence of unequal and discriminatory application and interpretation of the law, thereby undermining the protection of human rights and respect for the rule of law.⁴⁴⁹

Faced with these kinds of facts, it is impossible to state that Honduras enjoys and provides adequate protection for human rights; there are no bodies which ensure that victims have access to effective remedies permitting their legitimate defense. Although these bodies exist formally, their rulings have openly run counter to their own mandates and to the law.

Under its constitution and international human rights law, the Honduran state is obliged to protect the guarantees of due process, not only regarding the activities of the judiciary, but also in relation to anybody with the power to determine rights or obligations. With the right to due process, both the principle of non-discrimination and the right to equality before the law should be strictly observed. Therefore, Article 8(2) of the American Convention on Human Rights states that the minimum guarantees contained in this provision are rights that must be exercised 'in full equality'. In addition, although it is not expressly stated, this approach should also be applied to the other guarantees provided in Article 8 of the Convention, due to the general applicability of Articles 1(1) (non-discrimination) and 24 (equality before law) contained in the same treaty.

In the specific case of appeals, they cannot be considered effective because of the general situation in the country,⁴⁵⁰ and this has been shown to be the case in practice, because the judiciary lacks the necessary independence to issue impartial rulings. The CoT considers the penalties described above

⁴⁴⁸ 14 million in the sentence for publicity of 30 million allegedly taken from the *Fondo Hondureño de Inversión Social* (Honduran Social Investment Fund), and 13 million in the sentence for publicity expenditure of 27 million from the Presidential Palace.

⁴⁴⁹ Report of the United Nations High Commissioner for Human Rights on the violations of human rights in Honduras since the coup d'état on June 28, 2009, March 3, 2010, Paras 67 and 68.

⁴⁵⁰ An impartial court is one which provides people with the assurance that their disputes will be decided by an entity that has no personal interest in or relationship to the problem, and which will maintain an objective position when reaching a decision. Consequently, the impartiality of courts means that, regardless of the kind of proceedings, there should be no preconceived notion of how they will develop, the outcome, commitments to any party, etc. Furthermore, this guarantee requires the judge not to be influenced by news reports or public reactions to their performance, by information other than that which appears in the proceedings, or by influences, inducements, pressures, threats or undue interference from any quarter.

to lack a legal basis and to be at odds with international human rights standards:

a) There was no danger that the accused would try to flee the country because he had voluntarily appeared to answer the charges against him, demonstrating confidence in the objectivity, competence and impartiality of the trial court. Since his return he had remained in public; therefore, he had not tried to hide or evade the action of the court.

b) There was no danger of sources of evidence being obstructed or manipulated, because sufficient time had elapsed since the indictment had been filed for the investigation to have been completed; in addition, all the witnesses identified by the Public Prosecutor's Office had already given their statements, through the pre-trial evidence procedure.

c) The amount of bail set by the judge was totally excessive and impossible to pay given Flores Lanza's financial situation. It was therefore clearly imposed in order to justify imprisoning him (preventive detention) once the 30 days set by the judge for its payment had elapsed.

The imposition of this type of condition violates the principle of presumption of innocence,⁴⁵¹ as it prejudices Flores' involvement in the crimes he is accused of. The mere production of evidence by the prosecutor was not sufficient to detract from the presumption of innocence; it violated the principle of consistency which is a guarantee for the accused and it is considered an integral part of the right to defense, with regard to its practice, as well as due process for challenging state criminal charges, as is recognized by Article 8(2)(h) of the American Convention on Human Rights and Article 14(5) of the International Covenant on Civil and Political Rights. Similarly it violated the principles of adversarial law governing criminal prosecution in Honduras.

The court's intention to impose preventive detention is precisely the practice that most often impacts on the principle of presumption of innocence; in this regard, the **'Inter-American Court of Human Rights has stated that this situation, in addition to abusing the right to personal liberty, also transgresses the right to the *presumption of innocence* enjoyed by anyone who is involved in a criminal investigation.'**

International human rights law states that everyone has the right *'to have the conviction reviewed by a judge or higher court.'* This guarantee implies the possibility of challenging a judgment within the same jurisdictional structure that issued it. The intention behind the establishment of various levels of jurisdiction is to strengthen the protection for the accused.

In this particular case, Judge Aguilar refused to provide the defense lawyers with a copy of his decision, which limited the possibility of referring the case to the Court of Appeal to defend the rights of Flores Lanza.

⁴⁵¹ Article 8(2) of the American Convention states that 'Every person accused of a criminal offense has the right to be presumed innocent so long as his guilt has not been proven according to law.' In terms of its substance, the Inter-American Court of Human Rights has stated that 'the principle of the presumption of innocence, as is clear from Article 8(2) of the Convention, requires that a person cannot be convicted unless there is clear evidence of criminal responsibility. If the evidence presented is incomplete or insufficient, conviction is not appropriate, but rather acquittal'.

As might be expected, the exercise of the right to refer the judgment to a higher court for review means that everyone has the right to be provided, within a reasonable time and in writing, with the judgments issued determining their guilt, with the reasons duly set out, for use in a possible appeal. In the case in question, Mr. Flores Lanza's lawyers were not granted the opportunity to review the judgment nor due access to the reasons for the conviction, preventing them from effectively exercising the right to defense. This meant that the defense was denied clear and accurate information on the reasons why the measures described above were imposed, as well as on the assessment of the evidence and the legal and regulatory grounds on which they were based.

The CoT concludes that due process is an instrument for achieving justice in appropriate conditions for ensuring adequate protection of those whose rights or obligations are under judicial scrutiny. In this case no such conditions were observed; therefore, the right to justice was violated, the ultimate public good that the state should have protected.

3.4 Alba Leticia Ochoa and others

On August 12, 2009, Alba Leticia Ochoa and 24 others were the victims of the absence of judicial guarantees, after being arrested and abused⁴⁵² by the police, troops from the COBRA special operations unit and the army. The group of detainees faced criminalization because of their involvement in demonstrations against the coup. Although the Constitution of Honduras prohibits arbitrary arrest and detention, the action taken by the police and prosecutors undermined the guarantees and protection provided by this legislation. On August 13, 2009, the Common Crimes section of the Public Prosecutor's Office opened criminal proceedings against them on charges of unlawful demonstrations, vandalism and theft. The very night of his arrest, the Prosecution Service authorized an illegal search of the residence of Milko Duran Céspedes,⁴⁵³ one of the detainees. In order to give it the appearance of legality, a judge endorsed the search hours later.

Of the 24 people arrested, 11 were ordered to be held in custody. The lawyers for the defense petitioned the supervisory judge (*juez de garantías*) for a change to the sentence but their request was rejected without any legal argument. The outcomes of the trials seemed predetermined, given the speed with which the rulings were issued.

Those detainees ordered to be held in custody⁴⁵⁴ were transferred to the Marco Aurelio Soto National Penitentiary, where they remained for eight days, even though Article 71 (2) of the Honduran Constitution states: 'Custody to allow further inquiries shall not exceed 6 days from the moment it begins.' The State had, in this case, a privileged position in relation to the detainees. It was responsible for their safety and for guaranteeing their fundamental rights. However, the

⁴⁵² Case of August 12, illustration of Pattern 1 'The repression of public demonstrations, the excessive use of repressive force by state security agents and the criminalization of public protest'.

⁴⁵³ He was taken from his cell at 2:00 am on August 13 by Police Commissioner Elder Madrid Guerra and a DNIC officer without his departure being noted in the police station logbook and without the duty prosecutor being notified. He was taken to Hotel Los Primos and his room searched.

⁴⁵⁴ Rosario Vásquez Vásquez, Milko Duran Céspedes, Abilio Antonio Izaguirre López, Daniel Avila Avila, Oscar Manuel Murillo, Lisandro Gómez Martínez, Magdalena Lazo Pineda, Wilmer Orlando López Marroquí and Santos Ricardo Peña Pavón

detainees suffered harassment by the guards at the National Penitentiary.⁴⁵⁵

The initial hearing is the appropriate opportunity within a trial to bring evidence against the accused in line with the Code of Criminal Procedure. However, in this case, the Prosecution Service failed to present evidence incriminating the protesters with the crimes with which they were charged.

The defense, on the other hand, presented a video showing a woman police officer punching Ms. Alba Ochoa, with another two policewomen pushing her and forcing her to lie face down on the ground. When the supervisory judge saw it, he pronounced that "***the video shows that Ms. Alba Ochoa did attend the demonstration***", deliberately ignoring the human rights violations committed against her.

The detainees' defense lawyers filed the appeals available under Honduran criminal procedure,⁴⁵⁶ but they were ineffective in ensuring due process, with the proceedings subject to unjustified delays for more than two years. At the time the CoT closed its investigation, the cases against six of the detainees had been provisionally dismissed, which means that the Prosecution Service has five years to provide evidence and pursue the case against them.⁴⁵⁷ The judges' decision seems to have been influenced by the presence of the media and political pressure.

The Commission of Truth is aware that the Special Prosecutor for Human Rights has filed two indictments against several police officers and soldiers directly involved in the above events. In both cases, none of the accused has been taken into custody or suspended, even though Article 173 (12) of the Code of Criminal Procedure provides for this.

On August 28, 2009, COFADEH filed a complaint alleging abuse of authority, illegal detention, failure to perform the duties of a public servant, and cruel, inhuman and degrading treatment⁴⁵⁸ against Elder Madrid Guerra (police commissioner), José Ventura Flores Maradiaga (deputy police commissioner), Carlos Isaiás Polanco Padilla (police inspector), Estela Esperanza Ramos (police officer), Juana María Alvarado Barahona (police officer) and Suyapa Marina Elvir Escalante (deputy police inspector).

One of the Special Prosecutor's charges concerned the illegal detention and torture of Milko Durán Céspedes. The accused were the police commissioner, Elder Madrid Guerra and DNIC officer Denis Hernando Casulá Guevara.

In September 2010, the judge at the Francisco Morazán Criminal Court, Suyapa María Matute Vásquez, concluded in the initial hearing that there was no evidence to justify the charge of illegal detention. The charge of torture against Elder Madrid Guerra was definitively dismissed, while for the crime of abuse of authority, both defendants were given suspended prison sentences, along

⁴⁵⁵ During their arrest and while in custody they also suffered harassment, including being attacked with tear gas in the cells of Metropolitan Police Headquarters No. 1.

⁴⁵⁶ Applications for annulment, reconsideration and an ordinary appeal. The judge stated that he would issue a ruling on them at the end of the hearing, but in the event he failed to do so.

⁴⁵⁷ Public Prosecutor's Office, Special Prosecutor for Human Rights, case 0801-2009-35981.

⁴⁵⁸ Public Prosecutor's Office, Special Prosecutor for Human Rights, case 0801-2009-3591.

with alternative measures to imprisonment.

The defense lawyers for the accused lodged an appeal, in response to which the First Court of Appeal quashed the suspended prison sentences on February 21, 2011. It stated: ***'the crime of torture has not been proven as there is no evidence that a confession or any other information has been obtained, and no physical or mental suffering has been demonstrated scientifically.'***

Regarding the charge of abuse of authority it ruled that 'The case does not meet the necessary criteria for this charge'.

The Commission was also informed that *amparo* writ 243-2011 of March 24, 2011 against the ruling of February 21, 2011 was filed with the Constitutional Chamber of the Supreme Court by the attorney Óscar Alvarado García of the Office of the Special Prosecutor for the Defense of the Constitution, 'in the interests of society', on the grounds that the constitutional rights under Articles 82 and 90 had been violated. The case was still pending at the time that the Commission of Truth completed its investigation.

The Commission was also informed that as soon as Alba Ochoa was released on probation, in the early hours of August 13, she became the coordinator of the Committee for the Victims of Political Persecution (*Comité de Perseguidos Políticos*), to support detainees in other departments in the interior of the country. In that capacity, she filed a series of complaints regarding irregularities in her trial and the harassment to which she was subjected. The de facto regime responded by seeking to discredit her.

On June 29, 2010, Alba Ochoa reported to COFADEH that her photograph was being used by a television channel (Channel 6) in a campaign demanding an army presence on the streets. It showed photographs of her and the other detainees, and of several murder victims. A voiceover stated: *"These Hondurans are no longer interested in international recognition - they have been murdered."* Then several people are shown lying in the street screaming, with another voiceover saying, *"We have to stop so many killings and to save lives we need the army on the streets."*

On August 2, 2010, Alba Ochoa filed a complaint about this campaign with the Prosecutor General, Luis Alberto Rubí. She has received no response, even though a reasonable amount of time has elapsed.

The CoT concludes that impunity is a common feature in the cases analyzed within this pattern. The accused have been acquitted, and the Honduran judicial system showed that it was incapable of safeguarding the rights of victims while they were under the control of the security forces and of guaranteeing due process when they were subject to its jurisdiction, as well as in their subsequent demands for justice.

3.5 Augustina Flores López

A teacher by profession and a correspondent for *Radio Liberada* (Liberated Radio), on September 21, 2009 she joined the peaceful demonstration outside the Brazilian Embassy celebrating the unexpected return of President José Manuel Zelaya Rosales.

During the violent crackdown⁴⁵⁹ by the military and police to disperse the crowd, Agustina Flores was affected by tear-gas. Along with other protesters, she sought refuge in La Guadalupe district, but the security forces were positioned strategically and she was detained. The police hit her repeatedly, even when she was handcuffed and defenseless, and then drove her to Chochi Sosa Olympic Stadium.

"I was savagely beaten because I asked what crime I was accused of and for them to read me my rights. That really annoyed the policewoman and so I was hit not only when I was arrested but even they had put restraints on my feet that were extremely tight – I still have the marks. As they couldn't get me into the patrol car because of the restraints, the policewomen scratched me on my neck. One held me by the neck and the other punched me in the face. Afterwards they claimed that I had hit myself, despite video evidence. I was heavily abused psychologically and verbally in CORE VII".

The Public Prosecutor's Office filed an indictment against Agustina Flores and Mario Enrique Molina accusing them of sedition and aggravated damages to the detriment of the Ministry of Security and domestic state security, despite the fact that the indictment did not meet the requirements either in form or substance, as it failed to justify the grounds for the charges, as required by law. Nevertheless, the indictment was admitted by the court and the detainees were brought before the investigating judge, accused of causing damage to the Ministry of Security and threatening the internal security of the state.⁴⁶⁰ The judge who heard the case ordered her to be taken into custody and she was sent to the women's prison.

On October 12, 2009, the defense requested a review hearing and offered to pay bail, referring to constitutional law. The judge set bail at 100,000 lempiras⁴⁶¹ (US \$5,263). Eleven months later, on August 6, 2010, the *Ministerio Público* (Public Ministry, with responsibility for the Public Prosecutor's Office), ex officio, invoked the amnesty decree approved in January 2010 to request the dismissal of the case, which was accepted by the judge. During the trial it had been clear that the investigating judge, in taking the action requested by the Public Prosecutor's Office, had violated his duty to conduct the trial in accordance with law. This meant that Ms. Flores was forced to wait over 20 days for the state to release her; the judge had sent her to prison without sufficient evidence.

The CoT learned of the complaint filed with the Special Prosecutor for Human Rights against female police officers for human rights violations against Agustina Flores, including the crime of torture. Although the application was made in October 2009, the Public Prosecutor's Office did not file an indictment until June 2010, with charges of illegal detention, abuse of authority, serious injury, lack of due process and failure to perform the duties of public servants, against Aracely García and Ester Ponce, both policewomen. Ena Yohana Aroca González and María Auxiliadora Sierra Ramírez, prosecutors, were charged with due process offences.

With respect to the duration of these criminal proceedings, it is important to note that there are

⁴⁵⁹ See the description of the incident at Pattern 1.

⁴⁶⁰ Francisco Morazán Criminal Court, Case file No. 2009-39641, Judge No. 3

⁴⁶¹ Case file 0801-2011-20255, Judge No. 19.

failures of due diligence; there is an unjustified delay caused by the postponement of the hearings - the initial hearing alone was rescheduled three times. When it finally did take place, it was not possible to hear all the prosecution evidence.⁴⁶² The hearing to give the rest of the evidence was scheduled for April 2012.

The CoT notes that the case is not complex; there is no plurality of parties to the proceedings, and therefore the six-month period for receiving evidence is not justified which, in the opinion of this Commission, demonstrates that Agustina Flores did not have access to an impartial, independent judge who would guarantee her right to due process.

⁴⁶² The following evidence is still outstanding: inspection of case file 0801-2009-39641 in which the accused made statements on the events of October 2009; a video, and the expert opinion of Dr Alejandro Moreno, a specialist in torture cases, author of the Istanbul Protocol.

3.3 Analysis of Human Rights Violations

Introduction

This report details the results of the consultation of the database containing complaints from the public to the Commission of Truth from the June 2009 coup to August 2011, the end date for the period examined by this Commission's report.

It should be noted that many of the violations committed by the civil, police and military authorities, as well as by groups with relative power, were on a massive scale or affected large numbers of people and even children and adolescents, and the vulnerable population. However, this report may not reflect the full impact of these acts because it only records the complaints officially filed by those affected.

The information presented should therefore be regarded as indicative, and it should also be borne in mind that the violations of human rights and fundamental freedoms may ultimately have a greater impact than that presented.

Statistical information derived from the database of complaints filed with the Commission of Truth, from June 2009 to August 2011. Violations reported, characteristics and trends.

From June 2009, the date of the coup against President José Manuel Zelaya Rosales, to August 2011, the Commission of Truth received 1,966 reports from the public about human rights violations by state agents and armed civilian structures protected by the state. In the latter case, we are referring to civilians acting with the endorsement, acquiescence or consent of the State.

Most of the reports received by the CoT were in the period from June to December 2009, during and immediately after the coup, under the de facto government of Roberto Micheletti. In this period, 1,157 complaints were recorded, that is, 60% of the total. In 2010, the first year of Porfirio Lobo's administration, 430 cases were received and, in 2011, from January to August, the end date for the CoT's report, the cases numbered 356.

It is clear to the Commission of Truth that the higher incidence of cases recorded during the Micheletti de facto administration is in line with the coup-plotters' drive to consolidate their political project.

1. Rights violated and types of aggressions

The CoT received 1,966 complaints corresponding to 31 rights violated, according to the classification system specifically designed for this purpose. These relate to 5,418 violations, (see Table 1), as each reported incident may involve the violation of more than one right.

As can be seen in Table 1, most of the complaints relate to violations of civil and political rights, apart from the last one which relates to solidarity rights:

Right to humane treatment
Freedom of association
Freedom of assembly
Freedom of conscience, religion and worship
Personal liberty
Right to honor and personal image
Right to a healthy environment

Table 1. Type of Rights Violated, according to the Complaints Registered from 2009 to 2011
Source: Commission of Truth official case database

| Code | Human Right Violated | Frequency | % |
|--------------|---|--------------|--------------|
| 7 | Right to humane treatment | 1,610 | 29.7 |
| 10 | Freedom of association and assembly | 721 | 13.3 |
| 22 | Right to a healthy environment | 424 | 7.8 |
| 17 | Freedom of conscience, religion and worship | 423 | 7.8 |
| 8 | Right to personal liberty | 364 | 6.7 |
| 5 | Right to honor and personal image | 318 | 5.9 |
| 11 | Right to freedom of expression, opinion and access to information | 197 | 3.6 |
| 16 | Right to a fair trial and right to due process | 185 | 3.4 |
| 18 | Right to equality and non-discrimination | 184 | 3.4 |
| 30 | Right to private property | 172 | 3.2 |
| 9 | Right to freedom of movement and residence | 146 | 2.7 |
| 29 | Right to work | 124 | 2.3 |
| 6 | Right to privacy or intimacy | 89 | 1.6 |
| 20 | Freedom of trade union activity | 71 | 1.3 |
| 32 | Right to land | 67 | 1.2 |
| 1 | Right to life | 58 | 1.1 |
| 25 | Prohibition on gender-based discrimination | 52 | 1.0 |
| 19 | Right to political participation | 43 | 0.8 |
| 24 | Right to a life free of violence | 38 | 0.7 |
| 31 | Right to defend human rights | 31 | 0.6 |
| 28 | Children and young people's right to protection | 27 | 0.5 |
| 21 | Right to social and collective ownership | 16 | 0.3 |
| 26 | Right to not be moved/detained illegally | 15 | 0.3 |
| 15 | Right to judicial protection | 14 | 0.3 |
| 13 | Right to access to justice | 12 | 0.2 |
| 4 | Right to nationality, identity, and name, personal documents | 6 | 0.1 |
| 2 | Right not to be subject to forced disappearance | 5 | 0.1 |
| 12 | Right of reply and to make a correction | 2 | 0.0 |
| 14 | Right of petition | 2 | 0.0 |
| 23 | Right to self-determination | 1 | 0.0 |
| 27 | Right to differentiated administration of justice | 1 | 0.0 |
| Total | | 5,418 | 100.0 |

The violations of the right to humane treatment, reported in 1,610 cases, alone represent 30% of total violations. Combined with freedom of association and assembly, with 721 cases (13%), they account for 43% of total violations in the period under analysis - that is, almost half of the complaints received by the Commission.

On this point, it is worth noting that the repression was primarily directed at attacking coup opponents both physically and psychologically, as well as seeking to prevent them organizing to oppose the de facto authorities.

Additionally, it is clear that there were assaults on rights and values such as freedom in its various

forms (of movement, religion and other). The attacks on the honor and image of persons and organizations related to the smear campaigns targeted at sectors opposed to the coup.

A more detailed classification of these violations in the following report shows that 87 different types of aggression were deployed, ranging from lack of respect for freedom of movement to forms of physical violence, most notably torture, cruel, inhuman and degrading treatment and politically-motivated executions.

The most reported type of aggression was the repression of public demonstrations, with 552 complaints, accounting for 10.2% of the total. Harassment and persecution and contamination with gas and chemicals were in second and third place at 8% and 7% (426 and 377 incidents), respectively. This is referred to as Pattern 1 on the disproportionate use of force in the repression by state security agents and the criminalization of protest.

Together with these attacks, which have affected many people, there have been other acts recorded which have occurred with less frequency, but which have been more serious, as they have taken the form of physical violence, including violations of the right to life. As shown in Figure 2, during the period there were 58 deaths, 5 disappearances, of which 2 were temporary and the others permanent, 354 serious injuries and blows, 84 cases of physical torture, 11 acts of rape and 11 abductions (Table 2).

Moreover, although they do not constitute all the cases, the fact that the killings of 14 journalists have been recorded is a clear reflection of the climate of intolerance and the violation of the right to freedom of thought and expression.

At this point it is worth clarifying that although it falls outside the period set by the Commission for receiving reports of violations; this situation has deteriorated still further, with 18 journalists murdered by August 2011.

Most of these murders were committed in 2010, when the killings of 9 journalists were recorded, plus 2 more in 2011. Therefore, 79% of the murders of journalists of which the Commission is aware were recorded during Porfirio Lobo Sosa's presidency.

Table 2. Incidence of serious acts of violence

| |
|--------------------------------------|
| Rape - 11 |
| Abduction - 11 |
| Serious injuries and blows - 354 |
| Physical/psychological torture - 94 |
| Temporary disappearance - 2 |
| Permanent disappearance- 3 |
| Killings in a political context - 58 |

2. Forces and groups responsible for the violence

The main agents of the state directly responsible for the serious violations reported by the public are police officers and the military, but some reports also implicate state officials, armed groups and 'groups with relative power.'

In our opinion, it is clear that the strategy of repression of dissident sectors and of the opposition to the coup in general combined the use of the resources of formal state institutions with the use of extra-systemic elements which, for purposes of this report, have been called 'groups with relative power.'

The National Police were responsible for the violations in 44% of the complaints (888 cases), followed by the military with 30% (596 cases). Together they accounted for 74% of the total cases (1,484 in total), or nearly two-thirds of the total number of complaints.

In Table 3, we can see clearly how agents of the state joined forces to carry out acts of repression.

Complementary to the repression by the security forces were the actions of state officials (involved in 196 cases, representing 10%) and various 'groups with relative power', involved in 14% of the violations reported.

The analysis by year shows that the proportion of cases committed by these groups increased in 2010 and 2011, during Lobo Sosa's administration. Public officials were involved in 21% of the violations reported and armed groups and groups with relative power in 28%, exceeding the involvement of the armed forces.

In the case of public officials, it is significant that their share of involvement in 2011 (12%) is almost double what it was in 2009 (7%).

With regard to serious human rights violations, it can be seen that the armed forces, and armed groups and groups with relative power are identified as primarily responsible, rather than the police. In the case of politically-motivated killings, prime responsibility rests first with armed groups and groups with relative power (36 cases) and, second, with the armed forces (10 cases).

In the case of disappearances and abductions, these armed groups are implicated, as are the police in disappearances, and state officials in the case of abductions.

Finally, in the case of torture and serious injuries, the armed forces are as heavily implicated as the police. The reports of torture identify the military in 37 cases and the police in 31, while in those of serious injuries, police are identified 118 times, against 99 for the armed forces.

Table 3 Alleged perpetrators of the violations

| |
|---|
| State officials, 196 cases (10%) |
| Armed groups and groups with relative power, 314 cases (15%) |
| Others, 16 cases (1%) |
| Armed forces, 596 cases (30%) |
| Police, 888 cases (44%) |

3. Serious acts of violence, by perpetrator

At this point, it is worth highlighting the fact that many of the serious violations of human rights and fundamental freedoms (for example, extrajudicial killings, torture, enforced or involuntary disappearances), constitute crimes against humanity and are therefore not subject to a maximum time period within which legal proceedings must be brought. This fact is crucial in the light of possible action by bodies within the regional protection system (Inter-American Commission and Court of Human Rights) and by the International Criminal Court.

Table 4 Serious acts of violence, by perpetrator (only those cases where assailant is identified)

| | Armed forces | Police | State officials | Armed groups & groups with relative power | Others |
|---------------------------------|--------------|--------|-----------------|---|--------|
| Killings in a political context | 10 | 8 | | 36 | |
| Permanent disappearance | | 1 | | | 1 |
| Temporary disappearance | | 1 | | 1 | |
| Physical/psychological torture | 37 | 31 | | 1 | |
| Serious injuries and blows | 99 | 118 | 5 | 16 | |
| Abduction | | | 1 | 1 | |
| Rape | | 3 | | | 1 |

4. The instruments of aggression

In response to the massive scale of social protest, the main instrument of aggression was the use of chemical gases and tear gas canisters, reported in 460 cases (29% of all complaints), Table 5.

The use of police batons was another of the main instruments, with 412 reported cases (26%). However, the use of firearms ranked third, with 254 cases representing 16% of the total. Among the five main instruments were punches and other uses of the aggressor's own body (13% of cases) and clubs, sticks and other blunt instruments of wood or iron, representing 10% of cases Table 5.

Also shown at Table 5, other instruments, including motor vehicles used as assault weapons, sonic weapons, sharp weapons and cigarettes and other heat sources, form the range of instruments of aggression and violence used against people who protested against the coup and fight today for social and political change.

The trend shown by the complaints is that the use of gas and other chemicals has become the main instrument of aggression. A breakdown of the data by year shows that, although the number of cases decreased, this mechanism of aggression has increased its percentage in terms of its use as an instrument of repression.

With regard to the indiscriminate use of force, it must be remembered that the United Nations has issued the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials which provides guidelines for the conduct of such officials. These principles state that governments should constantly evaluate the development and deployment of non-lethal weapons, in order to minimize the risk of injury. This was not the case in Honduras.

Table 5 Instrument of aggression used in the violations

| | |
|---|-----|
| Cigarettes, other heat sources: | 11 |
| Sharp weapons (knife, machete, etc): | 15 |
| Sonic weapons: | 31 |
| Motor vehicles: | 45 |
| Clubs, sticks, bats, metal pipes, chains: | 157 |
| Body of the assailant, kicks, punches: | 209 |
| Firearms: | 254 |
| Police batons: | 412 |
| Chemical gases, tear-gas, chemical weapons: | 460 |

5. The geographical distribution of the violence

As the protests by sectors opposing the de facto regime spread across the country, so did the acts of repression. The violations recorded were committed nationwide. However, 90% were concentrated in five departments: Francisco Morazán, Cortés, Colón, Comayagua and El Paraíso.

Table 6. Cases of violations by department

| Department | Incidence | Percentage |
|-------------------|-----------|------------|
| Francisco Morazán | 1255 | 66.3 |
| Cortés | 188 | 9.9 |
| Colón | 97 | 5.1 |
| Comayagua | 89 | 4.7 |
| El Paraíso | 74 | 3.9 |
| Intibuca | 34 | 1.8 |
| Choluteca | 21 | 1.1 |
| Atlántida | 18 | 1.0 |
| Olancho | 18 | 1.0 |
| La Paz | 17 | .9 |
| Lempira | 16 | .8 |
| Santa Bárbara | 15 | .8 |
| Copán | 14 | .7 |
| Valle | 14 | .7 |
| Yoro | 13 | .7 |
| Ocotepeque | 7 | .4 |
| Not defined | 3 | .2 |
| Bay Islands | 1 | .1 |
| Total | 1894 | 100.0 |

This is because national demonstrations during the coup and subsequently were concentrated in the two major cities (Tegucigalpa and San Pedro Sula). Cortés (10%) and Francisco Morazán (66%) are therefore the two departments with the highest incidence of such violations.

It should be pointed out that, on the CoT's database, there are 76 cases where the department has not been recorded, and therefore the total at Table 3 is lower than the 1,966 cases reported.

It is also important to note that the involvement of armed groups and 'groups with relative power' is particularly evident in the cases reported in Francisco Morazán department (70%), where 67% of cases are concentrated. However, there is a trend which demonstrates how the land conflict in the Aguán valley has led to the revitalization of these groups, linked to local landowners, given that 10% of the cases implicating these groups are recorded in Colón department.

This point is expanded on in the illustrative cases section.

6. The faces behind the human rights violations: Statistical data on the victims

The 1,966 violations registered by the Commission relate to 1,611 people who have had their various rights abused. Thus, as mentioned above, there have been more human rights and basic freedoms affected than people.

The bloody wave of violence unleashed by the de facto authorities and political shock groups acting with their endorsement predominantly affected men: 1,011 male victims were recorded, 63% of the total.

This should not obscure the fact that there was significant involvement of women in the protests against the regime. Furthermore, there was a tendency for them not to report the repression

against them, even though they were also significantly affected, with 580 women among the victims, accounting for 36% of the total (Figure 8).

A breakdown of rights violated, by the sex of the complainant, shows that in relation to almost all the rights reported most victims are men, but there are five rights where women are the majority or have an equal percentage share.

These rights are: the right to a life free of violence (95%), prohibition on gender-based discrimination (94%), the right to work (56%), the right to freedom of association (51%) and the right to social and collective ownership (50%).

Table 7. Victims by Sex (percentage)

| | | |
|-------------|-------|-----|
| Women | 580 | 36% |
| Men | 1,011 | 63% |
| Not defined | 20 | 1% |

Table 8. Marital status of the victims

| | | |
|------------|-------------|------|
| SINGLE | (524 cases, | 43%) |
| MARRIED | (438 cases, | 36%) |
| WIDOWED | (29 cases, | 3%) |
| DIVORCED | (10 cases, | 1%) |
| COHABITING | (208 Cases, | 17%) |

As for the acts of aggression that affected mainly women, the order (and percentage) is as follows: discrimination against women (100%), denial of the principle of equality between the parties (100%), obstacles to the exercise of their work (100%), sexual violence/assault (100%), sexual assault (91%), denial of a prompt trial (67%), inequality of the persons charged (63%), illegal sackings as political reprisals (59%), other forms of reprisal (56%), reprisals (55%) and intimidation and threats (54%).

Most of the people whose rights were violated share a home and family. Figure 9 shows that 36% of those affected are married and 17% are cohabiting. Together they represent 53% of all victims.

The magnitude of the violence has therefore affected these family structures, since the children have seen the consequences of these acts of aggression. Taking into account the fact that 383 of these households have at least one offspring (at the other end of the spectrum there are 11 households with 10 or more offspring), about 1,356 sons and daughters in these family structures have indirectly suffered from the violence. There are children in 252 of these households, and

therefore there is a total of 536 infants who have indirectly suffered the repression against their relatives.

Regarding the age of the victims, they are mainly over 30 years old. Half of the violations affected people between 31 and 50 years old. 26% were between the ages of 51 and 70. On the other hand, young people between 19 and 30 years represented only 21% of the victims (see Table 4).

Young people between 11 and 18 were the victims of 15 violations, accounting for 1.2% of the total. While this is not significant in numerical terms, it serves to illustrate the repressive nature of the period analyzed in this report.

Finally, in terms of sexual orientation, the victims were mostly heterosexual, but the data shows that about 23 victims were from the lesbian, gay, bisexual and transgender community.

It is important to state that children, adolescents and elderly people, as well as members of the LGBTTI community, belong to vulnerable groups, according to the doctrine of international human rights law; that is to say, they are individuals and/or groups who should be accorded enhanced legal protection and special treatment by society.

Having finished the quantitative analysis, we now go on to make a series of comments which are more doctrinal than numerical. The two sections should be considered as complementary to each other.

Table 9. Age range of the victims

| | Incidence | Percentage |
|---------|------------------|-------------------|
| 11 - 18 | 15 | 1.2 |
| 19 - 30 | 266 | 21.2 |
| 31 - 50 | 627 | 50.0 |
| 51 - 70 | 328 | 26.2 |
| Over 70 | 18 | 1.4 |
| Total | 1,254 | 100.0 |

NOTE: In 357 cases the victim's date of birth has not been recorded, or has been recorded incorrectly, and as a result, the total is less than the total number of victims (1,611).

3.4 Victims of Human Rights Violations Recorded by the Commission of Truth

The Commission of Truth has recorded cases submitted directly to the CoT as well as those submitted to human rights organizations on the database created for this purpose. We would like to stress that the cases recorded by the CoT represent just a sample of the thousands of Hondurans who were victims of violations of their fundamental rights.

The list of names associated with testimonies is **not included** in this translation of the report.

3.5 Psychosocial impacts of human rights violations in Honduras. Psychosocial consequences of the coup

In this place so deep, of wounded America, run tears and sweat, mingling on the march; a bitter taste of tears falls from the sky, raining on fixed testimony of ink on walls.

Poem. *Aquí, en esta Hondura entrañable, se escribe la historia*
(Here in this beloved Depth, history is being written)⁴⁶³

Yadira Eguigure

Introduction

This section presents an analysis of the individual and collective consequences of the human rights violations committed during and after the coup on June 28, 2009. Given this dialectical relationship between the individual and the collective, the personal and the social, we talk of its psychosocial impact.

Generally, psychological trauma is defined as the injury caused to an individual by a difficult or exceptional experience (the death of a loved one, a situation causing particular stress or suffering, a painfully frustrating event). Sometimes the term ‘social trauma’ is used to refer to the way in which a historical process may have affected an entire population, for example, the case of the German people and the Jewish people following the ‘Final Solution’.

We would also like to emphasize two points which often tend to be forgotten when speaking of psychosocial trauma:

that the injury affecting people has occurred socially, that is, its roots are not in the individual but in society,
that, by its very nature, it feeds on the relationship between the individual and society, through a range of institutional, group and even individual relationships, which has obvious and significant implications when it comes to deciding what should be done to overcome these traumas.⁴⁶⁴

These violations contributed to a climate of fear and terror which had a significant social and collective impact. At other times the violations have affected specific political and social groups and communities. The characteristics of the context aid understanding and allow the collective impacts and individual experience of victims and their families to be placed within it.

Methodology of the analysis of the testimonies

For this chapter 419 psychological case files were reviewed, drawn directly from statements taken during field visits around the country and at the Commission of Truth’s office for attending to victims, in Tegucigalpa. For the purposes of analysis, the testimonies were organized into the following categories:

⁴⁶³ Translator’s note – This is a play on the name of Honduras which literally means ‘Depths’.

⁴⁶⁴ Martín Baró, Ignacio, *Psicología Social de la Guerra. Trauma y Terapia*, (Social Psychology of War. Trauma and Therapy) UCA, San Salvador, 1990, p.10

- Leaders and members of trade unions and social protest groups
- Former state officials (under José Manuel Zelaya Rosales' administration)
- Housewives
- Campesinos
- Teachers
- Journalists
- Exiles

We analysed the psychosocial impact on the people within these categories, examining the following aspects:

Daily life and background

- a. Working life and financial situation
- b. Family life and couples' relationships
- c. Social relationships and leisure activities

Emotional Climate

- d. Fear and security problems
- e. Lack of citizen participation
- f. Stigmatization and discrimination
- g. Silence
- h. Loss of prestige
- i. Loss of trust in society (call for truth and justice)

Perception of polarization of society

- j. Loss of trust in the state and between strangers

Criminalization of protest

Impact on women

Impact on children

Impact on individuals

- k. Symptoms of post-traumatic stress
- l. Depression
- m. Psychosomatic illnesses
- n. Guilt and perception of irreversibility
- o. Disruption to life plans (displacement)

The interviews with the victims involved in this document were carried out in an atmosphere of trust between the interviewee and the interviewer. This environment was created by having conversations in which empathy, solidarity and interest were present from the outset.

Once a rapport had been established with the person, a semi-structured questionnaire with open and closed questions was used to explore the aspects to investigate with them. The information obtained provides useful information for the understanding and appreciation of the psychosocial impact on victims of human rights violations and their families.

Analysis of the psychosocial impact, by category

1. Leaders of trade unions and of social protest movements

Daily life and background

This section refers to the psychosocial impact on the leaders and members of trade unions, and organizations coordinating social protest. They were mostly affected during the crackdowns on demonstrations before, during and after the coup; those with a higher profile were (and often still are) persecuted, smeared, threatened and killed by the repressive organs of the state, by people who were in favour of the coup and by groups with relative power.

Working life and financial situation

The working lives of union leaders and people involved in social protest were affected by the coup in various ways. Some victims saw a reduction in their income, depending on the sector in which they worked; for example, shop and business owners suffered from a reduction in working hours due to a feeling of insecurity coupled with the polarization of society, causing market disruption, affecting sales and trade between people with opposing ideologies, which became evident after the coup. Craft workers, taxi drivers and street vendors, who have no fixed income, were forced to look for alternative ways of earning a living.

"I stopped working in jewellery for five months, which reduced my income, after they killed my partner. Now my husband accompanies me; my job is supporting the organization I belong to. I only get expenses; I'm not being paid a salary ..."⁴⁶⁵

Contracts were breached by contractors, especially by the government. Many people were sacked without notice, benefits or pensions, and were left without a wage for some time, as finding new jobs was not easy due to the stigmatization of union leaders and people involved in social protest, combined with an economic crisis with high unemployment. People who managed to get a new job were not able to negotiate wages similar to those they had before the coup, are underemployed or sometimes accepted jobs for which they were untrained.

"When I go and leave my CV (resume) with a company, and they see that I'm a trade unionist, they don't hire me. We have problems getting a job because we're part of the Resistance, and so I'm left waiting."⁴⁶⁶

⁴⁶⁵ Testimony gathered by the CoT between March and August 2011 - Identity 0601-197x-xxxxx

⁴⁶⁶ Testimony gathered by the CoT between March and August 2011 - Identity 1701-195x-xxxxx

Trade unionists and social protest leaders who keep their jobs feel threatened and exposed to a hostile environment where they perceive themselves to be smeared and persecuted, which hinders their ability to do their job. They do not have a working environment in which they can perform efficiently. This increases stress and disagreements with bosses and colleagues. The threat of losing their job is ever-present and financial and work pressures are intense.

"When the government changed, there were smears, a hostile environment, disagreements with my boss; I feel I could lose my job on the project I'm currently working on."⁴⁶⁷

In a minority of cases, trade unionists and members of social protest groups were supported by their colleagues from their work or sector, because they shared their aims.

An interesting phenomenon was that people who improved their income did so by trading almost exclusively with people who shared their ideals.

Various circumstances arising from the coup has caused the working lives of thousands of Hondurans to be precarious, with low-income occupations for which they are overqualified, and persecuted, threatened with losing their jobs and unable to enjoy their work environment.

Other groups which have suffered negative impacts are doctors and sellers of goods and services.

"The number of patients to my clinic dropped after the coup, because the Mayor asked his acquaintances not to visit me."⁴⁶⁸

"If we go out, we're afraid; we try to go out with a lot of people; I had an argument with sellers of medical supplies over ideological differences, and now they don't visit me."⁴⁶⁹

Family life

The family lives of trade unionists and leaders of social protests against the coup have been affected for various reasons. The polarization of society came to affect the family unit, in the sense that in the relationships that define the dynamics between family members there have been points of conflict which have created tension. Wives have asked their husbands to abandon their activities in their organizations because of the risks they pose and, in the same way; husbands have asked their wives to give up their ideals to preserve what they consider to be the welfare of the family. This is increased by the direct threats they receive by different means, and the specific events to which they have been subjected (the deaths of friends and relatives, beatings, injuries, exposure to toxic gases), as well as the clear insecurity suffered by the general population. These differences in points of view and political opinions have an impact on relationships, which can result in existing conflicts being intensified or previously harmonious relationships being destabilized.

⁴⁶⁷ Testimony gathered by the CoT between March and August 2011 – Identity 1001-198x-xxxxx

⁴⁶⁸ Testimony gathered by the CoT between March and August 2011 – Identity 0801-196x-xxxxx

⁴⁶⁹ Testimony gathered by the CoT between March and August 2011 – Identity 0801-196x-xxxxx

"... my wife doesn't support me at all, she doesn't understand me. My son went with me and suffered in the same way. The money and food situation is still critical."⁴⁷⁰

This even comes to affect sexual relations between couples. People display a loss of interest, preoccupation about issues external to the relationship, erectile dysfunction and frigidity.

"... I've had problems; I think I've suffered from impotence because of physical and psychological damage. I haven't been able to return to normal – it may be my age, but it appeared after the events."⁴⁷¹

The younger children are afraid that something will happen to their parents, and are exposed through videos, photos, stories or in person to acts of violence, such as the killings, beatings and exposure to toxic gases suffered by this sector, and these are acts that frighten them. They constantly fear for the lives of their parents and because they are unable to influence adults' decisions they are forced to experience times of tension and anxiety when their parents are absent, in contrast to those emotions experienced by children who do not fear that their caregivers will be beaten, injured or will not come back at all.

"My girls felt helpless when they saw me beaten up. The youngest one gave me a letter that said that she wanted to be grown up so she could take care of me ... the other members of my family were worried that something could happen to me."⁴⁷²

Older sons and daughters take part by choice in the movements for and against the coup, putting their close relatives on a state of alert. Sometimes parents and children face difficulties together and assume shared responsibility for the home. There has been a change in roles in which young people have postponed their studies to devote more time to helping their families, as financial problems have become a significant issue since the coup.

Families do not have enough income to meet their basic needs and the time dedicated to the struggle on the streets in demonstrations and in social activism removes time from working, and thus also reduces income. The elderly are also worried about what might happen in the future. Although they know that they might not live to see it, they hold out the hope that times will be better.

"My mum's afraid because of all movements I'm involved in – she almost tells me not to go out, not even to give these statements..."⁴⁷³

Many people have also found support among their family members, thereby managing to continue confronting the political dilemmas they face outside their homes, because they have a refuge where there is a meeting of minds and they do not feel threatened. The freedom to express opinions at home is a great relief from the tensions of daily life. Intra-family support is one of the prerequisites for healthy emotional responses to the tensions created during the conflict.

⁴⁷⁰ Testimony gathered by the CoT between March and August 2011 – Identity 1216-196x-xxxxx

⁴⁷¹ Testimony gathered by the CoT between March and August 2011 – Identity 1216-196x-xxxxx

⁴⁷² Testimony gathered by the CoT between March and August 2011 – Identity 0318-197x-xxxxx

⁴⁷³ Testimony gathered by the CoT between March and August 2011 – Identity 1701-198x-xxxxx

Social relationships and leisure activities

Opportunities for recreation and social life were reduced after the coup for leaders of trade unions and protest movements. Fear of being smeared and persecuted by the mechanisms of repression as well as break-ups with friends with different ideologies were the main reasons for ceasing to go to places they had previously enjoyed. Murders, robberies, assaults and abductions committed by common criminals or by state institutions, in addition to direct threats, create a climate of insecurity. We have received accounts of how they have limited trips outside the home to those which are strictly necessary – going shopping and to work - while leisure activities have been shelved. Circles of friends have changed, becoming members of the organizations to which they belong or similar ones, and are thus now the main contacts outside the family circle. Those most affected no longer derive the same satisfaction when performing activities that they previously enjoyed.

Perceived insecurity plus the lack of financial resources limits the possibility that this situation will change significantly. For example, simple activities like going for a walk or exercising outdoors became clandestine manoeuvres in which the priority was to keep a low profile to avoid detection by law enforcement agencies. The distrust of the police and military that existed before the coup has been transformed into fear and for many people who were victims or witnesses of attacks by these forces this distrust has become aversion, and they prefer to avoid contact or close proximity to them.

Rifts opened up between neighbours, relatives and friends because they had different views on what was happening in the country. Communities experienced these divisions and people in positions of power could exclude sectors which opposed them; there are repeated accounts of how mayors and other representatives of political power used their resources to exclude members of the community from public events which they had the right to enjoy. These divisions also opened up within churches and religious groups.

Members of grassroots organizations were arbitrarily excluded from their places of worship for participating in protests, while others chose to stop attending because they did not share the views of the religious leadership.

"... We're scared to go out because we're hated. We had to leave the ** festival because we were afraid we'd be beaten up - the mayor doesn't want us here."***⁴⁷⁴

"I feel excluded in my community; our views aren't taken into account in meetings because I'm from the Resistance. They say they don't want troublemakers... It makes me not want to go out. Before the coup I used to get on well with my uncle who was the mayor – he's dead now – but after it he made fun of me and said: "Now you're talking crap"."⁴⁷⁵

⁴⁷⁴ Testimony gathered by the CoT between March and August 2011 – Identity 1212-197x-xxxxx

⁴⁷⁵ Testimony gathered by the CoT between March and August 2011 – Identity 1216-198x-xxxxx

A particular case is that of people who have found an environment in these groups where they feel comfortable and which they enjoy, finding a place where they can participate and express what they think. The ability to demonstrate freely and confront the perpetrators of the coup is a motivation that has meant that many people have regained the spirit of participation they had lost.

"... because now I don't like going out as much, I don't get the same pleasure out of that...What I do like is going on the marches and listening to protest music."⁴⁷⁶

Emotional climate

Fear has pervaded all sectors following the events of June 28, 2009, but direct exposure to events that can be considered traumatic is a factor that makes this sensation different in this group, as they have had experiences where they have actually felt their lives to be in danger and, in many cases, having witnessed at first hand or through the media state agents using violence to instil terror this has created a state of anxiety. The killings, torture, beatings with batons, kicks, punches, exposure to toxic gases, the constant use of excessive force by the police and the army has been the key factor in maintaining high levels of anxiety due to the fear of being abused or being abused again.

A climate of insecurity is created when they know that their persecutors are near their neighbourhoods, as they are all too aware of the state's failure to control and punish them. The protesters feel that they are being identified and photographed and they receive threatening texts or calls on their mobile phones, and believe they may be hunted down and killed. They do not leave their homes and the culture of silence and of not reporting abuses has become stronger because there is no confidence in the justice system.

"... I grieve for the family that died, my friend who died ... Everybody here knows who it was, but nobody can say anything. They tell us, "See, hear and keep quiet."⁴⁷⁷

"... we were beaten, the police and soldiers surrounded everyone, they fired tear gas and gunshots. I went off towards the woods but they came and got me, they beat me brutally like an animal, with clubs and rifles. They said to me, 'You fucking dog, we're going to kill you', and I said, 'Please don't kill me – I've got children', and they said, 'Kill this dog.' They left me for dead, crippled. I was very close to death. I was put in a truck and we were locked up at the police station. They'd broken my left arm, broken one of my ribs, cracked my head open, and injured me with a rifle. I was taken to Santa Teresa Hospital. They treated me well the first time but the second time they didn't want to attend to me. I was taken back to the cell. There were thirteen of us - I was the most heavily beaten. I didn't want to come because I'm afraid – they could come looking for me and do something to me. I hardly leave the house because I'm afraid. I spent four months in bed. I can't work any more, my left shoulder goes numb, and I've got a pain in my spine. It hurts so much when I use the hoe that it feels as though my arm will drop off. I feel dizzy if I try and sleep on my right side and I suffer from amnesia.... "⁴⁷⁸

⁴⁷⁶ Testimony gathered by the CoT between March and August 2011 – Identity 0801-195x-xxxx

⁴⁷⁷ Testimony gathered by the CoT between March and August 2011 – Identity 1701-200x-xxxxx

⁴⁷⁸ Testimony gathered by the CoT between March and August 2011 – Identity 1217-196x-xxxxx

The media and the judiciary supporting the de facto government brand them as ‘agitators’. Protest has been criminalized; they are accused of vandalism, damage to property, sedition and terrorism. They are prosecuted as criminals. They do not feel at ease in their communities, because the stigma of being a criminal does not allow them to fully enjoy their lives. They feel that public opinion is against them, as they are identified as responsible for the period of crisis and insecurity. Those who are subject to arrest warrants remain on the alert - they are forced to leave their homes for fear of being arrested. They report to the courts having received threats, which only heightens their sense of vulnerability. Recent events revive the emotions of the 1980s when the tension arising from the implementation of the National Security Doctrine kept the population in constant fear and with a distrust of the authorities.

"I'm one of the leaders in the ** region and knowing that there've been false positives (infiltrators, murders) in several parts of the country, I'm often overcome by the fear of dying in a staged accident. Sometimes I go down the street on the lookout for this..."⁴⁷⁹***

"Effectively they follow me because I'm the leader of the FNRP in the ** area and I've been in other movements against corruption since the 1980s. I always have the fear and certainty that they're walking behind me ..." ⁴⁸⁰***

Smear campaigns against leaders of trade unions and social protest have been used consistently in recent years to undermine grassroots movements. They aim to make people doubt the integrity of the people in which they have placed their trust. Accusations of corruption, of espousing ideologies seeking chaos, of being in league with foreign governments to sell the country's sovereignty and of being guilty of crimes, are published constantly in the media. They have been accused of being communists, socialists and terrorists, these terms being used almost interchangeably.

The public has been misinformed about the situation in other countries with different economic and political tendencies (in Venezuela they steal children for the army, the communists and Fidel Castro are atheists, Hugo Chavez is allied with the devil) and the propaganda against communism and socialism has taken the form of attacks to create fear rather than to criticize the structural basis of these models (communism brings poverty, socialism is diabolical). The attacks on leaders, whether or not false, fulfil the function of generating doubt, increasing the climate of distrust and keeping the social fabric tense and unbalanced.

There are also public figures who, because their actions under the regime of Porfirio Lobo Sosa have been inconsistent with their earlier positions, have lost the trust of the people who followed them. These cases are different because there has not been a campaign against them; however, their political activities have led them to adopt stances contrary to those they had previously assumed.

The people's biggest demand is for justice and truth. They want to see the perpetrators tried and convicted by due process and the facts brought to light as they occurred, without censorship of names or of the atrocities committed by the accused. The acceptance of responsibility by the state

⁴⁷⁹ Testimony gathered by the CoT between March and August 2011 – Identity 0603-195x-xxxxx

⁴⁸⁰ Testimony gathered by the CoT between March and August 2011 – Identity 1709-198x-xxxxx

and the promise that programmes would be developed and implemented to prevent their recurrence would be the greatest victory for the victims, who have fought for a comprehensive transformation of the national reality.

"This has to be overcome, it can't go on forever - this political situation can't go on forever and neither can the repression. There has to come a time when we can relax, although we may not forget."⁴⁸¹

Polarization of society

Opinion within society in general is divided, with one part supporting the coup and another totally opposing it. A third part of the population could be considered neutral but never indifferent, as it always ends up leaning to one side or the other. The starkest evidence of this polarization could be seen in the immediate aftermath of June 28, 2009, when there were public demonstrations of support for each position, some supported by the de facto government of Roberto Micheletti and others crushed by the apparatus of repression that included the police, soldiers, special forces, reservists and groups with relative power. This further increased the damage to the social fabric, breaking up formerly strong networks forged by solidarity, transforming them into hostile relationships where distrust prevails between peers (in age, gender, social class), because the possibility of being denounced or attacked is constantly in the thoughts of leaders of trade unions and social movements.

Relationships with neighbours, relatives and friends were damaged when they found themselves on different sides of the ideological fence.

This social discord affected families; relationships between parents and their children changed. Trust was lost in close family. Topics of conversation are avoided; people stop visiting relatives; relationships become hostile.

"We don't feel like having get-togethers because there's a bad atmosphere"⁴⁸²

"... You can't trust anyone any more. If I go to a party there may be friends there but also enemies watching what I'm up to."⁴⁸³

"I don't have much of a social life. With friends, yes, I'm tolerant and I can respect the fact that we don't think alike, but when they're rude, it's best not to have anything more to do with them. A cousin once said to me, "Cousin, if you like to be given it hard, come to **. Here, they'll give you police baton every day."***⁴⁸⁴

There has been a stress on the lack of trust in the state, particularly in its capacity to respond to the demands for justice. The police and army are seen not just as incapable of confronting crime and

⁴⁸¹ Testimony gathered by the CoT between March and August 2011 – Identity 0812-195x-xxxxx

⁴⁸² Testimony gathered by the CoT between March and August 2011 – Identity 0801-196x-xxxxx

⁴⁸³ Testimony gathered by the CoT between March and August 2011 – Identity 1216-196x-xxxxx

⁴⁸⁴ Testimony gathered by the CoT between March and August 2011 – Identity 0301-197x-xxxxx

injustice, but as perpetrators of crimes and accomplices to drug trafficking, contract killings and organized crime, and encouraged to continue acting in the same way by the prevailing impunity.

"I'm being hunted, they track my every move, and I've identified some policemen who turn up at the places I go to."

Impact on women

Women members and leaders of trade unions and organizations protesting against the coup have been victims of attacks such as sexual harassment and abuse, gender discrimination, beatings, murders and insults. They have changed their social circles, and their ability to cope and their resilience has been put to the test. They feel afraid of police and soldiers, they feel persecuted, and their work and financial situation have been affected by the loss of their job or the threat of losing it. They support and maintain their families and, at the same time, they need this role which serves as an emotional support mechanism.

"I felt powerless, afraid, very afraid, because we could die, because even running away from the soldiers some cars almost ran us down. They beat us, they grabbed me and kicked me, they insulted me, they did not touch me but they beat me a lot, they even grabbed my hair; they made gestures with the baton showing that they would do nasty things to us, that they were going to shove the baton into our anuses .. . They told me that Micheletti was president and there was nothing we could do about it."⁴⁸⁵

"... I felt very angry, and then I felt a lot of grief, depressed. I couldn't understand why, as brothers and sisters, we were killing each other ... I can't stand the sight of the police and military, I wouldn't even give them the time of day."⁴⁸⁶

They face these events with courage and determination because they feel it is right to express their opposition. They are widows, housewives, managers, professionals, who play many roles in society, and therefore the impact on their lives is a message to the structures that manage a society which is particularly macho, where the female role is regarded as lesser. The demonstrations have provided an outlet for them to express their stored-up discontent, in a process in which they believe, and assume, that they are included and respected.

"It's marked me for life, maybe not so much in a bad way. In spite of everything, it was good what happened to me. If it hadn't I'd now be a vegetable - at least now I have a social conscience."⁴⁸⁷

Impact on Individuals

The symptoms of post-traumatic stress are a characteristic of people who have experienced significant periods of crisis. Frequently, there is a loss of or an increase in appetite accompanied by

⁴⁸⁵ Testimony gathered by the CoT between March and August 2011 – Identity 1216-198x-xxxxx

⁴⁸⁶ Testimony gathered by the CoT between March and August 2011 – Identity 0319-196x-xxxxx

⁴⁸⁷ Testimony gathered by the CoT between March and August 2011 – Identity 0801-198x-xxxx

dyssomnias, they relive the emotions they felt at the time of the crackdowns when they see images of them, and when they hear stories or comments referring to the incidents, they state that they have difficulty remembering facts related to previous events, primarily dates, and feel afraid for no apparent reason (in addition to the fear generated by powerful events). Patients who had already suffered psychopathology have relapsed and others have shown personality traits which were less noticeable, but which are now possibly bordering on the pathological.

"I don't eat much. Sometimes I have a big appetite and I crave food. I lost a lot of weight in the months just after the coup."⁴⁸⁸

This obvious sadness is evidence of this group's unhealthy emotional state. The symptoms of depression suggest an epidemic of mood disorders, all triggered by the unfavourable social situation.

"I try to forget ... because I remember everything"... "I didn't sleep for three months, I became really ill, I was prescribed pills to allow me to sleep and to regulate my sleeping patterns, I had frights. When I closed the door I put the wardrobe and the cupboard against it so nobody could get in. Now I can sleep, but I'm always getting startled and I wake up easily."⁴⁸⁹

Guilt is only visible in a minority of victims. They think they could have done more or spoken out before, and they regret having started their political life late. In other cases, the sense of guilt stems from the belief that they are largely responsible for what happened.

"... maybe with another kind of culture or education of the population the coup wouldn't have taken place, like in Ecuador, but we were stopped by poverty and a lack of a culture of organizing. I feel guilty because, even knowing this; we couldn't do anything about it."⁴⁹⁰

"As a citizen, yes, for not having done enough. I could have done more, I could have said more to prevent this coup. I decided to be naive – they isolated us by making us believe that the military was an isolated body and non-belligerent."⁴⁹¹

Most victims feel that they did the right thing and that it is those responsible for the violations who should shoulder the burden of guilt.

"Because from the moment that I didn't agree with what was happening in Honduras, I've been happy to defend my ideals against the coup and against the military regime."⁴⁹²

"I don't feel at all guilty - I'm hurt by those who gave the orders for us to be gassed and beaten. I went out onto the streets for those people who didn't have a voice, barefoot children full of worms. There was an awareness that there'd been a coup. Those martyrs who've died - I remember seeing the body of Pedro Magdiel, it's engraved on my mind, it's hard to forget, a young man with his future ahead of him"⁴⁹³

Disruption to life plans

The life plans of leaders and members of trade unions and social protest movements in many cases were drastically altered. Short and medium term plans changed dramatically due to the speed of

⁴⁸⁸ Testimony gathered by the CoT between March and August 2011 – Identity 3001-197x-xxxxx

events. Businesses closed, young people dropped out of college, savings were drawn on. Lives made sudden, impromptu turns into unknown territory.

"All my plans were affected. I was a small businessman; I sold jewellery, clothes, shoes, backpacks, notebooks. My stores were raided; I had taxis that were wrecked, so I've given up the business."⁴⁹⁴

"... We had short, medium and long term plans that could have been achieved with the family, but they were disrupted because we were stopped by policies and the authorities. If I think of emigrating to find a job the arguments against surface - politics, my age, the level of organization needed, as well as crime."⁴⁹⁵

Forced displacement and changes in lifestyle caused by social upheaval and human rights violations created situations in which the previous life plan no longer has a place. Losing one's job, the source of income, beginning life in other countries and playing different roles to those to which one is accustomed are challenges which must be faced with dignity, putting longed-for ambitions to one side.

One notable group regards the transformation of the country as its new objective and focuses on it positively. It has found a focus for its ideals and is willing to do everything possible to achieve its goal. The new life plan of certain individuals is to ensure that social movements become established, speak out and that the mistakes of the past are corrected.

"I have more desire to do things, such as getting involved in politics. I make more of an effort. I feel that the younger generation must strive to ensure that what happened to us doesn't happen to them."⁴⁹⁶

2. Former state officials

Daily life and background

In addition to the organizations fighting against the coup, there were some former officials who worked during 2006-2009 in the administration of President José Manuel Zelaya Rosales. Because they disagreed with the actions taken by the new state apparatus after 28 June 2009, they became the victims of harassment, sackings and political persecution.

⁴⁸⁹ Testimony gathered by the CoT between March and August 2011 – Identity 0318-197x-xxxxx

⁴⁹⁰ Testimony gathered by the CoT between March and August 2011 – Identity 1216-196x-xxxxx

⁴⁹¹ Testimony gathered by the CoT between March and August 2011 – Identity 0801194x-xxxxx

⁴⁹² Testimony gathered by the CoT between March and August 2011 – Identity 0610-193x-xxxxx

⁴⁹³ Testimony gathered by the CoT between March and August 2011 – Identity 1303-197x-xxxxx

⁴⁹⁴ Testimony gathered by the CoT between March and August 2011 – Identity 0801-196x-xxxxx

⁴⁹⁵ Testimony gathered by the CoT between March and August 2011 – Identity 0216-196x-xxxxx

⁴⁹⁶ Testimony gathered by the CoT between March and August 2011 – Identity 0509-196x-xxxxx

Working life

When they announced their opposition to the coup of June 28, 2009, former officials under Zelaya's presidency were stripped of their posts by the de facto government of Roberto Micheletti Baín, with the loss of judicial guarantees, and were exposed to smear campaigns, threats, arrests and in some cases, exile.

"I used to be a narcotics agent with the DGIC, but it angered me that the laws here are useless – here it's military rule and everyone does what they say." (Testimony - Former state officials x1)

The tension created by political differences between work colleagues and bosses led to a difficult working environment, threats of job losses and finally dismissals before the presidential term had ended.

"I worry when I hear malicious comments about the Zelaya government, when I see the local news and worsening violence." (Testimony former state officials x2)

"I had to return from Tegucigalpa to.... My financial situation changed – I'd been Minister of ... in the Zelaya government, and now I have to focus on other things." (Testimony former state officials x3)

The dismissals of officials from within the Zelaya government and staff who supported it consolidated the de facto government's takeover of power, as they had represented a threat to the new interests following the coup. Other officials chose to resign from office as they did not agree with the new government's line.

"I resigned from the DGIC after 28 June, but I've now got another job." (Testimony former state officials x4)

The dismissals, resignations and job changes have caused stress and huge concern about financial pressures and about personal and family security.

"I was fired while serving as Administrator for PRAF. When Micheletti took power on 31 June 2009 I was sent a letter of dismissal. Now I work on agricultural activities from home. Although it doesn't meet my needs I have my pension." (Testimony former state officials x5)

Family life

Family support became stronger, but the stress and tension were increased by threats and persecution by various means (texts to mobile phones, phone calls). The smearing of relatives of public officials led to changes of school or college, limited visits to public places and completely changed the daily routine. Feelings of insecurity increased when some family members were away from home, due to the crackdowns on protesters and constant violations of their human rights by the state apparatus.

"Sometimes, especially when I see soldiers, even though it's from a distance, I feel that they're prejudiced against us." (Testimony former state officials x6)

"I had nothing to do with those men who organized the coup. In fact, I even know of some diplomats who lost their jobs after the coup and planned to sue the government." (Testimony former state officials x7)

There was decreased sex drive, stress, a worsening of conditions such as diabetes and excessive worry, which greatly affected married life. In some cases, the tense situation led to the breakdown of the marriage

Family members who live abroad, including the victims' children, are another group affected. Their worry and tension about the situation in the country increase, as they do not have access to information in the local media on developments, and because of the lack of security for their family.

Their social circle was significantly reduced, with immediate family providing primary support. They imposed strict limits on when they left the house, restricting it to work, and with leisure activities conducted with caution. These measures were extended to all family members.

"I broke off some friendships because of ideological differences, and I stopped doing outdoor activities because of the general insecurity within the country." (Testimony former state officials x8)

Emotional climate

The smear campaigns against the government of José Manuel Zelaya had an impact on former officials who still supported the deposed president. They were accused of being criminals, charged with corruption and violations of the Constitution. To date, many of these cases where charges have been brought are still subject to legal proceedings, and they have not been able to clear their names. Their children were insulted in their schools and the harassment in their neighbourhoods increased the feeling of persecution and fear.

"My children were suffering verbal abuse; I had to change their school. My wife supported me and so did my mother, but they were always on the alert and concerned for my and my brothers' safety." (Testimony former public officials x9)

The insecurity arising from the social crisis which already existed, and which was intensified by the coup, is the most obvious source of fear and tension in this group, as they are fully identified as supporters of the former president, which increases the risk; they feel their lives are in danger and that their murders would go unpunished.

"My family was worried about the attempt on my life" (Testimony former state officials x10)

Some have been consistently active in the movement against the coup, while others prefer not to engage in activism for security reasons. Those who are in exile are working in different ways to achieve justice, because they feel it is right and furthermore, they were directly affected by the crimes committed.

"I almost always remember the events. For example, when the military cracks down on demonstrations, anyone would get angry that they're still trampling all over the people." (Testimony x11 former state officials)

"My fear intensified after the coup, but now I feel more relaxed, because we have a kinship with 'Mel' Zelaya. My wife was more affected." (Testimony x12 former state officials).

They make a plea for the truth about the events to become known, they fervently wish for the facts to be clarified and for the guilty parties to be brought to justice.

Polarization of society

As public figures, the former officials felt that society was divided in its opinion about the events and their responsibility for them. Some people classed them as criminals, others as victims. Some ex officials adapted to the demands of the de facto government, keeping their jobs and changing their discourse. Those who stood their ground and were removed from their posts faced the stigma of being regarded by a section of society as guilty and responsible for the crisis, calling for these individuals to be prosecuted and handed over to the competent authorities. The sector which supports them defends their position and believes in their innocence.

As victims of human rights violations, they have lost confidence in the state, particularly in the judiciary and the police, regarding them as the main persecutors and perpetrators of crimes and constant violations. There are reports of members of the police and army who left these forces because they disagreed with the role they played after the coup.

"When I see demonstrations, the teachers' struggle, even without wanting it to, it affects me quite a lot. Human rights count for nothing in this country." (Testimony former state officials x13).

Although they may have the support of a nuclear family, relationships and emotional bonds weakened somewhat after the coup. Trust in friends and acquaintances was lost. Insecurity was projected in such a way that anyone was distrusted, even their nearest and dearest.

"... my extended family and my children have divided into two groups along ideological lines" (Testimony former state officials x14)

Impact on Individuals

These people are greatly affected by feelings of frustration and sadness. They feel that the formal structure of society has been weakened, and no longer offers positive opportunities for their welfare. Their lives have changed and they have been in low spirits since the events of June 28, 2009. A change in sleeping and eating habits are physical symptoms that manifest themselves in this group. Loss of appetite and difficulties in sleeping emerged after the events recounted. Selective memory loss, especially of dates, occurs frequently. Somatic symptoms of depressive disorders are present in the group which, combined with social instability, may lead to a more serious condition.

"There are things that mark you. A well-trained soldier feels pain, we are human, we're not machines, even though we're trained to be." (Testimony former state officials x15)

Feelings of guilt and irreversibility relating to the events threatens the emotional stability of these individuals. They apportion blame to the perpetrators of the coup, and feel they have acted honorably but that external pressures have left them in unfavorable situations. As a result, they largely believe that they will not be able to recover from the harm they have suffered - physical, social, psychological and financial.

"From the first moment that I was with my people defending just causes, I haven't felt guilty because we don't agree with this false policy" (Testimony former state officials x16)

"... there's psychological damage that you can't recover from. On the financial side, I don't have a home" (Testimony former state officials x17)

The impact of these events created stress. Those affected have found various ways of dealing with it. They maintain the hope that at some point the state will not only return to normal, but that it will change and meet their expectations for an ideal world.

"We have the hope that what's been lost can be salvaged, that democracy will be restored, but we can't forget." (Testimony former state officials x18)

Disrupted life plans

"I think I'm going to keep fighting in politics, maybe some plans will be put on hold, but we'll carry on with the struggle." (Testimony former state officials x19)

Former public officials have reported shelving their short and medium term plans because of the financial situation and the political climate. They were forced to abandon their political projects and aspirations, and manage their lives thinking about areas different to those they were accustomed to and enjoyed. They believe it is possible to regain political ground, even though the environment is very competitive, and that they could find themselves in similar positions if there was success in changing future governments, which at the moment they regard as an arduous task.

"After I retired, I'd planned to go abroad as an ambassador, but I couldn't do it. Anything to do with money now takes second place." (Testimony former state officials x20)

Money has become a huge issue, as they have had to adapt their lifestyles to the loss of jobs with stable salaries. Savings were used to survive the crisis period. Many had to leave the country and their financial resources were reduced as they were far from home without work and income.

"... I had my own plans and I got into debt with credit cards and I'm still paying them off." (Testimony former public officials x21)

Their life plans had to be evaluated and modified in line with the realities they now faced, with their resilience tested to the limit. They rest their hopes on the possibility that there will be truth and justice.

3. Housewives

Daily life and background

Their role in taking care of families has been crucial, by providing emotional support in times of crisis. In spite of this, this work by women has always gone unrecognized. The tension created by the coup exacerbated existing problems such as domestic violence, unemployment and poverty. The climate of fear and constant tension has made some of them afraid to do their paid jobs, which has negatively affected their income, thereby increasing the feminization of poverty.

Working life and financial situation

Along with their daily activities, women also perform others, as home-makers and as income earners, bolstering the family's precarious finances. Housewives have joined the Resistance, which has resulted in a decrease in their productivity, discrimination because of their involvement in the Front, and even the destruction of their livelihoods. Their income has decreased as a consequence. In the case of women in the Aguán Valley who have lost their husbands, as widows they have had to treble their roles to gain enough to support their families.

Family life and couples' relationships

There are cases where families have had to move because of discrimination, making it difficult for them to function. There are mothers who need and rely on their children to support the family, while others have to leave their children on their own so that they can go out to work. Those who receive the support of their partner are in the minority, and in cases when the woman does receive support, the couple is constantly worried that there will be reprisals because of her political involvement. Jealousy provoked by women's involvement in mixed political arenas and fights caused by ideological differences have both been features of this dynamic between couples.

"At first, I didn't have any sexual desire because at night we had the radio on in the bedroom, listening to the news."⁴⁹⁷

Social relationships and leisure activities

The security measures that have been taken include not going out much. They remain in the community, limiting themselves to visits to relatives and attending religious activities. They are restricted and apprehensive.

497 Testimony gathered by the CoT between March and August 2011 – Identity 0704-197x-xxxxx

"I'm afraid I'll be attacked in the neighborhood and that they'll give information to those strangers who're going round asking if I'm in the Resistance."⁴⁹⁸

Emotional climate

Emotionally, the political crisis has had a negative impact on women's lives. They experience constant worry, anger, courage, fear, uncertainty, they feel threatened, and they fear for their own and their children's safety.

"I feel depressed; I just want to stay shut up at home. I feel that we're nothing without money, because it's the ones who've got money who are going around killing us."⁴⁹⁹

The widows, sisters, and mothers of those murdered experience huge grief over the loss of their loved ones, the injustice of the circumstances surrounding these deaths, and the continuing impunity. Those with children feel fear at the thought that they will have bring them up on their own and are forced to postpone the grieving process as they need to feed and protect their dependents.

Impact on children

In the Aguán valley, poverty and a constant food crisis is evident in the poor nutritional status of children and women. In these adverse circumstances, housewives are responsible for the preparation of food, and have even had to resort to feeding their children oil palm fruit. They report that the acts of repression they have suffered in the past have included the poisoning of their water supplies.

Impact on Individuals

The women in this conflict have experienced violence against their bodies and their loved ones. They feel fear, and time and again relive the threatening experiences they have suffered, reacting in their bodies and minds as if they were happening in the present. They report that this happens when they see police, but that the feeling of fear can be aroused even when the person assumes a physical position reminiscent of the one at the time of the trauma. These feelings and somatic reactions are in themselves a reminder of the traumatic episode, which implies a high level of dysfunction in their daily lives.

4. Campesinos

Since the coup, the human rights situation has been characterized by the continuing and deepening defencelessness and impunity that has particularly affected people fighting for human rights. In this context, one of the regions most affected by tension and repression has been the Lower Aguán Valley. Campesino movements in this area fighting for access to land so that they can exercise their right to food have faced constant harassment and abuse, both by the state security forces and

498 Testimony gathered by the CoT between March and August 2011 – Identity 1810-197x-xxxxx

499 Testimony gathered by the CoT between March and August 2011 – Identity 0610-196x-xxxxx

private security companies supported by the state. Between January 2010 and February 2011, 25 murders were recorded in connection with the land conflict in the Lower Aguán Valley (*Bajo Aguán*) which includes 23 campesinos, a journalist and his partner.⁵⁰⁰

In this section we will also analyze the psychosocial impact on the Zacate Grande peninsula in the south, and the COMAL Network in the center of Honduras. We also include an analysis of testimony gathered from people fighting for the conservation of the country's natural resources, indigenous members and supporters of COPINH and Garífunas who gave their testimony to the Commission of Truth. We decided to analyze the three groups in the same section because of the similarities found in their testimony, while recognizing that there are differences between the three groups.

Daily life and background

Most campesinos living in the countryside are engaged in agriculture and aquaculture. In the Aguán Valley region, the main crop is African (oil) palm, its fruit being the source of income for farmers. They also grow maize and beans, which are the staple foods. In the south, the main activity is the farming and sale of shrimp and other seafood, and in the rest of the country, the sowing and cultivation of basic grains and other subsistence crops.

There is a serious conflict in the Aguán Valley region due to the clash of interests between those occupying land and those wishing to regain it from them, between campesino movements and the major landowners Miguel Facussé, René Morales and Reynaldo Canales. It is a conflict with a history, and today it is MCA, MUCA and MARCA which are taking the leading roles in it.

Meanwhile, in the south of the country, villagers are working for their survival and to regain their communities' land on the Zacate Grande peninsula, where they also confront the landowner Miguel Facussé.

In both regions there is a constant climate of insecurity, conflict and confrontations over land, resulting in frequent displacements and evictions by the state security forces and private individuals employed by the landowners. Evictions include the destruction of homes, schools and community centers, forcing the inhabitants to build small huts made of plastic, palm or other waste materials to live in, which has a significant impact on health. Additionally, they suffer from food shortages, and have little or no access to health services or education for their children.

Working life and financial situation

These campesino communities have many economic problems, which are reflected in the lack of resources to purchase food and maintain high productivity for their crops. Farming is physically demanding, and some campesinos have been disabled by the attacks suffered during police crackdowns on demonstrations against the coup and subsequent brutality during evictions. The beatings and physical trauma (gunshot wounds), have prevented them from continuing with their

500 Honduras: Human Rights Violations in Bajo Aguan. Preliminary Report by the International Observation Mission from February 25 to March 4, 2011.

physical work in the most effective way. Their work has deteriorated along with their health, and in addition, some have had to leave their workplaces because of persecution.

When they are displaced from their land and evicted, they lose their crops. Evictions involve not only their physical removal, but often also include the destruction of crops, their homes and other infrastructure which would allow them to maintain some form of attachment to the land from which they have been violently evicted. In addition, campesinos are mainly engaged in subsistence farming, and this reduces their opportunities for trade and investment.

"Our work is subsistence farming, and you can't work because it puts your life at risk, and so sometimes you've no desire to go and work the land."⁵⁰¹

Furthermore, they are denied loans by financial institutions, making it difficult for them to invest more in their crops. In some cases, relatives of these farmers and they themselves were fired by the de facto government. After the coup, some of them lost their jobs when the INA offices in Sinaloa, Colón were raided by the army. Those who were laid off cannot find another job because of stigmatization and discrimination. All these situations that they have been facing have created emotional problems that indirectly affect their working life and financial position.

"I can't concentrate at work in the way that I should, and some reports and global projects have been delayed. I'm extremely concerned - it's very difficult for the COMAL Network to grow in a climate of harassment by the government."⁵⁰²

Campesino organizations joined in the condemnations of the coup and, as a result, received a series of threats, obstacles and harassment in their work as well as in their daily lives. Some projects they were working on were stalled due to the climate of uncertainty in Honduras. In addition, they were smeared because they were supporters of the nascent Resistance movement.

"In the administrative section, which deals with funding and grants, they began to single me out because I was part of the Resistance, although I've kept my job which is voluntary and I get paid my expenses. I'm ... on the Lenca Governing Council."

"I was doing a project for IBIS through COPINH. With the coup, it was very difficult to continue with the research and it was postponed."⁵⁰³

They look for ways of working together within the organizations, but they do so in fear. They report that they cannot go about their work in a state of calm.

"I can't work in peace. You're worried because these landowners like Miguel Facussé can kill you"⁵⁰⁴

501 Testimony gathered by the CoT between March and August 2011 – Identity 1703-195x-xxxx

502 Testimony gathered by the CoT between March and August 2011 – Identity 0314-196x-xxxxx

503 Testimony gathered by the CoT between March and August 2011 – Identity 1001-196x-xxxxx

504 Testimony gathered by the CoT between March and August 2011

Family life and couples' relationships

Families in general are concerned about the risk that one of their members may be killed for being part of the FNRP. Relatives constantly live in fear and terror. The anxiety and insecurity in households is increased by the threats targeted at them. Sometimes, the family is forced to abandon the land where they had built their homes and are left without a place to live; anxiety has an impact on family life.

Social polarization can also be observed and it begins in the family, dividing it into opposing camps - pro-coup and Resistance. This causes arguments and the breakdown in communication between its members. Many of the families interviewed in campesino communities have lost a relative, killed in circumstances which have not been investigated by the state, and in many cases, the authorities attributes the crimes to armed conflict in the region. Such statements are made about the Aguán Valley. The victims are mostly men with a home, partner and children, leaving widows who are suddenly responsible for supporting the family, children without a father, with traumas the extent of which is beyond the scope of this report. (For the analysis of this impact, please refer to the section above on housewives who have been widowed after losing their husbands in the conflict over land.) All family members, including children, have had to engage in the struggle for the land in order to survive. They began to feel anxious and frightened about their situation.

"At first they were afraid, but now they're involved in the struggle. My son was a sergeant and he asked to be discharged so he could join the struggle, and they didn't want to grant it to him."

"We're all affected. As well as suffering a stroke six years ago, I've suffered three attacks of brain ischemia; the last one only three weeks ago due to stress, and this has damaged my health."⁵⁰⁵

"They're worried about my involvement in the struggle, because I've been portrayed in the media as a guerrilla, a terrorist."⁵⁰⁶

Their relationships with their partners become more distant, with arguments and fights about financial and security problems. Couples break up over disagreements about political ideologies. The spouse's need for attention is demonstrated by their dissatisfaction about the amount of time the other is devoting to the 'struggle', neglecting his or her partner. There may be a deterioration in their sexual relationship, which is affected by the constant worry. They also report distrust between partners, because of absences from the home and jealousy (suspicions of infidelity), and when one partner is forced to abandon the community or leave the country, the relationship deteriorates or ends.

"My wife's worried that I might be followed. I even didn't go to the Assembly because she asked me not to, even though I was chosen as a delegate. I had to make up an excuse about why I couldn't go. She's afraid I'll get killed, she's worried that something will happen to me and the children will be left without a father."⁵⁰⁷

505 Testimony gathered by the CoT between March and August 2011 – Identity 1001-193x-xxxxx

506 Testimony gathered by the CoT between March and August 2011 – Identity 1001-196x-xxxxx

507 Testimony gathered by the CoT between March and August 2011 – Identity 0116-197x-xxxxx

"My married life took a back seat, because we argued a lot, because I was in the Resistance and she was pro-coup – I told her that – and because I didn't feel supported. We still argue because she's against me being involved in the Resistance."⁵⁰⁸

Families have problems because they have lost their homes. All the families show anxiety, fear, depression (post-traumatic stress); their health problems have become worse and they have also been the victims of human rights violations.

"I was asleep, I had a daughter who was going to school and all of a sudden they kicked the door in and said, 'Hands up', and my girl with her satchel on her back was traumatized. They handcuffed my son when I asked him to go and tell my brother what had happened. They live with this trauma."⁵⁰⁹

"My mum and my brother were worried. My brother was beaten by the police because my house was one of the first they destroyed."

"The most affected has been my mum and she's been the one who's expressed it most. She tells me not to get involved in this, to stop doing it, that she fears for my life, that she needs me."⁵¹⁰

Social relationships and leisure activities

The social fabric of communities has weakened, as have networks of solidarity. Before the coup local heroes, sports players, activists and community leaders were recognized. Leisure activities, social gatherings and support groups took place within the community, without any perceived discrimination against any of its members.

"They were always loyal and encouraged me and we met up to play and to look over the plots of land."

"Sometimes I feel I can't talk to my friends, I don't feel as free to go out. Some people look down on us because of the way we think."⁵¹¹

Following the conflicts caused by the coup, their relationships have deteriorated, and old friends have become indifferent to their situation. A lack of trust begins to develop in the friendship, and there is a breakdown in support networks, and stigmatization begins. They have the feeling that they have made enemies because of their involvement in politics.

"... They say to us that we're guerrillas, communists, Resistance members, terrorists, and they say it in two tones: (1) Be careful because they may do something and, (2) Others say it mockingly"

508 Testimony gathered by the CoT between March and August 2011 – Identity 1016-197x-xxxxx

509 Testimony gathered by the CoT between March and August 2011 – Identity 1703-196x-xxxxx

510 Testimony gathered by the CoT between March and August 2011 – Identity 1015-195x-xxxx

511 Testimony gathered by the CoT between March and August 2011 – Identity 0401-197x-xxxxx

because we're on conditional release from prison and so we can't do anything. They insult us and provoke us to see what we'll do to them.⁵¹²

These groups have to change their circle of friends, socializing only with people with the same political ideologies and feelings of camaraderie, calling them 'comrades in the struggle'. This has created a system of mutual support and solidarity between colleagues.

"My friends give me courage and it's because of them - and my children - that I keep going."⁵¹³

The social activities they previously took part in, such as games, tending plots of land, and community fairs and festivals are now more restricted due to lack of security, as they fear they are being watched and that some wish to do them harm. They only reluctantly leave their homes to go shopping or to run other errands. Additionally, the lack of financial resources prevents them spending time and money on leisure activities. Even their old forms of travel have been reduced and the fear of leaving their homes persistently manifests itself, affecting their physical activity and health.

"Before, I aimed to come to the COMAL offices by bike, but for my safety, my friends ask me not to, because of the number of death threats I've received. I can't go out for a walk and I've put on weight and it's affecting my health. With regard to relations with neighbors, I try to be careful and deal with disagreements with arguments that don't touch on political differences. In COMAL we have a pacifist philosophy - we don't believe in using weapons. The coup is an armed response to a set of ideas." (Testimony-Campesinos)

They state that their relationships with their neighbors have deteriorated. They now do not have the same contact with them as they did before, and the neighbors treat them coldly.

"We don't leave the house. I've noticed that the neighbors get stressed, as if they don't want to talk to us."⁵¹⁴

Emotional climate

The campesinos' emotional climate is one of a state of alert, accompanied by fear and terror, and threats and harassment by the military, police and major landowners' private security guards in the Aguán Valley. These threats take the form of violent acts of intimidation (the burning down of houses, gunshots in the night, inspections of vehicles performed in a threatening manner), accusations of crimes not committed, as well as phone calls or messages with direct threats to the physical safety of members of campesino communities, and their families.

"I feel a kind of 'psychosis' because of the people walking round with those guns. From the moment I leave my house I'm constantly wondering when something will happen to me."

512 Testimony gathered by the CoT between March and August 2011 – Identity 1016-195x-xxxxx

513 Testimony gathered by the CoT between March and August 2011 – Identity 0319-196x-xxxxx

514 Testimony gathered by the CoT between March and August 2011 – Identity 0306-197x-xxxxx

Sometimes these threatening attitudes by security guards and members of the state security forces develop into actual attacks, especially in the case of leaders of communities or campesino movements, which are most heavily threatened.

The conflict in Lower Aguán has created a climate of insecurity for all campesino communities. The number of deaths have increased and have yet to end - the number of campesinos killed in alleged clashes and accidents or murdered by hit men is the highest recorded to date.

Fear is one of the dominant emotions in this population, because they are not safe where they live, and they have been evicted from various farm estates, suffering the destruction of their homes, schools and all the rest of their belongings.

The fact that the campesinos of the Lower Aguán are labeled as 'Tacamiches'⁵¹⁵ and are branded in their region as criminals and land invaders has led to discrimination in hospitals, banks and convenience stores. They have been the victims of smear campaigns by the other inhabitants of the Aguán valley, a situation which does not allow them to have a decent life.

Most campesino communities live in overcrowded, insanitary conditions, without access to drinking water, sewerage systems, latrines, without adequate food to ensure good health, and without access to public health services. All this is a depressing scenario, which undermines the right to health of the Lower Aguán's rural communities. Additionally, the campesino leadership has reported that victims of police brutality are denied admission to emergency rooms and clinics when they seek medical care, which is a violation of the right to non-discrimination.

"... I feel incredibly afraid. I never thought that I could have problems with the law because I worked on the land, and then I thought that if I couldn't farm now how were my children going to do it, and that gave me strength"⁵¹⁶

"I was with my son the day I was going to work the land. A patrol car came onto our land with several policemen and a policewoman in it. She said that she was the witness to all the murders committed, which meant that none of their own – meaning the police - would be fingered for them. Then out came the man who hit me and these people started laughing."⁵¹⁷

The campaigns of fear and intimidation are common in the region and are used to terrorize the general population. They are mocked and humiliated by the people who come to carry out the evictions, including police officers, which violates their right to honor and dignity.

"I felt like crying when I saw the destruction. You put so much effort into making a home. When I said this to the men on the tractors they laughed and shouted while they destroyed the house"

515 The name given to banana workers who occupied the Tacamiche plantation in northern Honduras following the announcement in 1994 of its closure by the Tela Railroad Company, a subsidiary of Chiquita Brands, giving rise to a longstanding land conflict.

516 Testimony gathered by the CoT between March and August 2011 – Identity 1703-198x-xxxxx

517 Testimony gathered by the CoT between March and August 2011 – Identity 1701-198x-xxxxx

Perception of polarization of society

Due to the constant harassment they have received from the military and police, campesinos express antipathy and a high level of distrust towards the government, but also towards the courts, judges and prosecutors.

"When I see police officers, it makes my blood boil; I can't even bear to look at them. I've become very nervous. I don't have anything good to say about a policeman or a soldier - I hate being next to one of those people."⁵¹⁸

They perceive society as threatening, because of the smears and discrimination they suffer.

Criminalization of protest

Profiles have been drawn up of campesino leaders, and arrest warrants issued for them on charges of land theft (*usurpation*) for re-occupying farms following evictions. They have also been imprisoned. Land claims are thus criminalized, creating a climate of tension and helplessness.

"... The prisons I've been in are not fit for human beings. They're full of feces and urine, about 3 or 4 cubic meters big, with nowhere to sit or anything, that I remember, and we're threatened by that thief Miguel Facussé."⁵¹⁹

The Public Prosecution Service files charges of sedition and holding illegal demonstrations to the detriment of the internal security of the state, arguing that "the conduct of the accused is oriented towards carrying out politically-motivated acts of violence against the authorities and private individuals." In Zacate Grande there are people charged with environmental damage because they have created community shrimp farms.

"When I go to sleep I'm afraid - I think they're going to come and do something to us with all the charges I've got hanging over me..."⁵²⁰

Impact on women

Most of the women interviewed were from the group of widows of campesinos killed in the Aguán Valley; they feature in the section on housewives. Others are women engaged in agriculture and campesino activities who express fear because they have suffered evictions, including the destruction of their homes and crops, leaving them and their children homeless. Sometimes women serve as leaders in their community, which exposes them to more death threats, persecution and harassment by the military and police in the region.

518 Testimony gathered by the CoT between March and August 2011 – Identity 0401-197x-xxxxx

519 Testimony gathered by the CoT between March and August 2011 – Identity 1703-198x-xxxxx

520 Testimony gathered by the CoT between March and August 2011 – Identity 1701-198x-xxxxx

"I feel that they do this to us because we take over land, because they've got nothing on us. A policeman came up to us and told us that they didn't want to do it, but they were being paid and they were obeying orders. They beat some people. The soldiers were going round in a truck."⁵²¹

There are a significant number of single mothers who have spent years without opportunities for development; despite their hard work on the land they lack adequate resources for a decent life. Campesino women have impaired physical and emotional health, and lack general, sexual and reproductive health care, as well as treatment for chronic illnesses. When they seek medical attention in Trujillo and other towns in the Aguán Valley, they are marginalized and suffer discrimination because they are from the community of Guadalupe Carney. They have heard medical staff refer to them in a derogatory manner, saying, "The Tacamiches have come to bother us".

Impact on children

Children show fear of the police and military, in some cases reporting that they have suffered physical or psychological abuse in campesino communities. They have also stated that they have been subjected to threats, extortion and manipulation by the police and armed forces.

"I was afraid of the ones dressed in green, with huge guns. They grabbed us and asked us where we'd hidden the pistols. I can't bear to look at them because I'm afraid they'll kill me".

The children have had to leave their schools and put their education on hold because of the insecurity they experience living in their communities; mothers are frightened of sending them to school, where they have also been stigmatized and discriminated against by other pupils and the teachers, and so restrict their social relations and their support groups.

"... My children live in fear."

"I feel that I've endangered my children, because they raided the room we rented. I felt bad seeing them exposed to that. The smallest said to me: "Police bad, mummy". They pushed us but that was it."⁵²²

Now the children of these communities perceive police officers and soldiers as bad people, losing any interest in getting to know them. This will develop into a feeling of disgust and revulsion at the police and military.

Individual impact

This group of campesinos has begun to suffer some of the symptoms of post-traumatic stress disorder, expressed as problems in sleeping, loss of or increased appetite, fear or terror, and a sense of persecution which, if they worsen and are left untreated could result in pronounced post-

521 Testimony gathered by the CoT between March and August 2011 – Identity 1701-198x-xxxxx

522 Testimony gathered by the CoT between March and August 2011 – Identity 1701-196x-xxxxx

traumatic stress disorder. Many victims after evictions and relocations are depressed, with some physical deterioration, including the development of psychosomatic illnesses.

The victims are afraid of possible reprisals, as well as feeling frustration, anger, sadness, insecurity, powerlessness, and that life is not worth living. It is a picture of a state of defenseless, vulnerability and lack of respect, in which their right to housing and dignity is also at risk.

"For me, I repeat, these are things that have been going on for some time - Miguel Facussé says he owns the land but he never bought any; children, even adults, are feeling increasing panic; we've got a martyr. It'd be better if they just gave us a single blow from a baton to the back of the neck."

In addition to this, there have been attempts to make out that the campesinos themselves are to blame for their situation. Due to what has happened, sometimes they feel that way themselves but argue that the land recoveries have taken place because they do not have anywhere to live. Even when the land has been taken without the requisite permits, this does not justify the disproportionate use of force by the military and police. These campesinos have been stigmatized and condemned by the rest of the population.

"It wasn't me who wanted this to happen - all we've done is to defend Zacate Grande land from being privatized."

Many feel that there is no way out of their situation. They live in a climate of permanent tension and terror, and victims often prefer to remain silent.

"I hadn't had a chance to report that crime, because the authorities side with them and may even do something to us for thinking differently. The only ones I can tell this to is you, not to the other Commission that doesn't care about the people."⁵²³

Furthermore, in the Aguán Valley region, victims live near their persecutors or enemies; sometimes private security guards are members of the same community, increasing individual and community insecurity.

The failure to investigate killings, as well as to bring those responsible to justice, hinders the grieving process for the relatives and contributes to a continual increase, like waves, in the effects of violence in this group. This situation does not permit the reconstruction of the social fabric, but instead increases polarization.

This situation has reduced the quality of life of people from the community on an individual, family, social and work level. It is a group highly vulnerable to constant human rights violations which have also led to internal and external displacement.

523 Testimony gathered by the CoT between March and August 2011 – Identity 1212-198x-xxxxx

"When it got very difficult, when I was being heavily persecuted, I had to move house as a precaution. One time I thought they were going to kill me that very night." (Human Rights Defender for Natural Resources - Testimony)

The situation forces them, for personal security reasons or so they can retain their job, to reduce their involvement in the organizations to which they belong and in the life of the community in general. The police and armed forces are involved in this injustice, which reflects social inequalities.

"You feel helpless, because they control the soldiers, because instead of supporting the people they support the rich and you're poor – basically we live off the land."⁵²⁴

5. Teachers

Daily life and background

The teachers' organizations were established during the 1960s and 1970s, and today their Federation is made up of 6 teachers' associations. It is a powerful social actor in demonstrations, sit-ins and public meetings, such as in protests about the government's failure to honor wage increases, respect its Statute and ensure the upkeep of school buildings.

Following the coup, the teachers' organizations joined the National Popular Resistance Front. As a result, they suffer a high level of repression at demonstrations, including murder, selective persecution, smears, suspension from work and campaigns to criminalize them, which have had impact on them at an individual, family, group, community and social level.

Working life and financial situation

This was severely affected by tension between work colleagues due to ideological differences, in most cases with the school authorities threatening to dismiss teachers taking part in street demonstrations.

"They're threatening to sack me for being involved in the teachers' movements." (Testimony - teachers' union x.1)

"We're branded at school as being on the left, and I've been marginalized because of my political ideas" (Testimony - teachers' union x.2)

"I'm afraid that they'll suspend me or sack me – all I've heard is that they want to sack me. They've changed my duties as if they were setting me up to fail." (Testimony - teachers' union x.3) "

The suspensions were a deterrent measure put in place by the state apparatus, and applied to teachers who took part in the teachers' demonstrations, and lasted 2-6 months. Other measures included unjustified dismissal, termination of contracts and failure to make the payments provided

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for in the Teachers' Statute,⁵²⁵ causing them difficulties in supporting their families; their replacement by teachers from the PROHECO project⁵²⁶ and, in extreme cases, threats to close or destroy the school.

"They removed me from my post because of my involvement in the political movement. They made me move school several times because of my views. My involvement in this has come to affect me" (Testimony - teachers' union x.4)

"My income is zero because I'm suspended. Despite this, I come to teach and do my job." (Testimony - teachers' union x.5)

"We're afraid that we'll lose our jobs, that they won't reinstate us – there's no guarantee that we'll get our jobs back." (Testimony - teachers' union x.6)

"They destroyed the school, but we hope to carry on teaching." (Testimony - teachers' union x.7)

"I've been going to work as normal. I've just been suspended for six months by the government under the law put forward by the Secretary of Education, Alejandro Ventura, for taking part in an indefinite strike, but I'm still going to work." (Testimony - teachers' union x.8)

In most cases, the teachers who have kept their jobs perceive hostility and exclusion on the part of the school authorities, the result of ideological differences caused by their involvement in and support for teachers' movements. This has led to decreased job satisfaction, low spirits, lack of motivation, and increased stress due to financial pressures and the constant threat of job loss.

"There was a strike for over two months. They wanted to charge me with dereliction of duty but I got off. Sometimes my friends and I have disagreements because they're in favor of the oligarchy." (Testimony - teachers' union X.9)

"There's tension at work. Relationships became strictly professional because of marked ideological differences." (Testimony - teachers' union x.11)

"I belong to the teachers' union. My performance has deteriorated - I sometimes even lose control of the class. I'm worried about the situation we're now facing." (Testimony - teachers' union x.12)

On a personal level, some of the teachers felt supported by parents, colleagues and even some school authorities.

"I was marginalized in my school by the director, who's no longer there. I wasn't given general information, and I'm a specialized teacher, and I was given first grade. I wasn't informed of

525 Teachers' Statute, section X; Commission of Truth report – Honduras 2012.

526 PROHECO (*Programa Hondureño de Educación Comunitaria* – Honduran Community Education Program) 1998— established by acuerdo (law) N. ° 008 of May 5, 1998.

school activities. Now there's another director who's part of our team." (Testimony - teachers' union X.13)

Family life and couples' relationships

The families of the victims, as the closest group, were most affected by violence and repression. Within the family, communication has often clearly broken down or diminished and there has been an increase in stress and tension, resulting in most cases in arguments, fights, disagreements and generally lack of support due to the distinct ways of addressing the situation, mainly because of the ideological differences between those who take part in the demonstrations and those who remain in favor of the coup.

"My husband's tried to stop me going on demonstrations and talking to the media – he's asked me not to be involved with the Resistance. This has caused a lot of arguments, and at one point he told me that since the coup, I've ruined my life here, as I've become more irritable and I don't spend much time with my family."(Testimony - teachers' union X.14)

"We separated over my political views - my husband even rejected my children. We already had problems but this ended up with us separating." (Testimony - teachers' union X.15)

"When I was suspended our relationship became more strained - there were complaints because I couldn't support the household. My wife even threatened to divorce me." (Testimony - teachers' union X.16)

"I have a son who's wheelchair-bound as a result of violence in a previous situation and he has a hard time emotionally knowing about my situation. The family's divided because we don't share the same views." (Testimony - teachers' union x.17)

"We've got problems covering spending, but also my children are being harassed by people who say I'm lazy and that's why I've been suspended" (Testimony - teachers' union x.18)

There is deep concern for safety, both personal and for the family, with fear over threats received by various means, and constant feelings of insecurity when a family member is away from home due to the crackdowns on protesters, murders, arrests and exposure to toxic gases. These feelings generally intensify at night when unknown vehicles or people are seen close to the home.

"My children tend to prevent me going on marches - they worry about me - my 10-year-old girl says that the police are bad." (Testimony - teachers' union X.19)

"My kids tell me not to go on demonstrations, they beg me not to. I feel that my family is very worried about my situation." (Testimony - teachers' union x.20)

"My son was jailed for seven days; they beat my nephew, my family's afraid that my life's in danger and they're apprehensive." (Testimony - teachers' union x.21)

Couple's relationships have been affected; in particular there is tension, a decline in sex drive, lack of concentration, excessive worry, erectile dysfunction and pain during intercourse.

"My husband thinks differently, he has a different mindset and we had arguments, we drifted apart and judged each other." (Testimony - teachers' union X.22)

"Lack of sex drive and in bed we're caught up in worrying about what's happening." (Testimony - teachers' union X.23).

"Our sex life has deteriorated. I think it's because of me - I feel that since last year my sex drive's gone down." (Testimony - teachers' union X.24).

Children play a major role – in some cases supporting their parent's involvement in demonstrations, accompanying them and taking part themselves, while in others, they express their disagreement and unease at not sharing their ideals.

"My family was worried about my situation when I was suspended, although my wife and children have been a big support." (Testimony - teachers' union x.25)

"My children are questioned about why I was suspended. My son, who was at university, couldn't continue because of lack of money." (Testimony - teachers' union X.26)

One group particularly affected in many families are the children of those killed or disappeared, who have had to undertake their grieving process while suffering stigma, and suffer the consequences of the loss of support in their lives, as do those parents facing the loss of a spouse, which causes a restructuring of family roles.

"Since the military and police disappeared and killed my father, I've become detached from everything. I don't have a social life, and I try not to go out. My mum is frightened because of all the movements I'm involved in. She practically tells me not to go out, not even to make these statements. I can't bear the police – I'd kill them if I could. I have to take care of what my dad left, the businesses. I feel like a violent person. I can't get it out of my head, I can't forget it, I have too much bitterness and pain inside." (Testimony - teachers' union X.27)

Access to health, livelihoods and continued study has been reduced by lack of money. In most cases, this impact on families has led to a worsening of living conditions. Furthermore, in the case of rural areas, there is not only a loss of financial support but also greater difficulties in their local environment, because of danger and social isolation.

"My children criticize me for getting involved in all this. They're unhappy because I haven't been able to pay the university fees this term." (Testimony - teachers' union X.28)

The actions of the victims themselves or their family's solidarity have helped in some cases when they have attempted to recover socioeconomically and personally.

"We're all members of grassroots movements, and they're concerned about my safety." (Testimony - teachers' union X.29)

Social relationships and leisure activities

"It's been really hard. I can't go out any more as freely as we used to. We can't visit public places anymore because of the security measures we're taking." (Testimony - teachers' union X.29)

After the coup, the social lives of the teachers taking part in the protests was affected by the fear of reprisals, stigmatization and persecution. Ideological differences opened up a rift between friends, neighbors and colleagues, and affected church and even sports activities. The police and military presence in these public spaces caused unease and hostility, but also a lot of fear for a large part of the population that did not feel safe or calm being close to agents of repression.

"I've cut down on going to restaurants because even there I've been persecuted. I'll arrive somewhere and I'll think there may be someone there who'll provoke me." (Testimony - teachers' union X.30)

Harassment, kidnapping, violent arrests, persecution on being identified as a member of the teachers' union or as taking part in anti-coup demonstrations created a sense of insecurity in private or other social spaces that offer guarantees of care and protection. Lack of money meant that going out was strictly limited to meetings with organizations to which they belonged, work, school, college, university, visits to close relatives and, if possible, medical appointments.

"We don't go out much any more. We only go to places where we can be seen, because the police force has a hit-list of people for 'social cleansing'." (Testimony - teachers' union x.31)

"When we went out, we were always alert to the fact that we could be arrested or something like that. This area was heavily militarized and patrols were on the lookout." (Testimony - teachers' union x.32)

Their social circle changed completely, and largely came to be made up of members of anti-coup organizations or individuals with similar ideologies, which helped to create an environment of mutual protection, freedom to engage in activism and a sense of belonging.

"I go out less. Now I only go to training sessions, meetings with people from the National Popular Resistance Front - my circle of friends is different." (Testimony - teachers' union x.33)

"I've distanced myself from some people. The relationship with one of my neighbors has changed radically, because he's taken a position which is different from mine, and which in my opinion is wrong. In terms of going out it's been terrible. Before, I used to go to La Ceiba and Tela, with my family. Now I wouldn't even think of doing it – it's too risky." (Testimony - teachers' union x.34)

Emotional climate

A general climate of fear and insecurity was created by human rights violations, such as the security forces abusing their positions of authority to threaten the lives and dignity of those they classified as 'dangerous'.

"Every time they crush demonstrations, it makes me want to have superpowers so I can be there. When I see the news, I stop being who I am, I feel powerless and defenseless with my heart full of hatred. When I saw the dead teacher, I wanted with all my heart for it to be me who was there, I felt guilty about not being there. It was the same when they killed Vallejo, the teacher. The image of Isy Obed when he was killed at the airport is still fresh in my mind, I can't forget it." (Testimony - teachers' union x.35)

"When you look at the scenes of when they gassed fellow teachers, when they killed the teacher, the jailings, it really affects you. It generally makes me tense, anxious, when I see that it makes me cry... Anger, frustration, powerlessness, you feel that it could happen to you too. I live in fear of coming across a car without a number plate which wants to do me harm." (Testimony - teachers' union X.36).

The acts of violence committed by the state demonstrated the social isolation of the victims, plus an unremitting climate of prohibition, distrust and, in some cases, collective silence. The state media influenced the perceptions of those who did not participate in the demonstrations in relation to those who did, constantly accusing them of being a threat to democracy and of acting against the country's interests; they were branded as communists and leftists.

"I belong to the teachers' union, and you don't like saying to people that you're a teacher. To the military we're the enemy – being from the resistance/the left is as bad as it gets ..." (Testimony - teachers' union x.37)

"I'm being persecuted. There've been cars without number plates parked outside my house, I've received calls on my mobile phone where the caller number is not displayed, texts which say, 'Commie, make your will, because your hours are numbered and so are Geovany Martinez's,⁵²⁷ the son of a bitch, your days are numbered.' My wife suffered a stroke affecting her face when she saw the messages. " (Testimony - teachers' union x.38)

Police operations, arrests, helicopters flying incessantly over areas where there were protesters, crackdowns on demonstrations by social movements, exposure to tear gas, all increased tension and a sense of vulnerability. They evoked experiences from the past when their lives were at risk, resulting in an increase in withdrawal behaviors and distrust, used as protection mechanisms.

"When I watch the news and see what's happening to the campesinos in the Bajo Aguán, I feel helpless, because I'm a teacher, I come from a campesino background and my family was persecuted in the 80s." (Testimony - teachers' union x.39)

"It really grieves me that when Ilse, the teacher, died, Pepe Lobo went to visit the soldiers, but didn't have the courtesy to visit the teacher's family. How can we carry on putting up with this? If they can do that so brazenly, I'm worried they may do something to us." (Testimony - teachers' union X.40)

527 A teacher.

Although there were some sectors of society well-adapted to the new regime, more were directly and indirectly affected by repression; people were afraid to express their views publicly, due to a perception of widespread insecurity.

"When I see that woman, the neighbor who got my husband, Damaris Abigail Flores Osorto, arrested... She's a National Party activist and when she found out that we were in the Front she took against us." (Testimony - teachers' union x.41)

"I'm afraid I'll be harmed. I point the finger at the Minister of Education Alejandro Ventura, President Pepe Lobo and the armed forces because of all of our reports about their abuse of authority. I don't sleep much because I worry about the family. I've been taking part in the teachers' strike for eleven days." (Testimony - teachers' union x.42)

The search for truth and justice was hampered by the judiciary and police who did not provide the necessary support for the process, placing the victims' families in a position of insecurity and perpetuating impunity.

"I feel insecure, defenseless, knowing that if something happens to me there's nowhere to turn to. I'm afraid they may do something to me - all my colleagues tell me that I have to take care because I've had a lot of public exposure." (Testimony - teachers' union x.43)

"First, I believe that I haven't committed any illegal act or sin. It's clear that the country's main problem is the high level of corruption, which has meant that any sense of humanity has been lost. I've identified those persecuting me. One of them is the governor of Santa Rosa de Copán Prison." (Testimony - teachers' union x.44)

"We're afraid to file complaints. Now we feel that the police and judges are involved in criminal acts and it no longer makes sense to file complaints. I feel there are places under siege in Honduras; my sister was alone, people shut themselves up in their homes. The people living nearby know who it was but nobody wants to talk - we're helpless. " (Testimony - teachers' union x.45)

Polarization of society

This sector regards the state's institutionalization of violence as a mechanism for control and security aimed at fragmenting or weakening movements through persecution and the risk of torture or murder, in the case of prominent activists in the teachers' union and other anti-coup organizations. The continued absence of punishment for crimes and human rights violations has created deep distrust and hostility towards the police, military and state authorities.

"We've never filed a formal report, beyond showing photos and documents to foreign and domestic media, because we wouldn't know if the person we gave our statement to was one of the people involved in the coup, and they could harm our families." (Testimony - teachers' union x.46)

"I decided to report the military and police for assault and physical/verbal abuse. Since then I've felt hatred, and still do, seeing them beat up my colleagues. I'm angry, outraged. I feel contempt for the police and military. When they pass by I want to shout at them – I don't trust them any more." (Testimony - teachers' union x.47)

Impact on Individuals

The physical effects take the form of a general state of nervousness, sweating, insomnia, loss of or increased appetite, fatigue, gastrointestinal problems, respiratory complaints from exposure to tear gas fired at demonstrations, and localized pain in several parts of the body from being beaten with batons, kicked and punched. Other previously diagnosed medical conditions were aggravated by the experiences and the limited funds for treatment.

"I have feelings of defenselessness and powerlessness, because there's nowhere I can get justice – I feel anger, outrage, humiliation. There are side effects – the damage I've suffered is irreversible. As a result I don't sleep very well." (Testimony - teachers' union x.48)

"My problem's when it gets dark, in sleeping. Sometimes I wake up frightened and get up to check the doors. In my dreams I feel that I'm being persecuted and tortured. I'm really scared when it's dark and I'm on my own." (Testimony - teachers' union x.49)

They have experienced feelings of despair, sadness, fear and helplessness, as well as sudden changes in mood, reacting with hostility in everyday situations, from the home to the workplace.

"I belong to the teachers' union. My performance has deteriorated - I sometimes even lose control of the class. I'm worried about the situation we're now facing." (Testimony - teachers' union x.50)

The stigmatization and persecution they have suffered occurs within a dangerous environment where the right to life is violated, and their effects are all the more profound because they do not feel supported or protected by the state, which leads to a loss of self-esteem, frustration and helplessness. There is constant concern about possible reprisals, threatening the personal safety of themselves and their families. However, they also express deep pride in fighting for a cause they consider just, motivated by a desire for justice and for the punishment of those responsible for the crimes.

The physical and emotional state of the victims has led to reactions to acute stress, depressive episodes, post-traumatic stress disorder, drug abuse and even increased consumption of cigarettes and alcohol.

"My children have become really nervous, and when I have my beers they get even more nervous." (Testimony - teachers' union x.51)

"I think psychologically it's got into my head, I don't know if there's any medication that could make me relax. I feel like I can't get out of this." (Testimony - teachers' union x.52)

Lack of money prevents access to medical and counseling services, and conditions if not treated may become worse or trigger other pathological conditions.

Disruption to life plans

The effects of the events experienced have led to increased emotional demands, both within the family and in relationships with friends and neighbors. A great effort is required, with other people, to assimilate the events, face loss and practical difficulties and address the social stigma and judgment arising from the events - no easy task.

Plans for the future have been put on hold because of job suspensions and losses, which have reduced the income needed to cover health, education and food costs. The inability to carry out home improvements or to continue university studies, and moving house, leaving the community and the country because of perceived persecution are some of the elements of the abrupt change in life plans of victims and their families.

"I'd always thought of taking another university course, but with everything that's happened to me, and financially, it's harder, with the situation in the country." (Testimony - teachers' union x.53)

"I'd planned to finish building my house, but I don't have very much money because I've been suspended." (Testimony - teachers' union x.54)

6. Journalists

Daily life and background Working life and financial situation

This group has suffered numerous acts of repression including:

1. Acts to prevent them carrying out their work
2. Acts of intimidation and against freedom of expression
3. Acts causing physical and psychological harm to journalists
4. Issuance of laws and use of the legal framework to prevent free expression and access to information
5. Censorship
6. Financial reprisals

"We're under so much pressure that if we make a mistake about the number of people on a march (protesting about the overthrow of President Zelaya) we immediately receive threats by text or phone. We're in a difficult situation that we've never experienced before as professional journalists," said Nancy Johns to C-Libre. While the speeches of government officials proclaim reconciliation and stability in 2010, deaths of journalists have increased and remain unpunished. The threats and the use of fear as a tool of repression both have an impact, subliminally sending journalists a message to curb their freedom of expression.

The self-censorship of journalists and sources, applied out of fear of attempts on their lives and job dismissals, limits the interest and rigor they can invest in their investigations and in their presentation of the news.

Family life and couples' relationships

The tensions created by carrying out their work as journalists have increased, extending to their relatives and creating conflict in their relationships with their partners and families.

"Since June 28 I've had problems. I'm currently separated. My wife was worrying too much and we had our differences – I didn't spend enough time with her."⁵²⁸

"There are certain things that he fails to understand, and I've decided not to discuss them with him. I get annoyed when he doesn't support me."⁵²⁹

The idea that they are endangering the people around them because they are media figures causes concern and isolation, and so, as an alternative, they distance themselves for fear that other people may receive threats.

"I met a girl after the coup and we broke up because I was afraid to visit her in case something happened to her. The same with friends - I asked them to stay away from me so that nothing would happen to them."⁵³⁰

Social relationships and leisure activities

All of them report that these aspects have been affected. Socializing and leisure activities have decreased or changed, as the journalists are constantly apprehensive.

"When there are parties you think that something may happen to you – I don't get out much nowadays."

"Going to meetings it tires me out thinking about what I can and can't say, so it's best if I don't go."⁵³¹

"We can't go out like we used to, with the same freedom. Several of my friends have broken off contact because they're afraid that something will happen to them through being close to me."⁵³²

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Emotional climate

They have experienced and continue to feel negative feelings of anger, fear, worry, sadness, outrage, helplessness, humiliation, injustice, rage, frustration, contempt, bitterness, grief and resentment as a result of the repression they have suffered. In a report published by the CIMAC network (*Comunicación e Información de la Mujer* - Communication and Information about Women), according to Daysi Flores, host of '*Tiempo de hablar*' ('Time to talk'), both programs had a lot of listeners and audience participation.

"We invited people, in the intimate atmosphere of radio, to share with us the reality we're actually experiencing and not that portrayed by the official media."

Polarization of society

With the military coup of 2009, there was polarization of the media as well as politically, resulting in targeted attacks against it. The media outlets which made clear their opposition to the coup, including community radio stations, were attacked, harassed, and threatened by the military. The media which supported the 'constitutional succession' also suffered attacks that were blamed on foreigners interested in unleashing chaos and anarchy, as well as on unidentified people.

Impact on women

There has been very little mention of the many attacks and threats targeted at women journalists.

"I'm angry. I think it's the height of villainy and I'm angry that they keep trying to justify themselves with decrees. It's a dictatorship which is trying to silence us, especially women who think, who question, and who debate."

Impact on children

Journalists' children have suffered from the effects of their parent's stress, as the latter have become less accessible, and as a result of their irritability the children are vulnerable to ill treatment and neglect.

"I don't have any patience with my boy. I'm tired and I don't feel like playing with him."

Children have also been the direct victims of the military and police brutality targeted at their parents as was the case with Abril McDonald, daughter of cartoonist Allan McDonald, who was only 17 months old at the time.

Impact on individuals

Practicing journalism in an atmosphere of political crisis is stressful and has had an impact on the emotional health of communication workers, such as sudden changes in mood after the events experienced and described in their testimony. According to the World Health Organization's

International Classification of Diseases ICD-10: *"Exposure to an exceptionally stressful event, acute or continuing, may precipitate a stress reaction or significant life change leading to symptoms due to increased arousal and avoidance of stimuli associated with the trauma. This interferes with normal coping mechanisms and causes clinically significant distress and/or deterioration in areas of the individual's life."*

7. Exiled and displaced people

In some cases where violence or persecution of relatives was extreme, this resulted in their displacement or exile. Traumatic experiences included the exile or forced displacement of victims and their relatives. Displacement is a consequence but, at the same time, a source of further violations and is, in itself, a violation of the right to freely decide where to live.

Displacement usually represents family breakdown due to the need to protect their lives and the lack of financial resources or support. In psychological terms, it means a loss of social support as well as being a potent source of chronic stress, with a significant negative impact on the situation of refugees and displaced people.

Being displaced also results in a loss of cultural references, the relationship with the land for campesino and indigenous families, and changes in personal identity. When this displacement occurs in precarious security or financial conditions, the consequences are very negative. All this has an impact on the socialization and education of their children, combined with the psychological damage caused by loss and family breakdown.

A widespread effect of fear has been to cause displacement of people to other regions as well as exile to other countries where they feel safe from persecution and harassment.

The consequences of human rights violations often include displacement, exile, going into hiding as well as a change in and overburdening of the roles within the family, which sometimes produces intense feelings of guilt due to the inability to continue with the responsibilities and functions traditionally assumed within the family circle.

Daily life and background

The testimonies were taken of people who went into exile for political reasons following the coup of June 28, 2009. People interviewed by representatives of the Commission of Truth included former soldiers, campesinos subject to arrest warrants, campesino leaders who had received death threats and entire families forced to leave the country because of death threats and the general climate of insecurity. They stated that the conditions in the country where they are in exile are not optimal because they have no job or real prospect of getting one, the insecurity and violence is similar to that experienced in Honduras, their social lives are very limited and they receive little support from the institutions that advised them to leave the country. Some of them are considering immigrating to another country with better conditions, either on the same continent or in Europe. However, in all cases, the desire to return to Honduras is clearly expressed.

Working life and financial situation

We cannot talk about working lives in great detail. However, it is worth mentioning that refugees or exiles, by abandoning their country of origin, have also left their jobs and most of their financial resources. As a result they do not have the resources needed for their desired standard of living. They now face a completely different situation, whether in employment or financial terms, and this has caused their general mood to deteriorate. Furthermore, some had their contracts terminated during the coup, without receiving the employment benefits they had acquired earlier.

"I was fired during the coup for being part of the Resistance. Even though I had a union permit they didn't pay me the benefits I was legally entitled to. In Spain I haven't been able to find work in all this time. INFOP⁵³³ refused to give my sister my documents".⁵³⁴

One of their means of survival is the money sent by their relatives from their native country. They feel frustrated that their work is undervalued and at the loss of the status gained in the course of their career.

"... I get frustrated at times. I'm an administrative assistant but I do everything. In Honduras I ran a construction company; I gave the orders – here, everyone orders me about".⁵³⁵

The fabric woven around work includes economic interactions (being part of the workforce, remuneration) but also camaraderie, integration into the workplace, structuring of everyday life, identity, social approval, a sense of belonging and security. Integration into a new workplace is strongly linked to migrants' social and cultural integration.

Relationship between couples and family life

The impact on the exiles' close family, such as fathers, mothers, children, wives, and siblings is assessed in this section. Due to physical distance, relationships with relatives have weakened. The psychosocial impacts both for those far from home and for those who remain in the country are indescribable.

Those who leave the country are faced with feelings of frustration, despair, sadness and homesickness for the family they left behind, their belongings and their identity. Those who suffer most are the children who cannot understand their parents' absence, expressing the need to be with them.

"... My children talk to me and tell me that they miss me, and ask me when I'm going to come back."⁵³⁶

533 Instituto Nacional de Formación Profesional – National Vocational Training Institute

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It can affect the children's performance at school, and lead to their alienation and withdrawal, nostalgia, sadness and other feelings of insecurity because they do not have their parent around.

Other family members express feelings of sadness and nostalgia because of their relative's remoteness.

"My father had a stroke, my mother's often ill. My children had to leave the country. My youngest daughter's always very worried. I worry about my brother".⁵³⁷

In exile, cracks develop in the wider ties of kinship. Their impact is all the more acute as the circumstances which caused the emigration make it difficult to conceive of an early return, or it is expected to be definitive. Return is prevented while the factors that motivated the departure from the country (persecution, fear, false accusations) persist.

Furthermore, stressors caused by exile such as searching for employment, housing, adjusting to the new country, uncertainty about the future, including separation from their families, places an enormous strain on the individual in this situation.

Communication with the family network has changed from being face-to-face, close, spontaneous and relatively regular to contact through virtual channels (letters, phone calls, social networking and virtual communication platforms) which does not constitute direct interaction with their relatives. In addition, they try to communicate only at certain times of the day for security reasons and do not have the freedom to communicate without restrictions.

However, among those interviewed, there are no cases where there has been a definitive break with the family network. Family ties have remained in all cases, though with very different levels of emotional closeness and interaction. In couples, the impacts were also felt.

"Because plans for the future were so uncertain, I felt I couldn't move forward in that relationship, so we decided it was better to break up."⁵³⁸

Most of those interviewed reported that they had broken up with their partner when they were exiled from their country. Distances of time and space threatened emotional and social relationships. Other couples found that their arguments and disagreements increased. The relationship began to become more distant and to reveal emotional problems between the couples.

"...Since we came here, he's changed a lot. Instead of it bringing us closer together he's become more distant."⁵³⁹

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Social relationships and leisure activities

As with the family, the social networks of friends and very close relationships they had built up in their native country have been broken, and they have a lot of difficulty in making new friends.

"... I don't have anyone I can go out with. I can't confide in them – they might give information about where I am and things like that. I haven't even told my best friends where I am to protect them."⁵⁴⁰

On many occasions they have had to abandon their friends and closest colleagues, without being unable to say goodbye to them and explain their departure because the measures they are forced to adopt means that in many cases they are not allowed to contact them. This creates a source of tension and they tend to feel disloyal.

"It's a radical break – I don't have any contact with anyone apart from my closest friend. I get sent emails asking me where I am but I can't answer"⁵⁴¹

The links established between the exiles themselves create a network of emotional support and help which often functions as a family, satisfying some needs that previously would have been met by their original families. However, this situation also makes them feel hopeless because they are all in the same situation of vulnerability. To be able to integrate into the host country, the person needs to forge new links.

Emotional climate

Exile, viewed as a trauma, is experienced differently by each person, depending on their social context, the structure of their personality, the scale of values that determines their behavior and their particular circumstances in terms of their political, working and family life, both preceding and during their exile. The main emotion exhibited by the people in exile is fear at facing the new unknown place to which they have been forced to move.

Additionally, the security problems they face have a great impact on them as they left their home country to escape situations that threatened their physical and psychological wellbeing and even their very lives or their freedom. They feel that even in these new host countries they are persecuted and pursued.

"I received death threats, I was intimidated, I feel paranoid, and I don't trust people, only my sister and two or three friends. I've become depressed. I was leaving things unfinished, I began to accumulate things that I had no use for, and I couldn't concentrate on my studies. I had a lot of memories of what had happened here in Honduras."⁵⁴²

540 Testimony gathered by the CoT between March and August 2011 – Identity 0501-197x-xxxxx

541 Testimony gathered by the CoT between March and August 2011 – Identity 0508-196x-xxxxx

542 Testimony gathered by the CoT between March and August 2011 – Identity 0801-197x-xxxxx

All these manifestations could develop into the Ulysses syndrome, a name given to the set of symptoms and emotions exhibited by people who have emigrated. They have even expressed hatred towards the people or situations that forced them to leave the country, describing this as contempt for the country's authorities, to the point of not recognizing them.

"I feel hatred. I did it to protect myself and my family. I began to feel hatred when I got here - I feel I've dragged my family down"⁵⁴³

At this stage, there are ambivalent feelings towards exile. The host country appears supportive and protective, new relationships are established between fellow exiles, there is significant group activity regarding the political situation and the search for solutions to immediate problems. At the same time, there are feelings of isolation and rootlessness due to a sense that "I'm here, but I don't belong."

The exile feels divided between the immediate demands of adaptation and survival imposed by the new country and the ever-present desire to return to the homeland.

Polarization of society

The climate of insecurity after the coup was reflected directly in this group. The level of stress and the need for security was what led them to leave the country. It was unthinkable to trust state bodies, to such an extent that when in exile they had no contact with friends, relatives or organizations they belonged to for fear of being located and exposed in the countries where they now resided.

The events that led to their decision to leave the country are largely the result of social divisions. Witnessing that the police, army and other sectors responsible for the violations they suffered remain unpunished creates fear, increasing their lack of confidence in the state's ability to provide a safe environment to which they can return.

They ceased to confide in people close to them and in acquaintances, either because they had different views or in order not to expose them to information that could harm them. Forming new relationships is difficult because the feeling of persecution breeds distrust, which makes the process of forging stable bonds a lengthy one.

"... I don't have anyone I can go out with. I can't confide in them – they might give information about where I am and things like that. I haven't even told my best friends where I am to protect them."⁵⁴⁴

"It's a radical break – I don't have any contact with anyone apart from my closest friend. I get sent emails asking me where I am but I can't answer them".⁵⁴⁵

543 Testimony gathered by the CoT between March and August 2011 – Identity 0508-196x-xxxxx

544 Testimony gathered by the CoT between March and August 2011 – Identity 0501-197x-xxxxx

545 Testimony gathered by the CoT between March and August 2011 – Identity 0508-196x-xxxxx

The criminalization of the protests meant that individuals facing prosecution and the threat of imprisonment for crimes they did not commit chose to leave their homes. The repercussions of exile as a form of state repression does not cease with their return. The psychological, social and even physical damage caused by exile to the individual and the family group extends beyond their return.

"... I've needed a lot of patience to put up with the pack of lies that I've been told to my face"

Impact on individuals

Political exile involves significant fracturing of peoples' lives. Grinberg and Grinberg assert that any migration experience is a potentially traumatic one and may develop into a crisis situation. Exile may qualify as one of the categories of 'cumulative' and 'tension' trauma with reactions which are not always apparent, but with profound and lasting effects.

Somatic symptoms are common in exiles, who have difficulties in sleeping and suffer changes in appetite. They relive the events in nightmares or when they see pictures of what is happening in Honduras. They report that they have sudden changes in mood and difficulty remembering past events.

"... I can't sleep, I have insomnia and I toss and turn. I don't feel my sleep does me any good."

"... I've sometimes gone three days without eating. I only eat once a day. I feel like being sick - it depends on my mood"⁵⁴⁶

Lack of work, distance from their families and feelings of abandonment combine to create sadness and depression in victims of forced displacement. The fact that they receive little social support from human rights organizations and from the community where they live is a risk factor for the development of mood disorders. It is important to emphasize that the insecurity of their lives means that sensations of fear and persecution are not necessarily linked to a delusion or ideas of reference as it is a protective mechanism to safeguard life that has been previously threatened.

"I feel outrage, uncertainty, anxiety, frustration. I couldn't bear to see the film 'Quién dijo miedo'⁵⁴⁷ again"

"... Several times with motorbikes, I've thought they're going to do something to me. When I was in another city I didn't go out, I used to just go out into the corridor at about 10 pm. I spent months like that."⁵⁴⁸

Feelings of guilt vary from individual to individual. Those who do not feel guilty know they were forced to make decisions that affected the people around them, but which were the best options at the time, and although it affected their families and loved ones they maintain that it is other people

546 Testimony gathered by the CoT between March and August 2011 – Identity 0508-196x-xxxxx

547 'Quién dijo miedo' ('We are not afraid') is a documentary film about the coup and its aftermath.

548 Testimony gathered by the CoT between March and August 2011 – Identity 0501-197x-xxxxx

who to blame for this and that they only acted to stay alive. The group which expresses feelings of guilt states that it is because they feel that their responsibility goes beyond the decision to leave the country and question if their previous actions created risks outweighing the benefits they had hoped for. They feel guilty for exposing their families to situations they do not deserve.

"... at night, because of our financial problems, I feel guilty for doing something in the eighties that's definitely come to create this conflict. I dragged my family into this."⁵⁴⁹

Disruption to Life Plans

The shattering of the exiles' life plans, the loss of a past that they are unable to integrate coherently into their present experience, the loss of political, social, and employment status, the obstacles they encounter to this alien society recognizing what they are or what they are trying to become can all cause an identity crisis in exiles.

The victims of forced displacement see their life plans become paralyzed. The ability to make their plans a reality in the medium and long term is out of their reach as they are uncertain of what the future holds. They leave their relationships, their jobs are different, and they use the family money to survive in a new place. There are daily challenges and it is difficult to think of tomorrow as their main wish - to return to their country and to improve their living conditions - is their short- and medium-term plan, but because the situation is still unsafe, they do not regard it as feasible.

The situation in the countries where they live do not differ much from that in Honduras, and one of the tasks they face is seeking work. The financial and psychological need to fill the time with productive activity is a source of stress, because in the space of a couple of months they have gone from work where they felt comfortable to occupations which are not as satisfactory or to being unemployed. Work is linked to the concept of inclusion and residence. Integration into the job market implies a plan to remain for at least the medium term, because the workplace has a special place in the social fabric of belonging.

"... I don't want to look into the future"..."Everything's suspended, cut. I'd planned to do up my house; I had plans to form a company. Time's passing and I've done nothing. I'm nearly 50 and I've got nothing"⁵⁵⁰

Their financial difficulties, plus the lack of continuous employment means that they are unable to save. The money earned is used daily, budgeting is based on the expenditure needed for each day, there is no margin of income which would provide enough funds to enable them to aspire to substantially change their way of life. Life plans have not only changed, it is now difficult to plan at all, and this group is forced to take a short-term view.

549 Testimony gathered by the CoT between March and August 2011 – Identity 0508-196x-xxxxx

550 Testimony gathered by the CoT between March and August 2011 – Identity 0508-196x-xxxxx

Psychosocial impact of human rights violations in Honduras and Psychosocial consequences of the coup

Generally, psychological trauma is defined as the injury caused to an individual by a difficult or exceptional experience (the death of a loved one, a situation causing particular stress or suffering, a painfully frustrating event). Sometimes the term 'social trauma' is used to refer to the way in which a historical process may have affected an entire population, for example, the case of the German people and the Jewish people following the 'Final Solution'.⁵⁵¹

The strategy used by the de facto government and continued by the government elected in 2009 to consolidate the coup has included psychological warfare, as implemented in Latin America during the dictatorships of the 1970s and 1980s and as part of the counterinsurgency strategy applied in Central America in the 1980s.

Psychological warfare is the systematic effort to win the hearts and minds of the enemy and their actual or potential supporters and it deploys any means to convince people and engage their emotions, including the media which convinces solely because it engages emotion, and as such is a form of state terrorism. In the context of the coup, a climate of fear and terror was created with a significant social and collective impact. At the same time, other mechanisms were used to erode the population's identification with the resistance to the coup.

This Commission reviewed 419 psychological case files obtained when testimony was taken. There are certain similarities between the victims from the same sectors of society. They can be categorized as leaders and members of trade unions and social protest groups, former state officials under President José Manuel Zelaya Rosales' administration, housewives, campesinos, teachers, journalists and exiles.

1. Direct impacts on victims

In all the cases reviewed, it is possible to speak first of the direct psychosocial impacts suffered by victims, the survivors of human rights violations. These impacts include: loss of confidence in himself or herself and in others, an impaired sense of identity, and exhaustion as well as an inability to control distressing emotions like sadness, anger, frustration and helplessness. This is related not only to the traumatic experience itself, but also to the deterioration in socio-relational ties caused by it.

The majority of the victims' jobs were affected – this included dismissal, disciplinary action or a deterioration in their working environment related to their experience of human rights violations. This was as a result of being identified by their employer, clients or colleagues as someone "with political problems", for not completing tasks because they had been imprisoned, or because they needed to attend to their physical and psychological injuries or "simply" because their presence in the workplace "frightened" their superiors. Obviously this had financial consequences for the victims who were dismissed without compensation or retirement benefits and remained wageless

551 *Martín Baró, Ignacio, Psicología Social de la Guerra. Trauma y Terapia, (Social Psychology of War. Trauma and Therapy) UCA, San Salvador, 1990, p.10*

for some time. There were also those without a fixed income (craftsmen and women, taxi drivers, street vendors) who suffered income loss because they had to give up work temporarily.

Similarly, the majority of victims' family lives were affected, including through: the deterioration in their relationship with their children, the deterioration in their relationship with their partner and the breakdown of relationships within the family. These impacts are related to the growth of fear, distrust and even ideological differences within families, bringing the polarization of society into sharp relief. They tend to produce feelings of guilt and mutual dissatisfaction: both in the direct victim and in their relatives.

Generally, the victims have had to limit their socio-relational spaces as a security measure for themselves and for their loved ones. They have had to reduce their social circles and even stop visiting certain places and people, including limiting their daily leisure activities. In other cases, it is friends or acquaintances who have broken off relationships through fear or because the traumatic experience has caused ideological or political estrangement. This leads to deterioration in psychosocial support networks and to personal isolation.

2. Impacts on family and close friends

The typical psychosocial impact on the family and close friends has been the anxiety of seeing their loved ones attacked. The threat to their loved one is obviously converted in most cases into a threat, real or imagined, to the whole family. These relatives, particularly those living in the same home, become prey to feelings of persecution and often share the symptoms of the victim, with the inability to control negative emotions such as sadness, anger, frustration or helplessness.

The victims' partners had to assume a double burden because they had to take on the daily responsibilities of the direct victims while they were unable to do so. This burden was heavier in cases where the victims' income for the household stopped because their work had ceased or they were unable to work for a particular period. The victims' partners often had the feeling of "having lost their partners' support" and that the victim was endangering their children. In some cases, especially with victims of torture, sexual sequelae such as loss of sex drive, impotence, erectile dysfunction or frigidity has also impacted on their life together. All this, according to the victims, was a source of family conflict.

The younger children were afraid that something might happen to their parents, as well as to themselves, because they were exposed to videos, photos or stories. This fear in many cases developed into a deep sense of insecurity and anxiety, to the detriment of their personal identity. They have also suffered because of the psychosocial and economic problems of their parents. These impacts have also affected close friends of the victims and their family circle.

3. Impacts on society in general and on large social groups

The aim of the psychological warfare, which primarily affected the direct victims of the violations, was - and still is - to immobilize society at large.

The repression of particular sectors such as teachers, campesinos or the LGBTTI community has resulted in psychosocial impacts across the entire sector. The case of campesinos engaged in land conflicts (for example, the families belonging to MUCA, MARCA and the MCA) is even more extreme because the constant threat of eviction is converted into daily anxiety over the uncertainty of meeting basic human needs (housing, food, etc..)

The institutionalization of violence and its crystallization in the state apparatus has had psychosocial impacts for all Hondurans, who are forced to live in an atmosphere of terror. The criminalization of protest is a violation of the basic civil liberties of all citizens and creates a widespread sense of impotence. Impunity results in a breakdown in the general population's sense of justice, while the widespread distrust of state institutions that it has created puts their operation at risk.

Finally, it is important to remember that the level of development of societies is related to the capacity of its members to organize to meet their needs. A society which becomes paralyzed and unable to organize is a society with little chance of making progress.

Part 4 Conclusions and Recommendations

4.1 Conclusions

4.2 Recommendations

4.3 Biographical notes

4.4 Bibliography

4.1 Conclusions

*“The struggle ...against power is the struggle of memory against forgetting”
(Milan Kundera. The Book of Laughter and Forgetting)*

The Commission of Truth, having received and analyzed the testimonies of individuals and families, the victims of crimes and human rights violations, the reports of experts and specialists in various disciplines, as detailed in Parts I, II and III of this report, has reached a number of conclusions that, in its judgment and from the perspective of the defense, protection and promotion of human rights, constitute an extremely critical assessment of the current situation in Honduras and the socio-political scenarios emerging in the near future.

1. It confirms that there was a joint civil-military coup in Honduras, its initial phase on 28 June 2009 culminating in the abduction and exile of President José Manuel Zelaya Rosales. The coup itself constitutes a serious violation of the established institutional order, the sovereignty of the Honduran people and their rights to self-determination and democracy.
2. With the breakdown of state institutions there comes the systematic perpetration of criminal acts and omissions which, furthermore, represent the violation of human rights and fundamental freedoms. It has been confirmed that they include crimes against humanity.
3. The database created by the CoT shows the scale of the violations and the large number of places where they were committed. Detailed analysis of the records leads to the conclusion that there were patterns of human rights violations which were repeated systematically - these being identified as the direct and indirect application of repressive measures, institutional dysfunction and the complicity of the judicial system.
4. The Commission considers there to be a relationship between the policy of violating civil and political rights and the strengthening and consolidation of economic, political and military power groups – domestic and foreign - which once again resorted to planning and subsequently carrying out a coup to increase their control over the population and to exploiting this situation to further their own interests.
5. It also affirms the indivisibility of all human rights: the human rights violations investigated by the Commission go hand in hand with the systematic and gross violation of economic, social and cultural rights as well as other rights such as environmental rights, the land rights of indigenous and Garifuna peoples, the population's right to inform and be informed and the right to democracy.
6. Far from diminishing with the passage of time, it has been confirmed that policies violating human rights have continued and have even become worse since the coup.
7. The Commission has concluded that the effects of the coup are still continuing and that, both before and after the elections held in October 2009, the governments (the de facto government of Roberto Micheletti Bain and Porfirio Lobo's) used and are using terror as an instrument of social control.

8. The Commission has reached the view that the improper conduct of police and military personnel, not only under the de facto regime of Roberto Micheletti Baín, but also during the current administration of Porfirio Lobo, were and still are an expression of a state policy that relies on the use of force.

9. It was also concluded that since the coup, illegal groups have been operating, with the acquiescence of the government, using the procedures and methods of death squads. These organizations are linked to organized crime and drug trafficking and actions often described as "social cleansing". The Commission has been able to establish that they are responsible for the summary executions of key figures in the anti-coup resistance and grassroots human rights organizations. At the same time they try to intimidate or instill fear in those who are still active in the Resistance, as well as in the general population. The work undertaken by the Commission enables it to conclude that the existence and operation of such illegal structures is an indivisible part of state policies which are applied systematically.

10. Despite the grave, widespread and systematic nature of these violations, the Commission considers it necessary to highlight the almost total absence of state action to meet its obligation to accept responsibility for the violations and to prosecute and punish those responsible for them. Since the coup, although there have clearly been many violations of human rights and basic freedoms and abuse of power by state agents, particularly the police and armed forces, there have been few legal proceedings instituted against them and no convictions handed down. Furthermore, it has been confirmed that the mechanisms of so-called constitutional justice, specifically, habeas corpus and *amparo* (appeals on grounds of unconstitutionality) have been ineffective in the case of Honduras. Even the judicial proceedings brought against senior officers of the armed forces, such as Romeo Vásquez Velásquez and the rest of the Joint Chiefs of Staff, as well as deviating from internationally recognized standards for proceedings or fair trials, have served to absolve them of all criminal responsibility and were carried out in order to wipe their records clean.

11. On the basis of these actions and omissions, the Commission concludes that there is an equally serious and systematic policy of denying the victims' human rights, as well as the right of society as a whole to truth and justice. The amnesty issued on January 27, 2010, the effects of which are felt to this day, is an expression of a policy of impunity whose salient features include obstruction and the systemic failure of the processes of investigation, prosecution, trial and punishment of the perpetrators. Equally serious is the lack of action to provide the victims with reparation. The repeal of that amnesty is a prerequisite for any progress towards justice.

12. The Commission concludes that impunity, which continues to benefit those responsible for gross human rights violations in earlier periods, particularly but not exclusively the 1980s, has been an important factor in the repetition of such acts as well as in the perpetration of new forms of violations.

13. The Commission concludes that, in order to put a stop to the current spiral of violence and human rights violations, and to pave the way for democracy, it is essential to ensure that justice is done. Honduras, like the direct victims, needs the truth to be acknowledged, the trial and punishment of those guilty of serious violations and reparation for victims to be able to progress towards the full realization of all human rights.

14. The Commission of Truth notes the urgent need to make structural changes, through which the people can take control of their own destiny, challenging and reversing, for example, the concentration of power and wealth that continues to be consolidated through these policies of abuse and impunity. In this regard, the Commission notes with great concern the package of laws and agreements which have been adopted since the 2009 coup, which have resulted, for example, in the alarming increase in economic, military and security forces from the United States of America in Honduras and in their interference in and influence over state policies and institutions; the adoption of laws and amendments to the Constitution that increase the people's defenselessness in relation to government policies and the security forces; greater land concentration and exploitation of workers; the concession of land and natural resources to national and foreign interests, running counter to the Constitution and the rights and welfare of the population; and the approval of treaties and cooperation agreements without adequate public consultation and in violation of their rights.

15. On the basis of the testimony and investigations analyzed, the Commission finds that the danger threatening the people of Honduras cannot be disassociated from the strategies deployed through the hegemony of the United States of America and from the actions of other de facto powers throughout the region which aim to maintain their historic control over the destinies of peoples and of the assets and natural resources belonging to them.

16. We have also confirmed that the immediate rejection of the coup, not only by much of the Honduran population but also by governments, organizations, multilateral bodies and individuals in the region and around the world, succeeded in saving lives and reducing widespread repression.

17. Similarly, the Commission concludes that the readmission of Honduras into the OAS and the way in which the situation in Honduras has progressively slipped down its agenda has deepened the population's vulnerability and encouraged a constant increase in human rights abuses.

18. Given the situation described above, it is not easy to be optimistic in the short term. However, the Commission has observed that in Honduras there is a huge reserve of strength and hope, comprised in part by the thousands of people who, overcoming silence and oblivion, and the denial, fear, abuse and revictimization that they have suffered from the state, as well as from most of the mass media and other domestic and foreign power groups, have had the courage to denounce the serious crimes and violations of human rights and fundamental freedoms that they have suffered. It is they - men and women, young and old – who are the real subject of this report, upon whom rests the hope that justice will be done. They are ordinary people, who may or may not be political and social activists, established leaders and some newly emerging, people with a long track record defending the rights of individuals, peoples, and the environment, whose main aim has been the survival and well-being of their families. The whole country is bleeding from their wounds. Alongside them are thousands of people who have still not been able to denounce the abuses they have suffered in this period, as well as the fresh victims still being created day after day since the coup. All need to be heard and supported and their demands for justice fully satisfied.

4.2 Recommendations

In the face of the grave events described in this report, the Commission makes the following recommendations which aim to:

1. Put a stop to the human rights violations;
2. Honor the victims and strengthen their fight, and that of society as a whole, for justice and for the non-repetition of crimes that offend against humanity.
3. Address the immediate and historic causes of impunity and
4. Enable processes, based on truth, justice and reparation for victims, to be established which may contribute to the democratization of the state, of society, its institutions and its policies.

WE RECOMMEND:

1. The investigation and punishment of the masterminds and direct perpetrators of the coup and the resulting human rights violations. The State must publicly acknowledge its responsibility and proceed to the trial and punishment of the violators of these rights.
2. Reparation for the victims. The state must create a program that, by law, includes a set of actions and measures to accord due recognition to the victims of the 2009 coup and their relatives, and provide them with full reparation.

This general program of reparation should include, at least, the following six elements:

- Actions for historical clarification: The state should thoroughly investigate the acts that constituted serious abuses of power and violations of human rights and basic freedoms arising from the breakdown of the established order. It must pass a historical memory act.
- Victims Compensation Fund: Establish a state compensation fund for the victims of the coup. This public fund must be administered by a governing body in which the victims and their relatives are properly represented.
- Public acknowledgment of the truth. The State must publicly admit that its agents committed serious abuses of power and violations of human rights and fundamental freedoms. Those responsible for these violations must be investigated and punished. Commemorative days should be introduced, and memorials, public squares, and monuments built to recognize and honor the dignity of the victims of violations of their basic rights and freedoms.
- Repeal of the amnesty law of 27 January 2010. Legislative Decree No. 2-2010 was drafted to preserve the impunity of civilians and members of the armed forces involved in grave violations of fundamental rights. It was issued in disregard of the legal obligations under the American Convention on Human Rights and other international instruments. This decree, despite its alleged purpose of promoting peace, is a tool that has impeded the serious, impartial and exhaustive investigation of gross human rights violations and, above all, has left the victims and their relatives without the protection of the law and thus made them doubly victims.

- Return of the victims of political persecution in exile because of the coup. The State should design a program that includes provisions for the return of people forced to leave the country because of political persecution.
- Review education programs, at all levels, referring to the events associated with the coup. The State should promote the production of texts providing an objective and unbiased version of events. Official education programs should also treat in greater depth issues such as democracy, human rights, gender equality and diversity.

3. Reform of the legal system. The Honduran government should promote the reform of the domestic legal system, including the comprehensive amendment of the text of the 1982 Constitution and a review or updating of secondary legislation. Laws like the anti-terrorism act must be repealed.

In order to achieve this, there must be a genuinely participative consultation exercise involving the various social and political sectors in Honduras, which, at the same time, may become a model for a wider process to recreate the state.

4. Reform of the Constitution so that Congress is prohibited from interpreting it. The State must amend the Constitution so that it stipulates unequivocally that Congress does not have powers of interpretation in relation to it.

5. Creation of a Constitutional Court. Create independent and impartial judicial mechanisms devoted solely to constitutional justice. Examine the possibility of establishing a constitutional court which is separate from the Supreme Court.

6. Guarantees for the independence of judges. Promote the strengthening of the judiciary through the professionalization of those working within the justice system and by ensuring that they can perform their duties independently.

7. Regarding the role of the Public Prosecutor's Office in dealing with crime, it must:

- Evaluate the Office of the Special Prosecutor for Human Rights. Evaluate the role of the Office of the Special Prosecutor for Human Rights in terms of the effectiveness with which it fulfills its mandates, with the participation of the various human rights organizations and civil society.
- Carry out an investigation, by the Public Prosecutor's Office, into the existence of armed groups with relative power. Establish their organizational structures, operations, connections and other aspects related to them.
- Strengthen institutional capacities in order to establish the involvement of state officials in impunity. The state should improve the Public Prosecutor's Office's investigative skills and provide it with the appropriate technical and financial resources so that it can effectively and efficiently identify the masterminds and direct perpetrators of grave violations of human rights, basic freedoms and abuses of power committed since the coup. It must carry out an investigation, strictly adhering to due process, in order to determine the degree of involvement of members of the police and armed forces in crimes or grave violations of rights and basic freedoms.

8. Participation of civil society organizations in the selection of the heads of state institutions. The state must introduce a participative consultation system to identify ethically and technically trained public servants. It must develop and implement public policies so that state officials are accountable in the exercise of their authority, in strict compliance with fundamental rights and freedoms.

The state must take the views of civil society organizations into account when selecting the Ombudsman, whose profile should include being a person of moral probity, well-versed on the subject of fundamental rights, with training and professional experience in this and related subjects. Therefore, given that the National Human Rights Commissioner had a leading role in the coup and in his professional conduct he failed to observe the Principles Relating to the Status and Functioning of National Institutions for the Protection and Promotion of Human Rights (Paris Principles, 1991) that govern this type of institutional mechanism, he should be removed from office.

9. Dismissal of civil and military officials involved in grave violations of human rights and fundamental freedoms committed since the coup. Those who are direct perpetrators or masterminds of these abuses must be removed from their posts. Disqualification from holding public office may be for life or temporary depending on the seriousness of the acts to which they have been party.

10. Reinstatement of justice officials dismissed from their posts for their opposition to the coup. Those officials vested with the power to administer justice - prosecutors, public defenders, etc. who have been dismissed for their opposition to the breakdown in the constitutional order must be restored to their posts, and their employment files amended or wiped clean.

11. A review of the doctrine taught during military training. The state should conduct an in-depth review of the military doctrine taught to members of the armed forces, regardless of rank. It should emphasize the fulfillment of the mission conferred on them by the Constitution and, furthermore, full respect for human rights and basic freedoms. It should also ensure that in practice there is respect for such principles as non-deliberation, discipline, and independence from political parties.

12. Instilment of a humanistic vision into the state intelligence apparatus. It is essential to divest the state intelligence services of any attitudes or practices which violate the rights and basic freedoms of opponents of the government. The work of the intelligence agencies should be conducted in line with strict standards of legality, respect and protection of rights.

13. A review of the doctrine taught during police training. The state must devise a new training curriculum, regardless of rank and without foreign involvement, in order to ensure the police fulfill the mission conferred by the Constitution, and furthermore, that they act in full accordance with rights, freedoms and principles such as independence from political parties. As part of the review of police conduct, other issues must be examined, such as the operation of private security companies, the militarization of public security and the control of guns in civilian hands, in order to end practices which violate human rights.

14. The termination of military and security agreements with the United States government. The state should close existing military bases. It must cancel similar projects in the future. It must also stop joint operations, training programs, supplies of equipment and any other interference by foreign military and security forces.

15. The primacy of international human rights standards which means:

- That international human rights instruments should be signed, ratified and observed. It is essential that the state displays a genuine willingness to fulfill its international legal obligations regarding human rights and fundamental freedoms, particularly regarding recommendations arising from country visits or contained in special reports by international organizations. Additionally, the state must adjust its legislation to internationally recognized standards.
- The preservation and provision of information for complainants before the Inter-American Commission and Court of Human Rights. The state shall ensure the proper preservation and provision of information enabling victims to have access to the mechanisms of the Inter-American Human Rights System.
- The preservation and provision of information for complainants before the International Criminal Court. The State must preserve and provide information to allow victims access to the International Criminal Court (ICC) established by the Treaty of Rome, given the violations committed by the de facto regime such as summary or extrajudicial executions and torture, which rank among the criminal offences that fall within the jurisdiction of this instrument of universal justice. The State must preserve and provide information to enable the victims to access the Court.
- A joint mechanism should be established, consisting of representatives of civil society organizations and government institutions, with responsibility for monitoring compliance with the recommendations in this report and in others by the various international human rights bodies such as the Inter-American Commission and Court of Human Rights, and the Office of the UN High Commissioner for Human Rights. It must organize, as soon as possible, a joint mechanism for verification on the ground that includes a representative of the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (Human Rights Council) or a personal representative appointed by the UN Secretary General. The proposed joint mechanism for monitoring compliance with the recommendations shall establish a system of compliance indicators with qualitative and quantitative criteria (number of victims who have received reparation, number of trials and/or disciplinary hearings instituted against human rights violators etc.). Additionally, it shall provide technical advice on their implementation.

16. The promotion of democracy building. Acknowledge the various conceptions and expressions of democracy of social movements and the various organizations and sectors of Honduran society historically excluded or under-represented in the state. Their demands are in line with the provisions of the Constitution itself and international treaties signed by Honduras, such as ILO Convention 169. Far from criminalizing these sectors' protests and demands, the Honduran state is obliged to listen to them and jointly develop compliance indicators to monitor progress in democratizing the country. It is precisely these pluralistic and diverse views that can enrich and reinvigorate representative democracy, currently reduced to procedures and rules of the game subjugated to the logic of the market economy that has not only impoverished democracy, but also political practice.

17. The development of policies to promote the redistribution of wealth. According to the statistical

assessment of various entities, including specialized agencies of the United Nations such as the United Nations Development Program (UNDP) and the Economic Commission for Latin America and the Caribbean (ECLAC), Honduras is one of the countries in the Americas with the biggest asymmetry in the distribution of wealth.

Social policies involving compensation, even in the best of cases, are not sufficient to reduce such huge inequalities. What is required is a close linkage between economic and social policies that change the structure of production and the distribution of income and national wealth. Within this context, there is an urgent need to review and take effective measures to secure the state's financial sovereignty, including auditing and public monitoring of indebtedness and the adoption of a progressive tax policy.

There is also an urgent need to modify the pattern of land tenure, an area of persistent inequality exacerbated by the replacement of the Land Reform Act by the Agricultural Modernization Act in the early 1990s. The latter had a direct impact on land concentration and aggravated the land conflict, which has intensified dramatically in the post-coup period.

18. The introduction of a participatory political model focused on the redistribution of wealth. It is necessary to develop public policies and participatory processes aimed at constructing a just and democratic social, political and economic order, with the involvement of the various social actors in Honduras. In order to do this, it is necessary to re-appropriate the Honduran state, currently captured by private interests strongly represented in its institutions. The recovery of state institutions rests on achieving and demonstrating independence, efficiency and transparency in public administration, the starting point for ridding citizens of the distrust they had already displayed and which deepened with the coup.

Finally the Commission of Truth makes a special call to Honduran society and other peoples, governments, and regional and global organizations to strengthen measures designed to ensure the sovereignty and self-determination of the Honduran people and the full respect for all their rights and freedoms.

4.3 Biographical notes

Biographical notes on the commissioners

Elsie Monge. Ecuadorian educator. She belongs to the Maryknoll missionary order. She studied Education and Sociology in New York, the United States, with graduate studies at various universities in the United States, Ecuador and Chile. She has worked with indigenous and campesino groups in Guatemala and Panama and has been working at the Ecumenical Human Rights Commission (*Comisión Ecuánica de Derechos Humanos*), Ecuador, since 1981, where she is currently the Executive Director. She chaired Ecuador's Truth Commission and then the Commission of Truth in Honduras.

Luis Carlos Nieto. Spanish lawyer. He embarked on his judicial career in 1992, becoming a judge in 1998. In 1999 he became a specialist in juvenile law. Since 1994 he has been a member of the secretariat of the Judges for Democracy (*Jueces para la Democracia*) in Spain where he is responsible for human rights and international relations.

Mirna Perla Jiménez. Survivor of the massacre of university students on 30 July 1975. Widow of Herbert Anaya, President of the El Salvador Human Rights Commission, assassinated in 1987. Former judge of the Supreme Court of El Salvador. Founder of the Association for the Search for Disappeared Children in El Salvador (*Asociación Pro Búsqueda de Niños y Niñas Desaparecidos en El Salvador*), the Committee for Santa Tecla Children and Youths (*Comité Pro Niñez y Juventud Teceleña*) and Herbert Anaya Sanabria Human Rights Collective (*Colectivo de Derechos Humanos "Herbert Anaya Sanabria"*). Former General Coordinator of the Commission for the Defense of Human Rights in Central America (CODEHUCA), former member of the El Salvador Human Rights Commission and former Vice-President of the International Federation for Human Rights (FIDH). She has been a university professor. As a judge, she has promoted and defended the independence of the judiciary and human rights, with an emphasis on the rights of women, children and young people.

Adolfo Pérez Esquivel. Argentinian artist and teacher. In 1974 he was the first secretary general for the Peace and Justice Service in Latin America, an organization for which he is still the honorary President. He was awarded the Nobel Peace Prize in 1980 in recognition of his non-violent struggle for the liberation of the peoples of Latin America and for his defense of human rights. Today, he continues his work with the most excluded and abused peoples and groups in the region and promotes the rights of peoples and Mother Earth and reparation for historic, social and environmental debts.

Nora Cortiñas. Mother of Carlos Gustavo Cortiñas, college student, detained and disappeared in 1977. She is one of the most prominent leaders of the Mothers of the Plaza de Mayo - Founding Line. She has earned international respect for her unwavering struggle for memory, truth and justice, both in her native Argentina and worldwide. Housewife, feminist and social psychologist, she is a member of the Dialogue 2000 - Jubilee South Argentina collective

Fausto Milla. He studied in Colombia, Guatemala and Rome. In 1968 he was ordained as a Catholic priest by Pope Paul VI. In 1969 he served as a priest in Guarita, Lempira, his birthplace. He was a schoolteacher for 17 years. His denunciation of the Río Sumpul massacre, committed by the Salvadoran and Honduran armies, resulted in his exile in the 1980s. He continues to teach in Santa Rosa de Copan. He writes a newspaper column promoting healthy eating.

Helen Umaña. With her father's exile during the era of General Tiburcio Carías Andino, she was educated in Guatemala where she gained a degree in Literature from the University of San Carlos, where she also worked. She was forced to leave the country and return to Honduras in 1981 because of the violent persecution of members of the university. Until 2012, she worked at the National Autonomous University of Valle de Sula. Author of several books, her awards include the Ramón Rosa National Prize for Literature.

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- Patricia Rodas – former Foreign Minister
- Danelia Ferrera - Director of Public Prosecutors
- Jorge Rivera Avilés - President of the Supreme Court
- Carlos Calix - Supreme Court judge
- Germán Enamorado – Coordinator of the Office of the Special Prosecutor for Human Rights
- Enrique Flores Lanza – former Secretary of the President’s Office
- Sonia Marlina Dubon - former Supreme Court judge
- Jari Dixon – former Public Prosecutor
- Victor Fernández - former Public Prosecutor
- Marvin Ponce – Congressional representative
- Ricci Moncada – former Minister of Energy