



PROTEST PROHIBITED

USE OF FORCE AND ARBITRARY DETENTIONS TO SUPPRESS
DISSENT IN HONDURAS

AMNESTY
INTERNATIONAL



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1. INTRODUCTION



 ↑ Protest near the Hotel Marriott in Tegucigalpa on 12 January 2018 © Radio Progreso

Raúl and Edwin were arrested on 16 and 19 January 2018. They were accused of involvement in causing damage to the Marriott Hotel building in Tegucigalpa; the building was vandalized during a demonstration on 12 January 2018. The judge ordered that they be remanded in custody for the duration of the proceedings and at the time of writing they remained in pre-trial detention. Jhony is accused of crimes allegedly committed during a demonstration on 21 December 2017 in El Progreso, in the north of the country. He was released on 25 April 2018 after spending more than four months in pre-trial detention, however criminal proceedings against him are continuing.

The stories of Edwin, Jhony and Raúl are just three of the many cases that Amnesty International documented during several months

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of research and a mission to Honduras in early March 2018. All are or were deprived of their liberty in the context of protests held in the wake of the presidential elections in Honduras on 26 November 2017.

Starting on 29 November, thousands of people took to the streets in mass protests against what they viewed as alleged electoral fraud. This followed an announcement by the Supreme Electoral Tribunal which differed significantly from the one it had publicized two days earlier which had put the opposition candidate almost five points ahead of the then and current President of the Republic, Juan Orlando Hernández. The demonstrators were brutally repressed by the security forces.¹ On 1 December, in response to alleged violence and looting in various parts of the country, the authorities imposed a 10-day night-time curfew banning people from going out, holding meetings or demonstrating between 6pm and 6am.²

In those 10 days, the security forces detained more than a thousand people for alleged curfew violations.³ Dozens more were arrested for alleged involvement in violence during the protests. Most have been released, but according to the UN Office of the High Commissioner for Human Rights (OHCHR), at least 118 people faced criminal proceedings for their alleged participation in crimes committed during the protests. 21 were held in pre-trial detention.⁴ Most remained in detention for several months and, although they were eventually able to secure their release, legal proceedings against them are continuing.

Amnesty International conducted in-depth interviews with people who were detained, including Edwin, Jhony and Raúl, and as far as possible corroborated information with other available sources, including available court records and written documentation as well as in meetings with state officials.

Amnesty International is grateful to all the people who contributed to its research for the invaluable information they provided, in particular those who shared their testimonies, their lawyers and human rights organizations, as well as the institutions that agreed to meet its research team.

¹ Amnesty International, Honduras: Government deploys dangerous and illegal tactics to silence population, available at www.amnesty.org/es/latest/news/2017/12/honduras-government-deploys-dangerous-and-illegal-tactics-to-silence-population/

² Executive Decree No. PCM-084-2017, approved on 1 December 2017.

³ OHCHR, Human rights violations in the context of the 2017 elections in Honduras, 12 March 2018, para. 69.

⁴ OHCHR, Human rights violations in the context of the 2017 elections in Honduras, 12 March 2018, para. 109.

2. EXCESSIVE USE OF FORCE DURING PROTESTS

"They came into the front yard and started kicking the door. That's when he opened it. If only we'd known! We'd have put up with the tear gas and not opened the door."

Elena, Jhony's partner, March 2018



  Member of the Military Police during a protest in Choloma on 15 December 2017 © Radio Progreso

forces, including the use of firearms, to repress those protesting in the streets. According to OHCHR, a total of 23 people died between 29 November 2017 and 27 January 2018 in the context of the post-election protests; at least 16 of whom were shot, allegedly by members of the security forces.⁵ The Honduras National Human Rights Commissioner and human rights organizations put the number of dead at more than 30.⁶

It was in this context that, suddenly, Elena and Jhony heard someone banging on their front door and that Jhony opened it for fear that it would be damaged. It was the police. They asked who was at home and then took Jhony away in a police car. According to Jhony, they did not explain why he was being arrested or inform him of his rights, as the law requires.⁷ As the patrol car pulled away, Jhony saw that there was tear gas in his house. Elena, who had been ordered by police to stay inside

Elena Almendarez Padilla, aged 44, says that sometimes she and her husband, 38-year-old Jhony Salgado Fuentes, went to the areas where the protests were taking place in El Progreso to see what was happening and offered water to the protesters. However, neither of them were involved in the protest that took place on the morning 21 December 2017 a few blocks from their house. Suddenly, from the entrance of her house, Elena saw a crowd running and she heard shots so she took cover inside with Jhony and her children, aged 16 and 20. It was approximately 11 in the morning and the security forces had just dispersed the demonstrators and were pursuing protesters.

This was not an unusual sight in Honduras at that time. Since the start of the protests, three weeks earlier, there had been more and more images and videos shared on social media exposing the use of unnecessary and excessive force by the security

⁵ OHCHR, Human rights violations in the context of the 2017 elections in Honduras, 12 March 2018, paras 42 and 47.

⁶ Honduras National Human Rights Commission (CONADEH), Post-electoral crisis: third summary report and recommendations; Committee of the Relatives of the Disappeared in Honduras (COFADEH), Violations of human rights in the context of anti-fraud protests in Honduras, Second report, January 2018; Coalition against Impunity, Honduras: Violations of human rights in the context of electoral fraud, January 2018.

⁷ Code of Criminal Procedure, Article 282.

with her children, said that seconds before she smelled the gas spreading throughout the house, she saw one of the police officers carrying a tear-gas canister in his hand.

"The officer told me: 'Go inside... What are you doing there?' I saw he was carrying a tear-gas grenade in his hand."

Elena, March 2018

Amnesty International has been given access to audio-visual material recorded by a witness⁸ at the scene which shows two police officers putting tear gas canisters at the front door of Jhony's neighbour's house just before the patrol car took him away, confirming this version of events. According to the evidence obtained, the tear gas was used in a place where there was apparently no protest that might justify its use and, it would seem, without prior warning and in an enclosed space that was occupied, contrary to international standards on the use of force.

USE OF FORCE BY STATE SECURITY FORCES



According to the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, security forces must ensure that the use of force always adheres to the principles of necessity and proportionality. This means that they should resort to force only as a last resort, when other less violent methods (including dialogue and negotiation) have been ineffective and always in strict proportion to the objective sought, so as to minimize the risk of injury or death.

Because tear gas can cause serious harm to people with respiratory problems, it should only be used to disperse a crowd in areas where there is an opportunity to escape, not in enclosed spaces. Prior to its use, the authorities must issue a clear warning and give people enough time to withdraw.⁹

The numerous testimonies received by Amnesty International, the available information and the documentation compiled by various civil society organizations are consistent as regards the methods used by the authorities to suppress and punish protesters and those allegedly responsible for the unrest. These methods violated international human rights standards which state that the use of force must be limited to what is strictly necessary and proportionate. Testimonies received by Amnesty International describe actions that breach the principles on the use of force and could constitute torture or other cruel, inhuman or degrading treatment and arbitrary detentions in some cases.

Diego Aguilar, a human rights defender from the Broad Movement for Dignity and Justice (Movimiento Amplio por la Dignidad y la Justicia, MADJ) a human rights defender, was in the northern town of San Juan Pueblo on 16 December 2017. He described the terrible repression that followed the dispersal of protesters that day. For three hours, the security forces beat those who had come out to demonstrate, threw sand in their eyes and tasered them as they forced them to remove debris blocking the road. Armed officers looked on laughing and videoing the demonstrators and accusing them of inciting violence, outside of any legal framework and with the sole purpose of punishing and intimidating them.


In the municipality of Villanueva, seven young people were arrested in the early hours of 24 January and accused of setting fire to a police station. They described to Amnesty International how they were intimidated and beaten by the security forces while in detention. They added that the officers used very pejorative language towards them, calling them "quemapostas" (police station arsonists), and "sicarios" (hitmen).

They were then held in the maximum security prison of Santa Bárbara (known as "El Pozo"), for a week, until a judge dismissed the case on the grounds of insufficient evidence and ordered their release. When Amnesty International researchers met them, more than one month after their release, one described how he was still unable to sleep for fear that the authorities might stop him again.

⁸ For security reasons, the identity of the witness has been withheld.

⁹ UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted in 1990, Principles 4 and 13.



 ↑ Security Forces deployed at the Río Blanco bridge in Choloma on 15 December 2017 © Radio Progreso

"I was in 'El Pozo' for eight days, but it felt like three years."

Young man from Villanueva detained in en "El Pozo" prison, March 2018

In early May, after more than four months in pre-trial detention in El Pozo, 11 people charged in connection with a fire at the Pimienta police station in the north of the country were released. However, criminal proceedings against them continued.

Amnesty International considers that the use of unnecessary and disproportionate force highlights the climate of intimidation created by the Honduran authorities to discourage people from participating in protests and from expressing their opinions. In certain cases this may have been tantamount to torture or other ill-treatment. This climate has been fuelled by the stigmatizing language coming out of various institutions, including the Ministries of the Presidency and Defence, which have accused the demonstrators of belonging to organized criminal gangs.¹⁰

The officials who met Amnesty International asserted that the security forces acted within the law. The Minister for Human Rights, Karla Cueva, reported in March that investigations into the 22 deaths recorded during the post-electoral crisis had been completed and that the cases had been referred to the Attorney General's Office. To date, no member of the security forces has been brought to justice for these actions.

10 Message from the Government of President Hernández: "Maras y pandillas provocaron violencia atendiendo órdenes de Manuel Zelaya y Salvador Nasralla" ("Maras and gangs provoked violence on the orders of Manuel Zelaya and Salvador Nasralla"), 17 December 2017, available at: www.presidencia.gob.hn/index.php/gob/el-presidente/3432-mensaje-del-gobierno-del-presidente-hernandez-maras-y-pandillas-provocaron-violencia-atendiendo-ordenes-de-manuel-zelaya-y-salvador-nasralla (in Spanish only).

Secretary of Defence, "Simpatizantes de la Alianza de Oposición incendian camión militar" ("Supporters of the Opposition Alliance set fire to military truck"), 15 December 2017, available at <http://sedena.gob.hn/2017/12/15/simpatizantes-de-la-alianza-de-oposicion-incendian-camion-militar/> (in Spanish only); and El Heraldo, "Mareros, Sicarios y narcos detrás de protestas en San Pedro Sula" ("Gangs, gunmen and narcos behind protests in San Pedro Sula"), 19 December 2017, available at www.elheraldo.hn/pais/1136799-466/mareros-sicarios-y-narcos-detr%C3%A1s-de-protestas-en-san-pedro-sula (in Spanish only).

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RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY

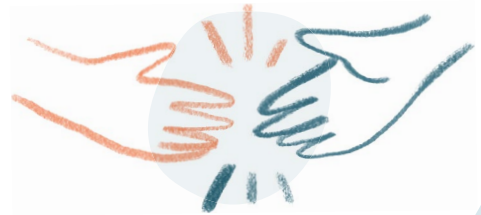


1

Security forces must respect and guarantee the right of peaceful assembly without discrimination.

2

Security forces should seek peaceful conflict resolution methods instead of using force against protesters.



3

The use of force should be a last resort, and must be limited to what is strictly necessary and proportionate, so as to minimize the risk of injuries or deaths.

4


Sporadic violence or unlawful behavior by a few people should not necessarily lead to a decision to disperse a protest.



5

Accountability mechanisms should exist.



 ↑ Illustration by Monica Andino. © Amnesty International / Monica Andino

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3. VIOLATIONS OF DUE PROCESS

JHONY

Following Jhony's arbitrary arrest on 21 December 2017, criminal proceedings were initiated against him for illegally carrying a firearm and improper use of police equipment.

The authorities claim that Jhony participated in the protest and that he was arrested on a public road during a police pursuit of protesters. According to the police version of events, at the time of his arrest Jhony was holding a shotgun and a police shield on which was written "Fuera JOH" ("JOH Out!"); JOH are the initials of the Honduran President.¹¹

According to the case file, which Amnesty International saw, only the police statements place Jhony on the street and in possession of these objects. The video, which Amnesty International has also seen, confirms that at least three police officers were present at Jhony's family home. However, this is not mentioned in the case file.

In his testimony Jhony confirmed he was arrested in his house and that he wasn't carrying the shotgun nor the shield. He said that he never saw them until they were shown to him in the police station. The police took pictures of this which were subsequently broadcast in the media. Jhony also said that the officers threatened him several times and put pressure on him to sign documents that, as he cannot read, he could not understand, including documents stating that these objects had been confiscated from him. These documents were then used as evidence against him.

"I can't read, so I had no choice but to sign."

Jhony, March 2018

During Amnesty International's visit, researchers heard several statements that demonstrate the failure to ensure due process and guarantees and safeguards of an adequate defence, as well as a lack of access to lawyers and family..

In the case of Jhony, the information to which Amnesty International had access shows that the evidence used to support the charges against him is riddled with inconsistencies and irregularities. This raises serious concerns that the charges may have been fabricated for another purpose, for example to intimidate all those who have taken to the streets to express their discontent. Due to these serious violations to due process, Amnesty International considers Jhony's arrest was arbitrary.

Jhony was released on 25 April after more than four months in jail. The Court of Appeal in San Pedro Sula ruled that the decision to keep him in pre-trial detention was not justified and instead ordered him to appear before the authorities to sign in twice a month.

Although now free, Jhony continues to have to defend himself, with the help of his lawyer, against the charges brought against him which carry a sentence of some eight years' imprisonment.

¹¹ The phrase "JOH Out!" was widely used by opposition protesters during the demonstrations that followed the general elections of 26 November 2017.

“I’m scared that they’ll put me in prison again”

Jhony, May 2018



DUE PROCESS SAFEGUARDS

Every person accused of a crime has:

- **The right to be presumed innocent** until proved guilty in accordance with law and following a fair trial.
- **The right to have adequate time and facilities to prepare their defence**, including the right and to communicate freely and confidentially with a lawyer and access to their case file.
- **The right not to be forced to incriminate themselves or to plead guilty**, which prohibits all forms of coercion, whether direct or indirect, physical or psychological, such as torture or other cruel, inhuman or degrading treatment.
- **The right to a tried by a competent, independent and impartial court.**

EDWIN AND RAÚL

Edwin Róbelo Espinal, aged 42, and Raúl Álvarez Ordoñez, aged 25, participated in some of the protests that took place in Honduras after the elections. It was not the first time that Edwin had taken to the streets to demonstrate. He is a social activist and nine years earlier he took part in protests against the coup d'état of 28 June 2009; those protests were also violently repressed.¹² On that occasion his partner died as a result of inhaling the gas used to disperse the protests.

On the afternoon of 12 January 2018, Edwin and Raúl were part of a demonstration that passed in front of the Marriott Hotel in Tegucigalpa. This time, there were reports of property damage at the hotel – broken windows and a fire being started in the lobby – by a group of people at the end of the demonstration. The authorities alleged that Edwin and Raúl were identified in videos taken on the day of these events.

On 16 January, police arrested Raúl a few blocks from his home in Comayagüela, near the capital Tegucigalpa. Edwin was arrested three days later as he was riding his motorcycle at night in Tegucigalpa. The Public Prosecutor's Office filed charges of arson and other damage to property, aggravated damage and using explosives and homemade incendiary devices.

The initial hearing and the declaration by the accused took place on 20 and 22 January at the Army General Staff headquarters. This is where the National Territorial Jurisdiction Court (Juzgado de Jurisdicción Territorial Nacional) presides. This Court, which usually hears cases involving organized crime, is hearing the criminal cases opened case against Edwin and Raúl even though their cases do not fall within its mandate. The law sets out the list of crimes with which the Court may deal;¹³ the crimes of which Edwin and Raúl are accused are not included on that list.

¹² Inter-American Commission On Human Rights, Honduras: Human rights and the coup d'état, (OEA/Ser.L/V/II. Doc. 55) 30 December 2009, available at: www.cidh.org/pdf%20files/HONDURAS2009ENG.pdf; Report of the United Nations High Commissioner for Human Rights on the violations of human rights in Honduras since the coup d'état on 28 June 2009, (A/HRC/13/66), 3 March 2010, available at: <http://undocs.org/A/HRC/13/66>

¹³ Special Law on Jurisdictional Bodies competent to address criminal matters on national territory (Ley especial de Órganos Jurisdiccionales con competencia territorial nacional en materia penal), Decree 247-2010 of 23 December 2010.

The prosecution¹⁴ is being brought by the Special Operations Prosecutions Unit. This Unit is tasked with providing legal advice and guidance to the Technical Agency for Criminal Investigation (Agencia Técnica de Investigación Criminal, ATIC). However, according to information received by Amnesty International, it is now bringing cases against people who have been or are still detained for alleged crimes committed during the protests.

The OHCHR has expressed concern about the lack of transparency and impartiality of the investigation and the criminal proceedings in cases where there is a lack of clarity regarding the jurisdiction of the courts and the prosecution, cases such as those of Edwin and Raúl.

The three crimes of which they are accused carry a combined minimum sentence of 12 years' imprisonment.

Edwin and Raúl's lawyers have also encountered various obstacles to conducting an appropriate defence. Edwin's lawyer told Amnesty International that she was only able to speak to him a few minutes before the first hearing began and that she could not do so confidentially as guards, wearing balaclavas to cover their faces, were there all the time, creating an intimidating atmosphere.

The judge ordered that Edwin and Raúl be remanded in custody pending trial. Amnesty International was unable to analyse the court's decisions because, more than four months after the hearings and despite repeated requests, their lawyers had still not been able to obtain records of the court hearings. They had also not been able to obtain the videos presented as evidence by the prosecution.

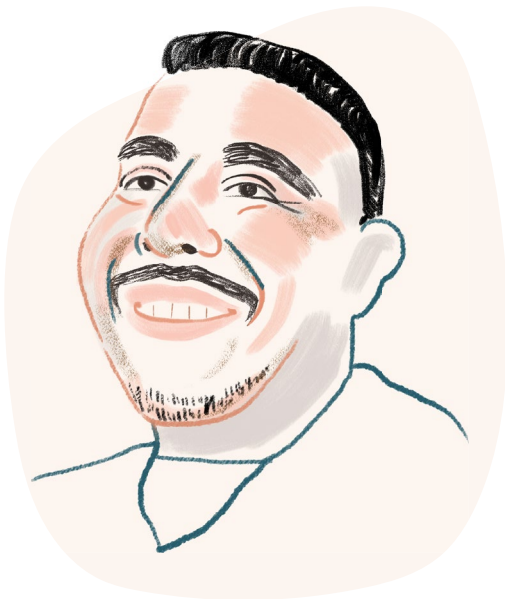
Most of those arrested during the demonstrations, including Jhony, have been able to pursue their defence while at liberty after appeals for a review of their pre-trial detention were successful. However, in Edwin and Raúl's case, the appeal submitted for a review of their pre-trial detention and the request to transfer them to a detention center with less restrictive conditions were rejected. At the time of writing, both Edwin and Raúl remained in detention.

Officials from the Attorney General's Office assured Amnesty International that due process is respected in Honduras. However, the series of irregularities documented in the cases of Edwin, Jhony and Raúl – as well as in other cases related to the post-election period researched by Amnesty International – indicate otherwise. The misuse of the criminal justice system against people who are presented as dangerous criminals and denied due process guarantees seems to be another aspect of the authorities' strategy to inflict exemplary public punishments in order to discourage people from exercising their right to freedom of expression and peaceful protest in the post-election period.

However, the implications for the lives of Edwin, Jhony, Raúl and others facing these criminal proceedings have extended far beyond the post-election period. In addition to the effects of being deprived of their liberty, preparing their defence in proceedings where their rights have not been guaranteed requires an investment of energy and resources that often neither they nor their families have.

¹⁴ Report of the Office of the United Nations High Commissioner for Human Rights, Human rights violations in the context of the 2017 elections in Honduras, March 2018, para. 114.

JHONY



FREE:

After four months in pre-trial detention, appears twice a month to sign in



CHARGES:

Illegally carrying a firearm, improper use of police equipment



ACCUSED:

In criminal proceedings initiated in the aftermath of post-electoral protests



FACES PRISON SENTENCE:

Minimum 8 years



AWAITING TRIAL:

Violations of his right to a fair trial

↑ Jhony's portrait by Monica Andino © Amnesty International / Monica Andino

EDWIN AND RAUL



DEPRIVED OF LIBERTY:

- More than 4 months in pre-trial detention
- 10 to 13 days in solitary confinement
- Restrictions to their right to communicate with the outside world
- Insufficient food and water



CHARGES:

Arson and other damage to property, aggravated damage and using explosives and homemade incendiary devices.



FACE PRISON SENTENCES:

Minimum 12 years



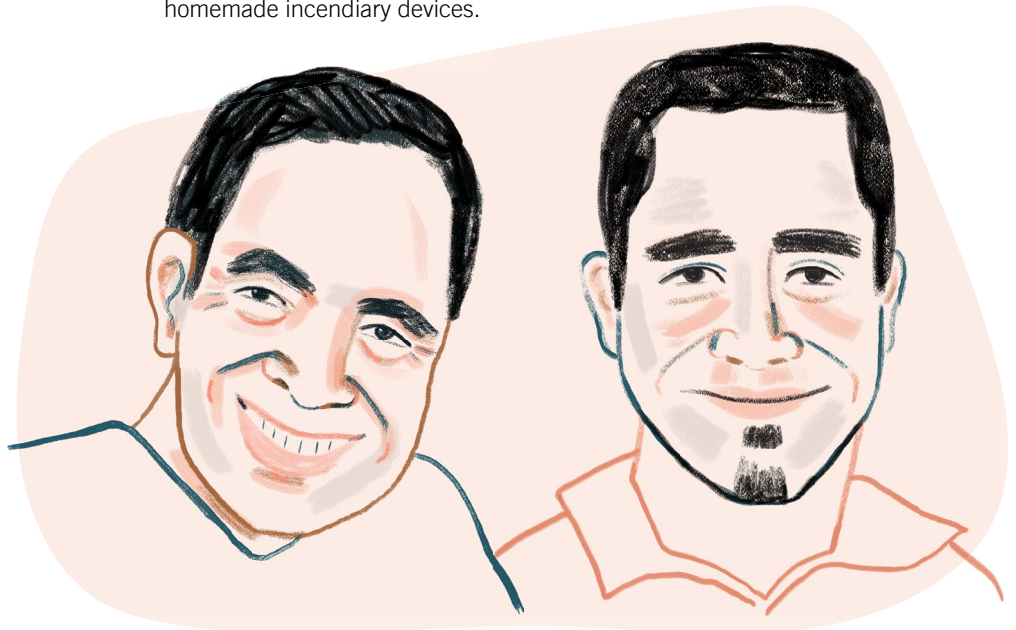
ACCUSED:

In criminal proceedings initiated in the aftermath of post electoral protests



AWAITING TRIAL:

Violations of his right to a fair trial



↑ Edwin and Raul portraits by Monica Andino © Amnesty International / Monica Andino

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4. ILL-TREATMENT AND INHUMAN CONDITIONS OF DETENTION

Edwin estimated that he lost 15 pounds (7 kilos) during his first month and a half in La Tolva prison, which is located one hour from the capital, Tegucigalpa. The prison, known for its high security regime, became operational in May 2017 with the mass transfer of hundreds of youths there who were accused of belonging to criminal gangs. Edwin and Raúl now share cells with these young men. When they arrived at the prison, Edwin and Raúl were held in isolation cells for 10 and 13 days respectively. The only human contact they had was when the guards opened the door so they could go to the bathroom or receive meals. This extremely restrictive measure shows the attempt to treat them as dangerous criminals.

"I don't know why they put me there. I almost went crazy during those days. I didn't see anyone. I was completely isolated."

Edwin, March 2018

According to international standards, the use of pre-trial detention should be an exceptional measure and must not exceed what



 ↑ Illustration by Monica Andino. © Amnesty International / Monica Andino

is strictly necessary to prevent a significant risk of flight, harm to others, or interference with the evidence or in the investigation. If it is not proportionate to the risk, then the measure can be considered arbitrary. The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has urged states to end the use of solitary confinement during pre-trial detention because it exerts psychological pressure on detainees that can lead them to make incriminating statements and, in some circumstances, may amount to torture.¹⁵

In Honduras, the exception has become the rule: on the basis of data provided by the National Committee against Torture, Cruel, Inhuman and Degrading Treatment (Comité Nacional contra la Tortura, Tratos Crueles, Inhumanos y Degradantes, CONAPREV), it is estimated that as of 31 January 2018, more than 55% of those in prison in Honduras were awaiting trial, among them Edwin and Raúl.

When Jhony was in prison, Elena visited him every weekend. However, she said that it took a lot of work and money to gather the necessary documents to obtain a visiting card, as required under Article 10

¹⁵ Interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment (UN Doc. A/66/268) 5 August 2011, paras 73 and 85, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N11/445/70/PDF/N1144570.pdf?OpenElement>



↑ *Jhony speaks to the media upon leaving the prison after four months in pre-trial detention.* © Radio Progreso

of the Visiting Regulations¹⁶ for National Penitentiary System Facilities.¹⁷ She had to go to various offices and spent 4,000 lempiras (US\$170), almost half of the monthly minimum wage. She also had to pay a fee to the municipality to obtain proof of residency in the neighbourhood, as required by Article 10 of the Visiting Regulations.

Getting a visiting card: "is very complicated. I paid a lot to get it, because I owed money to the municipality and I had to pay that off too. Otherwise they wouldn't give it to me."

Elena, March 2018

Amnesty International received consistent reports about the difficulties families face in obtaining a visiting card. In a country where

¹⁶ Article 10 of Agreement No. 001-2016, Reglamento de Visitas en los Establecimientos del Sistema Penitenciario Nacional (Visiting Regulations for National Penitentiary System Facilities), approved on 25 October 2016.

¹⁷ Article 10 of Agreement No. 001-2016, Reglamento de Visitas en los Establecimientos del Sistema Penitenciario Nacional (Visiting Regulations for National Penitentiary System Facilities), approved on 25 October 2016.

68.8% of the population lives in poverty,¹⁸ the requirements of Article 10 disproportionately impact families with limited resources. In May 2017, CONAPREV put forward a proposal to reform the Visiting Regulations. However, according to information provided to Amnesty International, nothing had been amended at the time of writing.

Jhony's work as a bricklayer and painter was his family's main source of income. As a result of his detention, Elena was forced to look for a job to make ends meet and pay for Jhony's basic needs in jail. Elena told Amnesty International: "Everything inside is about money, everything is expensive". For example, you have to pay 4,000 lempiras to get a mattress so you don't have to sleep on the concrete floor; you have to pay a fee to avoid cleaning tasks and to get telephone cards "which only let you say two or three words", and you have to pay for security "so you're not mistreated". This is not uncommon in Honduran prisons.

As of 31 January 2018, 19,833 people were deprived of their liberty in Honduras. This figure has almost doubled in just six years,¹⁹ bringing the prison system to the verge of collapse.

Since they have been moved out of solitary, Edwin and Raúl have had to sleep on a mattress on the floor because there were not enough beds. At the end of February, Edwin began a hunger strike to demand medical attention, but had to call it off after few days because of the shortage of water in la Tolva.

Although the law recognizes the right to receive visits and communicate with the outside world, Edwin and Raúl have had little contact with their family during the four months they have been in La Tolva prison. Raúl has not received family visits²⁰ because of the difficulties his family have experienced in getting visiting cards that allow them to enter the prison. Edwin has had just a handful of family visits. Even telephone communications were stopped for two months after an attempted riot in another wing of the prison in April. Meetings with their lawyers have been limited to 10 to 15 minutes. At the end of April, the lawyers confirmed that the two had visibly lost weight.

Amnesty International has received worrying information about the conditions of detention in prisons such as El Progreso where Jhony was held, and La Tolva, where Edwin and Raúl are detained. Among the disturbing reports are that there are a severe shortages of food and drinking water, overcrowding, a lack of beds and a failure to separate remand prisoners from convicted prisoners. These conditions breach international human rights standards, such as the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).²¹

“I was miserable every day. You have to pay for everything. It was hell for me. I’ve woken up from the nightmare. But we mustn’t forget those who are still detained because of the protests.”

Jhony, May 2018

¹⁸ Honduras Social Forum on External Debt and Development (Foro Social de Deuda Externa y Desarrollo de Honduras, FOSDEH), Infographic of 22 December 2017.

¹⁹ As of April 2012, 11,727 people were imprisoned in Honduras according to the IACHR, Situation of human rights in Honduras, 2015, para. 510, available at: <http://www.oas.org/en/iachr/reports/pdfs/honduras-en-2015.pdf>

²⁰ Edwin's nephew obtained his card in the first week of May, after waiting three months for it, and was able to visit his uncle that week. Edwin's Canadian partner was able to visit him on a number of occasions during March because the National Penitentiary Institute, in consideration of her immigration status at the time, imposed different requirements to those applied to Honduran citizens.

²¹ United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), Rules 11, 21, 22 and 112.

5. CONCLUSIONES Y RECOMENDACIONES

The information gathered enabled Amnesty International to verify that, in the context of the repression of post-election protests in Honduras, the authorities engaged in a series of practices – including excessive use of force against protesters and arbitrary detentions – that violated international norms and the right to personal integrity, liberty and fair trial guarantees. These practices were designed to restrict the right to peaceful protest in Honduras.

For those accused of alleged crimes committed during the protests, like Edwin, Jhony and Raúl whose cases are described above, the effects on their daily lives continued long after the end of the protests. The three men were sent to prison and held in pre-trial detention for several months in inhuman conditions by authorities who failed to ensure their rights as people deprived of their liberty. In addition, they have been forced to defend themselves in criminal proceedings in which their rights have not been ensured.

Therefore, Amnesty International urges Honduras to:


- Adopt measures to guarantee the exercise of the right to peaceful assembly and ensure that the use of force by the security forces complies with international standards, in particular in relation to the principles of necessity, proportionality and legality.
- Initiate prompt, impartial, independent and effective investigations into all cases of unnecessary and excessive use of force in the context of the post-election crisis, including those resulting in deaths, arbitrary arrests and cruel, inhuman or degrading treatment.
- Ensure that people prosecuted for alleged crimes committed in the context of protests enjoy all the guarantees of legal due process and, in particular, review the proceedings in each case following arrest, and remedy any violations of due process.
- Guarantee that all cases of pre-trial detention are genuinely justified, taking into account standards of legality, necessity and proportionality. The circumstances which gave rise to the application of this measure should be periodically reviewed and when applicable, alternative measures should be ordered.
- Ensure that the conditions of detention in prisons are compatible with human dignity, guaranteeing, among other things, a supply of clean drinking water and food and, where necessary, access to medical treatment.
- Implement reforms to the Visiting Regulations for National Penitentiary System Facilities in order to ensure that detainees have regular access to their families and lawyers of their choice.



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PROTEST PROHIBITED

USE OF FORCE AND ARBITRARY DETENTIONS TO SUPPRESS DISSENT IN HONDURAS

The Honduran security forces used excessive force to suppress the wave of demonstrations that followed the elections on 29 November 2017. They detained hundreds of people. Several of those arrested for crimes allegedly committed during the protests face criminal proceedings and are being denied their right to due process, including by being held in pre-trial detention. This document exposes some of the methods used by the Honduran authorities to suppress demonstrations and discourage people from taking part in them. It also highlights the consequences for those deprived of their liberty of being held in pre-trial detention.

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