

**HONDURAS: HUMAN
RIGHTS CRISIS
THREATENS AS
REPRESSION INCREASES**

**AMNESTY
INTERNATIONAL**



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HONDURAS: HUMAN RIGHTS CRISIS THREATENS AS REPRESSION INCREASES

“We were demonstrating peacefully. Suddenly, the police came towards us, and I started running. They grabbed me and shouted “why do you (all) support Zelaya’s government? Whether it’s by choice or by force, you have to be with this government”. They beat me. I have not yet been informed as to why I am here detained.”

[“Fernando”, 52 year-old teacher, at a police station in Tegucigalpa, Honduras, 30 July 2009]

A delegation from Amnesty International visited Honduras from 28 July – 1 August 2009 to investigate reports of human rights violations following the military-backed *coup d’etat* on 28 June. The delegation held meetings with representatives from across a wide range of civil society and visited persons in detention and several people receiving medical treatment in hospitals. Where requested, the identity of those interviewed has been withheld for their own safety.

BACKGROUND

Concerns about human rights in Honduras have intensified since the democratically elected President José Manuel Zelaya Rosales was forced from power on 28 June 2009 and expelled from the country by a military backed group of politicians led by Roberto Micheletti, former leader of the National Congress. The military backed *coup* has left Hondurans extremely polarized and a sense of insecurity pervades daily life as curfews are repeatedly and arbitrarily imposed and peaceful demonstrations repressed.

The *de facto* authorities have refused to allow President Zelaya to return to Honduras and an attempt to enter the country on 5 July was frustrated when his plane was blocked from landing at Tegucigalpa airport.

The regional assembly of nations, the Organisation of American States, has suspended Honduras as a consequence of the *coup* and the refusal of those in power to engage in diplomatic initiatives to seek a negotiated solution to the crisis which would include the reinstatement of Manuel Zelaya to the presidency. On 1 July 2009 the United Nations General Assembly issued a resolution condemning the *coup* and demanding the “immediate and unconditional” reinstatement of the constitutional government and elected president, Manuel Zelaya.

The forced removal of President Zelaya and his expulsion from the country has also led to

widespread condemnation, and has seen the withdrawal of diplomatic representatives of the European Union and almost all Latin American countries from Honduras.

Amnesty International is publishing this summary of findings to highlight serious human rights concerns which should be addressed as a matter of urgency. These concerns include the increasingly disproportionate and excessive use of force being used by the police and military to repress legitimate and peaceful protests across the country. Female protestors are particularly vulnerable and some women and girls taking part in the demonstrations are reportedly suffering gender based violence and abuse at the hands of police officers. At least two protestors have died as a result of gunshot wounds: nineteen-year-old, Isis Obed Murillo died on 5 July at Toncontín airport in Tegucigalpa, where protestors awaited the return of President Zelaya. On 1 August, 38- year- old teacher Roger Abraham Vallejo died in hospital as a result of injuries sustained from a bullet wound to the head, reportedly fired by police during the break up of the protest which took place in Tegucigalpa on 30 July 2009.

Media workers and human rights defenders who are legitimately carrying out their vital work covering events in Honduras have also been targeted. Increased restrictions on the ability of human rights defenders and media workers to move freely around the country and the erratic imposition of curfews are frustrating the capacity of civil society to monitor human rights violations across the country, and limiting their essential and legitimate work.

As protests increase and spread throughout the country, violent methods of repressing dissent intensify and Honduran citizens are increasingly exposed to violations of their fundamental rights.

EXCESSIVE USE OF FORCE

Amnesty International is seriously concerned at policies adopted by the *de facto* authorities to suppress the mounting opposition and, in particular, by the methods employed by the police in response to the widespread demonstrations which have occurred since 28 June 2009. Excessive force by police and military has been routine and hundreds of peaceful demonstrators have been subject to arbitrary detention. For example, on 30 July 2009, the police, supported by the military, broke up a peaceful march in El Durazno, in the capital Tegucigalpa. According to eye witnesses, the police charged at the thousands of demonstrators without warning, causing panic and chaotic scenes as people tried to flee. Military personnel were deployed behind the rows of police charging at the protestors and allegedly shouted support for the police beating the demonstrators. It is alleged that many of the police involved in the violent action against demonstrators were from the special command "Cobra" branch, an elite section of the Honduran police force.

Eye witnesses allege that the police pursued the protestors, beating many of them as they fled. Nearly all those interviewed by Amnesty International said they had been struck across the back, buttocks and the back of the legs by the police batons; their ages ranged from 19 years old to 52 years old.

Hundreds of protestors were rounded up by the police and detained in several different police stations across the capital. Most were held in two police stations: Jefatura Metropolitana #3 (commonly known as the Station number 4) and Comayagua police stations. Amnesty International delegates gained access to the "Station number 4" and were able to interview many of those detained. At least 75 people remained in detention at the "Station number 4" at the time, including at least 10 students who had participated in the peaceful protest.

All 10 students interviewed had been beaten on the back, arms and backs of the legs by members of the police with batons. When Amnesty International interviewed them some two hours after their arrest no reason had been given for their detention and no charges had been brought. Several of the students had visible injuries from where they had been beaten, allegedly as they were running or already in police custody.

One of the students detained at the police station told Amnesty International that there had been over 200 students on the march, all on this occasion behaved peacefully. "The police were throwing stones, they rounded us up, they threw us face down on the ground and they beat us – there are people with fractures, with head wounds, they beat us on the buttocks. They stole our cameras, they beat us if we raised our heads, they beat us when they were getting us into the police cars. They said "Cry and we'll stop".



Two of the ten students who took part in the peaceful march on 30 July 2009. The imprint of the police batons is clearly visible on both students.

Four students A (30), D (19), B (21) and C (25) told Amnesty International that they were peacefully demonstrating against the de facto government on behalf of university student groups (UPNFM and UNAH) and had been walking up the road with all the other protestors when suddenly the police charged and all the protestors started running away. The police beat them as they ran and caught hold of them, continuing to beat them after they had stopped running and were lying on the ground. They were taken to a police van. One, “A”, had a large cut and bruise behind her right ear which she said was caused by a stone thrown by police as they chased them down the street. Other individuals arrested also had injuries consistent with being hit or having something thrown at them from behind.

As several members of the police force beat 19 year old “D” and “A” one of them shouted “Leave all this crap, you’ve got to know the consequences of demonstrating”. When “A” pleaded with the policemen to stop and reached out to touch the hand of her younger friend to see if she was alright, the policeman shouted “Shut up, shut up, bitch!”



“A”: the photo shows swelling and a cut to the back of one ear and one of a number of bruises and swellings on her arm and back from reaching out to console her friend as the police beat them.

Several of those interviewed told Amnesty International that the police officers wore no visible ID. They said that some police officers had said “don’t look at us, sons of bitches” and that some police officers wore bandanas to hide their faces. Delegates were also told by detainees that they noticed the police officers only used nicknames among themselves, making identification even more difficult.

“**Fernando**” 52, a teacher, also detained on 30 July, said “we were demonstrating peacefully. Suddenly, the police came towards us, and I started running. They grabbed me and shouted “why do you (all) support Zelaya’s government? Whether it’s by choice or by force, you have to be with this government”. They beat me. I have not been informed as to why I am here detained.”



Photo: “Fernando” with bruising clearly showing where the police batons struck.

On 1 August 2009, two days after the demonstration in El Durazno, 38-year-old teacher Roger Abraham Vallejo died in hospital as a result of injuries sustained from a bullet wound to the head, reportedly fired by police during the break up of the protest. It is unconfirmed if the bullet was a rubber bullet or live ammunition. An eye-witness told Amnesty International: "I saw him [Roberto Abraham Vallejo] on the ground, with a wound to his left temple. There were four bullet cases, I don't know much about weapons but they looked like they were from a hand gun. I took him to the clinic, he still had a heartbeat but his eyes were wide open and he was totally unconscious, in a coma." He gave the following account of the incident: "A patrol car was advancing towards the crowd, and as it turned round at speed, a police officer who was sitting on the bonnet, fell off. I think the police who were at the side of the road, watching from behind the trees, thought the demonstrators had done something to the police officer to make him fall, and they started to shoot from the left hand side."

All those detained at the "Station number 4" were subsequently released without charge a few hours after their detention.

GENDER-BASED VIOLENCE DURING THE DEMONSTRATION

Some of the female detainees and witnesses said that women had been touched in a sexual way as they were prodded with truncheons by police while lying on the ground under arrest. All those who were interviewed said they had been beaten on the buttocks and backs of the legs.

One woman told Amnesty International that when she was detained she had been asked by a policeman "why aren't you at home having sex with your husband?"

A 34-year-old woman, L., who had been beaten by police at the same demonstration, but not detained by the police, told Amnesty International how she had always believed "The police are here to protect us, not to harm us" and that she was shocked and traumatized at the violence that she and her 59-year-old mother had experienced at the hands of the police during the break up of the protest. L. and her mother were repeatedly beaten by police using batons, across the back of the thighs and buttocks. L. also told Amnesty International that the police shoved the baton down her blouse. The policeman said to her "if this [demonstrating] is what you're up to, well this is what you're going to deserve." L. told how her mother had attempted to cover herself with a piece of clothing and the police officer shouted "This cloth isn't going to save you".

Interviewed in Hospital Seguridad Social, 30 July 2009. "Juanita" is a teacher at the University, and attended the peaceful march as a member of the Pedagogical University group. "Juanita" had a broken ankle which required surgery. She sustained her injury while running away from the police, who pushed her so hard she fell four or five metres ahead. She told us that the police had been throwing stones at her, and yelling "go to hell, idiots, let us work". She said that there were police both ahead and behind, and that people were panicking with no way out.

Passers by found her lying injured and took her to a church to wait for the ambulance, which took hours to arrive. In the meantime, tear gas was seeping into the building, adding to her discomfort and distress.



Photo: "Juanita's" leg in plaster, as she awaited further treatment for her injuries.

INTERNATIONAL HUMAN RIGHTS LAW AND STANDARDS ON PEACEFUL ASSEMBLY, POLICING AND USE OF FORCE

On the basis of compelling testimony received during its visit to Honduras, Amnesty International considers the security forces have carried out enforcement operations against peaceful protestors in which the use of disproportionate and excessive force has been routine and widespread. Using excessive force and mass detentions as a policy to manage demonstrators and peaceful protestors violates international human rights standards to which Honduras is party.

Article 21 of the UN International Covenant on Civil and Political Rights, ICCPR, to which Honduras is party, sets out the "right to peaceful assembly" while Article 7 enshrines the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment.

The UN Code of Conduct for Law Enforcement Officials states in Article 2 that "In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons." Further, Article 3 that "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty." The Code emphasizes that force should only be employed in the most extreme of circumstances and when employed, the force should be proportional to the situation, for example that which is strictly necessary to prevent a crime from being committed or to detain the individual. No force should be employed beyond this extremely limited set of circumstances. The use of firearms must be used only in the most extreme of circumstances

Article 9 (1) of the ICCPR states that "everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established in law." Further, in Article 9 (2) the Covenant establishes that "Anyone who is arrested shall be informed, at the time of their arrest, of the reasons for his arrest and shall be promptly informed of any charges against him."

In the seven weeks since the military backed coup in Honduras, several hundred people protesting against the *de facto* government have been subjected to arbitrary arrest and detention.

There also are widespread allegations that the police are not maintaining proper records of those detained. This is a serious concern as people in custody are vulnerable to other serious human rights violations such as torture, ill-treatment and enforced disappearance.

Police commanding officers must immediately implement processes to prevent further human rights violations. The Attorney General's office has an obligation to actively investigate all reports of abuse, ill-treatment and torture and ensure that those responsible are brought to justice. According to the Special Prosecutor for Human Rights, Sandra Ponce, the complaints which have been filed against the police and military for human rights violations are being investigated. However, Amnesty International is unaware of any complaint having been upheld. Amnesty International urges the Office of the Special Prosecutor for Human Rights to rigorously and impartially pursue such complaints and calls on the police and military authorities to cooperate fully with the investigations.

USE OF MILITARY PERSONNEL IN CIVILIAN LAW ENFORCEMENT ACTIVITIES

Several of the detainees reported that members of the military, who were deployed behind the police who charged the crowd, shouted "give it to them, give it to them!" encouraging the police as they beat the protestors. There were also reports of military personnel throwing stones at the fleeing protestors.

Checkpoints, manned by military and police personnel, have been maintained on the main highways in Honduras since the *coup d'etat*. Human rights activists and media workers attempting to carry out monitoring activities are being obstructed and often are unable to pass the roadblocks. Authorization to pass the roadblocks is largely at military, and occasionally police, discretion and is applied arbitrarily.

Several non-governmental organizations had travelled to El Paraíso in the south of the country at the end of July, as demonstrators had converged near the Honduran border with Nicaragua where President Zelaya was attempting to return to Honduras. They told Amnesty International they had taken testimony from individuals who had been detained and held in custody by military personnel. Detentions were usually of short duration and most were released without charge.

The use of military personnel alongside police to control demonstrations and undertake civilian policing functions is of concern. The United Nations Code of Conduct for Law Enforcement Officials requires that police officials are accountable, responsive and representative of the communities that they serve. In order to achieve this, there must be a clear separation of powers between the military and the police. The military should not generally be used to carry out civilian policing activities. In order to have an accountable police force there must be a clear chain of command and a traceable "audit trail" for any decisions taken during the management of a policing operation. Without such accountability the risk of serious human rights violations such as torture, ill-treatment and enforced disappearances is heightened.

FREEDOM OF EXPRESSION, ASSOCIATION AND MOVEMENT

Everyone has the right to freedom of opinion, expression, assembly and association. These rights are enshrined in several human rights treaties to which Honduras is party and obligated to uphold. Tension and polarization is rife in Honduras since the forced removal of President Zelaya, and freedom of expression is being routinely curtailed and attacked as journalists try to cover events and provide information to the Honduran public. Police and military officials are denying the right to freedom of expression and information, through the closure of media outlets, the confiscation of equipment and physical abuse of journalists and camerapersons covering events.

Roberto Barra, a Chilean independent photo-journalist told Amnesty International that he was covering a peaceful demonstration on Thursday 30 July where he was taking photos of the people who had been beaten by police. He heard someone shout “Get the cameras off them” and approximately 20 police officers surrounded him, demanding he hand over the camera. As he refused to do so the police officers beat him and grappled with him for both of his cameras. As Roberto said “Not only did they take my cameras. They beat me and shouted “You [journalists] are responsible for this situation, for the bad image abroad, son of a bitch, you’re a communist just like the rest of them.”

As of 13 August, the confiscated cameras had not been returned.



Photos of Roberto Barra, showing bruising on his neck as a result of the forced removal of his cameras and second photo of bruising and cuts on Roberto's head as a result of being beaten by the police.

Amnesty International delegates heard repeated allegations that several special interest radio programmes such as “La Bullaranga”, a programme for youth and “Tiempo de hablar”, both programmes run by women’s rights non-governmental organizations, and “Voces contra el olvido”, a programme run by the Committee for the Relatives of the Disappeared (COFADEH) had transmission interrupted or were blocked completely stopped for periods of time since the *coup*. Media outlets such as Radio Globo, Canal 36, Maya TV and Radio Progreso were closed down by the military and the *de facto* authorities or taken off the air, particularly in the days immediately after the *coup* on 28 June.

Jorge Otts Anderson is the owner of a small independent TV station “La Cumbre” in the interior of the country, Colón. He has suffered harassment by military and police personnel since two days after the coup.

“They came to capture me but I ran away. Afterwards they cut the electricity up until today [31 July]. Every day police come to the TV station.” Some people warned Jorge “don’t come because they’re here, outside the TV station. Since 30 June I’ve only had seven days work. I have no income, all the advertising was pulled because people heard what had happened. I’ve got no electricity. The same thing has happened to two other media outlets, but they’ve got electricity”.

Amnesty International is seriously concerned at the threats and physical attacks carried out by police and military personnel against media workers who are legitimately carrying out their important work covering events in Honduras. Journalists, photographers and technical crews who are covering events should not be subjected to violent assault or intimidation and should be able to carry out their legitimate activities without fear for their safety or fear of reprisals. The police and armed forces must immediately stop any such acts and be held to account for those abuses which have already occurred.

CURFEW MEASURES

The curfew measures introduced by the *de facto* authorities are being applied arbitrarily and are having a negative impact on human rights. The legal status of the curfew measures is questionable, since notification was not immediately published in the Gaceta as required by the domestic legal framework. The curfew law was also not sent to Congress for approval. Instead, the curfew times are announced on radio stations and television at 14:00, 18:00 and 21:00 hrs each day. The curfew times differ across the country and from day to day. In some regions there has been a 24 hour curfew in place, such as in El Paraíso and other areas near the Nicaraguan border in the south of the country.

The lack of information about the times of the curfew and the last minute changes to the same, have lead to individuals being detained for violating a curfew they did not know was in place. On one occasion the change to the curfew hour was announced at 18:10 in the evening, just 20 minutes before it was to be enforced. This obliged people to take shelter any where they could if they did not have sufficient time to get home. The persistent enforcement of the curfew measures has serious implications for other human rights, such as access to medical treatment, education and loss of income, particularly in those areas where the longest curfew hours are in place.

HUMAN RIGHTS DEFENDERS

Since the *coup* on 28 June the ability of human rights defenders to carry out their work has been severely impaired. There has been an increase in surveillance and several members of different human rights organizations reported to Amnesty International that they had been followed or received threatening calls and text messages to their personal mobile phones.

The Centre for the Rehabilitation and Investigation of Victims of Torture (CPTRT) told Amnesty International that about a month previously (30 June) one of their representatives received an anonymous phone call made from a cell phone. The caller said “stop supporting criminals like Zelaya, and give the message to Dr Almeyda”. Dr Almeyda is the Executive Director of the CPTRT.

The director of another organization which works specifically on women's rights told Amnesty International that there has been surveillance since the first day of the *coup*. According to the Director, surveillance has been carried out either by individuals in vehicles (some without registration plates) outside the office, or by individuals on foot. The individuals have been both uniformed and in civilian clothes on different occasions. The surveillance has occurred almost every day and has happened most often before and after demonstrations, at the usual time the organization holds its meetings, or at the end of the working day when people are leaving the office.

On 12 August, Alex Matamoros, a human rights defender working with the Centre of Investigation and Promotion of Human Rights (Centro de Investigacion y Promocion de los Derechos Humanos CIPRODEH), was detained for several hours by police.

"We had been filing many complaints about human rights violations. On this occasion I was sent with a colleague to visit two individuals who had allegedly been fired at by the police. While my colleague went to the hospital to see if they had been taken there, I stayed where the disturbances (the burning of a bus and a fast food restaurant) had occurred. Some of the people were frustrating the access of the firemen, because they wanted to fire to continue burning. The riot police arrived and at that moment the persecution started, so I decided to stay and observe the police actions, in my role as human rights defender. "

Alex Matamoros went on to say "I noticed that they particularly targeted three youngsters and they chased them. The young people ran into a second-hand car sales company to seek safety, but were trapped there by the police officers. They tied the hands of the three young people behind their backs and beat them. I was at a distance at that moment of about 15-20 metres from the incident, and I said that there was no need to beat them, that they already hands tied and that what they [the police officers] were doing was disproportionate. On hearing this they trapped me too. **When I explained to them that I am a human rights defender they ignored me. I presented my ID card and the police officer said "keep this piece of shit, here there are no human rights."** The police officer ordered me to take out my shoe lace and used that to tie my hands together behind my back in the same way as the three young people. The only difference was that I was not thrown on the floor as they had been.

During this process they shouted obscenities at me, such as "piece of shit, rubbish, son of a bitch" and "let's see if Mel [Sic: President Manuel Zelaya] will save you all now." And "if you want to fight us, come on, arm yourselves now!"

Alex Matamoros was taken to the police station along with the three young people. They were then moved to another station. Alex Matamoros was not informed of the reasons for his detention or what charges would be pressed against him until he was presented with a pre-prepared statement which he refused to sign. As Alex Matamoros told Amnesty International "We could see charges for offences such as damage to private property and public disorder." Eventually he signed a document in desperation at about 03:30 am to secure his release. "I should not have signed it, but I wanted to get out. The document I signed said "at liberty for now", it said I was being charged with "supposed acts of destruction of private property, public disorder and terrorism." Alex Matamoros noticed that all the charge sheets for all those detained were identical, despite the different circumstances of the detentions. "They released us at 04:00 am, but due to the curfew we could not leave the station to go home until 05:30 am."

Amnesty International is deeply concerned at the harassment towards human rights defenders and the threats and physical abuse they have experienced when carrying out their vital work monitoring and promoting human rights. Human rights defenders must be able to carry out their legitimate work free from harassment, fear and intimidation. Their access to rural areas of the country should be unrestricted. Actions by military and police which frustrate the ability of human rights defenders to work, place in jeopardy the human rights of Honduran citizens affected by the political crisis.

CONCLUSIONS AND RECOMMENDATIONS

As protests increase and spread throughout the country, Honduran citizens are increasingly exposed to violations of their fundamental rights.

Amnesty International is concerned that those wishing to participate in peaceful protests against the *de facto* government risk being physically attacked or being arbitrarily detained. Amnesty International is also concerned that female protestors are particularly vulnerable and that some women and girls taking part in the demonstrations are reportedly suffering gender based violence and abuse at the hands of police officers.

Amnesty International is further concerned at the threats and physical attacks carried out by police and military personnel against media workers who are legitimately carrying out their important work covering events in Honduras. Intimidation of human rights defenders, increased restrictions on the ability of human rights defenders to move freely around the country and the erratic imposition of curfews are frustrating the capacity of civil society to monitor human rights violations across the country and limiting the essential and legitimate work of human rights defenders.

Police and military commanding officers must immediately implement processes to prevent violence, abuse and use of excessive force. The Attorney General's Office has an obligation to actively investigate all reports of abuse, ill-treatment and torture and ensure that those responsible are brought to justice. Amnesty International urges the Office of the Special Prosecutor for Human Rights to pursue such complaints and calls on the police and military authorities to cooperate fully with the investigations.

Amnesty International strongly urges the international community to intensify efforts to find a solution to the political crisis in order to prevent the spiral into a human rights emergency in Honduras.

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