



## OPEN LETTER TO THE GENERAL ATTORNEY OF HONDURAS

### RE: ARBITRARY DETENTION AND MISUSE OF THE CRIMINAL JUSTICE SYSTEM AGAINST JHONY ANDRÉS SALGADO FUENTES

Dear General Attorney,

I am writing to you on behalf of Amnesty International to express concern about the situation of Jhony Salgado Fuentes, who was subjected to arbitrary detention and abuse of authority by members of the Preventive Police at his home in the town of El Progreso on 21 December 2017. Not only have these grave incidents remained unpunished to date, but the Public Prosecutor's Office has opened criminal proceedings against Jhony Salgado based on unlawful evidence fabricated by those who detained him. Despite these human rights violations, August Jhony Salgado is due to appear in court next August to face trial on charges that could result in a prison sentence.

In a letter sent to your office on 29 April 2021, Amnesty International requested a meeting by video call to discuss this situation. However, several months and a number of follow-up calls later, our team has yet to receive a response. Amnesty International is, therefore, setting out publicly the facts of the case regarding Jhony Salgado below:

- **Human rights violations arising from the arbitrary detention of Jhony Salgado at his home in El Progreso on 21 December 2017**

Amnesty International documented the case of Jhony Salgado in its report, [\*Protest prohibited: Use of force and arbitrary detentions to suppress dissent in Honduras\*](#), published in 2018. A review of statements and audiovisual material regarding the incident and of the criminal case file has led Amnesty International to conclude that there are serious inconsistencies and irregularities in the evidence on which the charges against Jhony Salgado are based. Amnesty International was able to verify, for example, that Jhony was detained at his home in the presence of at least three police officials (which is not mentioned in the file), who forcibly restrained him and put him into a patrol car without explaining the reasons for his detention, nor his rights as set out in law, and without confiscating any items. In addition, two of these officials fired tear gas canisters at the front door of the neighbouring house, causing both the neighbours and Jhony Salgado's family to experience breathing difficulties. Later, at the police headquarters, Jhony was forced to sign documents that he could not understand because he cannot read.

Amnesty International has concluded that Jhony's detention was arbitrary and that the charges against him were fabricated in the context of the repression of the post-election protests in 2017.

- **Contradictions in the investigations pursued by the Public Prosecutor's Office**

The Public Prosecutor's Office has investigated the crimes and human rights violations against Jhony Salgado, identified the police officers who took part in these incidents and even filed criminal charges against them, recognizing at the same time that Jhony Salgado was a victim of these crimes. To date, despite the progress made in the investigation, these incidents remain unpunished and Jhony Salgado's legal team is awaiting the outcome of an appeal against the acquittal of the accused police officers.

In parallel, the same Public Prosecutor's Office, as stated earlier, has upheld its criminal charges against Jhony Salgado for alleged illegal possession of a firearm and improper use of police clothing. These criminal proceedings are based on reports and documents produced by those who arbitrarily detained him in which they allege that Jhony Salgado was arrested running in the street and carrying a gun and a police shield on which was written "JOH Out". However, as stated in the police station's log book, no items were seized from Jhony Salgado at the time of his arrest.

Jhony Salgado's trial on criminal charges is due to begin on 10 August 2021 before the El Progreso Sectional Court of First Instance in Yoro. If found guilty, he could face a prison term for these crimes, which are generally punishable by eight years' imprisonment.



Amnesty International is deeply concerned about the criminal investigations undertaken regarding Jhony Salgado, which could lead to his conviction, while the perpetrators of crimes and human rights violations against him remain unpunished and at liberty.

- **Applicable international human rights standards and Amnesty International's request**

States have an obligation to guarantee access to justice with due diligence, which requires that the investigation by the Public Prosecutor's Office be independent, impartial and thorough; that is, it "must be conducted using all available legal means and designed to determine the truth and to pursue, capture, prosecute and eventually punish all the masterminds and perpetrators of the facts, particularly when State agents are or may be involved"<sup>1</sup> and must take into account the context in which the events occurred.<sup>2</sup>

Regarding this last aspect, it should be noted that the Office of the United Nations High Commissioner for Human Rights in Honduras, Amnesty International and various civil society organizations in the country have documented human rights violations perpetrated by the Honduran security forces, including the unnecessary and excessive use of force, arbitrary detentions, possible extrajudicial executions and cruel, inhuman and degrading treatment carried out by the Honduran security forces to suppress the post-electoral protests of November 2017.<sup>3</sup> The Public Prosecutor's Office, as part of its due diligence obligation, must take into account this context in which the human rights violations against Jhony Salgado occurred, as well as the alleged acts of which he is accused. Furthermore, it is the responsibility of the Public Prosecutor's Office to guarantee Jhony Salgado's rights to the presumption of innocence, due process, liberty and physical integrity.

In light of the above, Amnesty International requests that the Public Prosecutor's Office immediately adopt all necessary measures to ensure Jhony Salgado's human rights are respected. In particular, we urge you to carry out an immediate review of the two criminal case files in which Jhony Salgado is listed as the aggrieved party and the accused, and based on this, that the criminal charges against him be dismissed and the criminal investigation resumed to identify, prosecute and punish all those responsible for his arbitrary detention and subsequent unfounded criminal prosecution.

Finally, it is essential that the Public Prosecutor's Office ensure that an appropriate process is undertaken to guarantee proper reparation for the human rights violations committed against Jhony Salgado.

Thanking you for your attention in this matter,

Yours sincerely

Erika Guevara Rosas  
Americas Director at Amnesty International

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<sup>1</sup> Inter-American Court of Human Rights, *Case of Heliodoro Portugal v. Panama*, Judgment of 12 August 2008, para. 144.

<sup>2</sup> Inter-American Court of Human Rights, *Case of the Serrano-Cruz Sisters v. El Salvador*, Judgment of 1 March 2005, para. 91.

<sup>3</sup> Amnesty International, *Honduras: Government deploys dangerous and illegal tactics to silence the population*, 8 December 2017, [amnesty.org/en/latest/news/2017/12/honduras-government-deploys-dangerous-and-illegal-tactics-to-silence-population/](https://www.amnesty.org/en/latest/news/2017/12/honduras-government-deploys-dangerous-and-illegal-tactics-to-silence-population/)

OHCHR, *Human rights violations in the context of the 2017 elections in Honduras*, [ohchr.org/Documents/Countries/HN/2017ReportElectionsHRViolations\\_Honduras\\_EN.pdf](https://www.ohchr.org/Documents/Countries/HN/2017ReportElectionsHRViolations_Honduras_EN.pdf)

*Protest prohibited: Use of force and arbitrary detentions to suppress dissent in Honduras*, 2018, and OHCHR, *Accountability for human rights violations committed in the context of the 2017 elections in Honduras: Progress and challenges*, 2020, [ohchr.org/Documents/Countries/HN/HondurasFollowupreportaccountabilityforHRviolations\\_FINALLEN.pdf](https://www.ohchr.org/Documents/Countries/HN/HondurasFollowupreportaccountabilityforHRviolations_FINALLEN.pdf)