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HONDURAN GOVERNMENT EMULATES HUMAN RIGHTS VIOLATION POLICIES OF BUKELE'S GOVERNMENT IN EL SALVADOR TO TACKLE PUBLIC SECURITY CHALLENGES

It is with concern that Amnesty International notes Xiomara Castro's government's reaction to the ongoing rise in murders in Honduras and the killing of at least 46 women in a prison in June. The use of militarised security forces and [the suspension of rights in the Central American region in such circumstances has led to human rights violations](#) such as deaths in state custody, arbitrary imprisonment, ill-treatment, violations of due process, discrimination, restrictions on the exercise of freedom of expression and even crimes under international law such as torture and persons being taken away by force.

Xiomara Castro's government came to power in January 2022 promoting a human rights agenda and pledging to establish a roadmap to demilitarise public security. [Despite calls from various international organisations](#), and reports of possible cases of human rights violations and crimes under international law by members of the Military Public Order Police (PMOP or Military Police), the latter continues to control or cooperate in the application of security measures.

The murders recorded in Honduras in recent weeks are an indication of the enormous challenges the country continues to face in the matter of public security. Addressing this situation will require effective and comprehensive measures on the part of Xiomara Castro's government. However, in order to be sustainable, these measures must always be taken within the bounds of international human rights standards.

STATES OF EMERGENCY, CURFEWS AND THE MILITARISATION OF PUBLIC SECURITY

Since late 2022, [Honduran authorities have used disproportionate measures, suspending constitutional guarantees](#), to deal with the "serious violence of organised crime". On 3 December [the government announced a state of emergency](#) urging the security forces and the Military Public Order Police (PMOP) to join in implementing the suspension of constitutional guarantees. This state of emergency has been extended several times, [most recently until 5 July 2023](#).

[During his visit in May and June 2023 the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz](#), noted with particular concern the state of emergency in which cases of excessive use of force have been recorded. He also noted with concern that the PMOP continues to engage in public security tasks, as a result of which deaths have been recorded in the context of arrests and raids in different areas of the country.

By 31 May 2023 the National Commissioner for Human Rights in Honduras (CONADEH) had in fact received [193 complaints relating to the state of emergency](#), including 22 against the PMOP, for the disproportionate use of force during arrests and detentions, acts of intimidation and threats during raids to obtain information, including shooting to intimidate and frighten people, lack of clarity from the authorities about the grounds for detention, and failing to permit family members to enter and see detained persons.

Despite this, after the [murder of at least 46 women prisoners](#) at the National Women's Penitentiary for Social Adaptation (PNFAS) in Támara, near Tegucigalpa, on 20 June, the Honduran government returned control and operation of the national penitentiary system to the PMOP. The [Honduran government's order to demilitarise prisons](#) and transfer control of these and the National Penitentiary Institute (INP) to the National Police lasted only a few months.

Shortly afterwards, [following the death of at least 13 people in Choloma](#) (near San Pedro Sula, in the north of the country) on 24 June and other murders in the region, the Honduran government decreed [a curfew in Choloma and San Pedro Sula](#) on 25 June. The curfew is under the control of the PMOP, in cooperation with the Ministry of Security, the Ministry of Defence and the Armed Forces.

The PMOP has been in existence for a decade, since Congress, then presided over by Juan Orlando Hernández, approved creation of the Military Police as part of consolidation of a militarised security strategy to supposedly deal with

the high levels of violence in Honduras. This was intended to be a temporary security force (for five years) composed of members of the Honduran Armed Forces. Six years later, in 2019, with Hernández as president, the Honduran government ordered action by the National Penitentiary System, through the National Inter-Institutional Security Force Action Committee (FUSINA), which is of a military nature.

In 2020, in a joint communiqué, [the IACHR and OHCHR condemned the militarisation of prisons](#) and recommended that Honduras ensure the proper implementation of protocols to prevent riots and restore security conditions in prisons, without the excessive use of force.

On the other hand, international organisations and agencies have reported [excessive use of force by security and militarised forces](#), including the PMOP, both to repress protests and to enforce curfews and lockdowns in response to the COVID-19 pandemic.

[The case law of the Inter-American Court of Human Rights \(IACHR\)](#) establishes that States must always exercise maximum restraint over the use of the armed forces for public order tasks, since among other things the training of military personnel is oriented towards armed conflict, their watchword being to defeat the enemy, and their manner of operation is inconsistent with policing functions under the control of civil authorities. In this respect both [the Inter-American Commission on Human Rights \(IACHR\)](#) and the Office of the [United Nations High Commissioner for Human Rights \(OHCHR\)](#) have repeatedly recommended that the Honduran state should gradually and progressively demilitarise public security, with respect for human rights.

On the other hand, [the repression of protests by the security forces, including the PMOP, during the 2017 electoral process in Honduras](#) resulted in more than two dozen people being killed, injured and imprisoned, most of them during the curfew. The IACHR sets strong limitation on the use of armed forces in actions affecting the right to personal liberty. The detention or arrest of persons must be governed by the requirements of strict proportionality when restricting a right, and must in turn meet strict criteria of exceptionality and due diligence when safeguarding conventional guarantees.

Finally, the IACHR has established that the use of the armed forces in public security tasks should be limited to the fullest extent and should be applied in an extraordinary, complementary, regulated and supervised manner. Human rights violations committed by the security forces, and by the military in particular, often go unpunished. In the case of the violations committed in the context of the repression of protests in the 2017 election in Honduras, the suspected perpetrators have still not been brought to justice.

PRISONS CONDITIONS

Honduras has a long history of [poor health and security in prisons](#). In fact, the fire in the prison at Támara is not the first of this size in Honduran prisons. More than 100 people died in the San Pedro Sula prison fire in May 2004. The IACHR declared Honduras responsible for these deaths in the 2012 Pacheco Teruel judgment. In the same year (shortly before the case reached the IACHR) 360 people died during a fire at the Comayagua Farm Prison on 14 February 2012.

[In its latest annual report, the OHCHR](#) noted that the number of violent deaths in prisons continues to remain high. According to the Office, "such deaths were the result of the existence of a system of self-governance by persons deprived of liberty, with the acquiescence of the authorities, resulting in the lack of effective control of prison centres, violation of the personal integrity and discrimination of detainees, including due to extortion within the centres". On the other hand, as of December 2022, the OHCHR pointed out that the National Penitentiary System has an overcrowding rate of 34.2% and at least 51.6% of the prison population has yet to receive a final sentence.

[In its 2022 report the IACHR](#) recognised that the State of Honduras has made some progress in reducing prison overcrowding and that it has adopted measures aimed to reduce the use of pre-trial detention. However, it points out that there is still a need to take additional steps to ensure pre-trial detention in accordance with international standards in this field and to promote the application of alternative measures.

CONCLUSIONS AND RECOMMENDATIONS

Amnesty International expresses its continuing concern about human rights violations committed during states of emergency or curfews in Honduras, in particular with regard to the involvement in public security tasks of militarised forces such as the PMOP, an institution that rights bodies and organizations have frequently denounced for excessive use of force during protests and curfews and states of emergency.

Based on the above context and human rights standards, Amnesty International calls upon the Honduran authorities to:

- Take immediate steps to ensure an orderly withdrawal of militarised forces from public security work and to continue the process of strengthening the capabilities of the National Police.
- Redouble efforts to combat the structural causes of violence, such as inequality and discrimination. The State must take all necessary steps to ensure the full enjoyment of economic, social and cultural rights.
- Review the appropriateness of the recently implemented measures relating to the state of emergency and curfews, ensuring the principles of necessity and proportionality, and comply with all procedures, including official notifications to the Organisation of American States and the United Nations.
- Have effective safeguards in place to prevent any violation of rights in the contexts of states of emergency or curfews, including ensuring the rights of individuals to access to legal assistance, due process and fair treatment, and ensure that there is no discrimination on grounds prohibited by international law
- Ensure prompt, impartial, independent and effective investigations by the ordinary courts whenever abuse of force by public officials is suspected, including cases resulting in death, arbitrary detention and cruel, inhuman or degrading treatment; and to take steps to ensure full cooperation by the armed forces in these investigations - always through the ordinary civilian courts.
- Guarantee the life and integrity of detainees and the entire population, and investigate the events in the prison at Támara and all killings so that the survivors and victims' families know the truth and obtain justice and redress.