



**HONDURAS**

# JOURNALISM IN THE SHADOW OF IMPUNITY

*"When we allow impunity for human rights violations,  
we see the crimes of the past translated  
into the crimes of the future."*

Bertha Oliva, Co-ordinator of the Committee of  
Relatives of the Detained and Disappeared in Honduras

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**TRANSLATION:** Bruno Mattiussi

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***“Oh, how power loves silence.  
Citizens listening quietly to the wisdom of authority.  
Punishment meted out not to the policemen or soldiers  
or party members or founders or officials but to  
citizens who forget the golden rule of silence.”***

**– John Ralston Saul, President of PEN International**

## LIST OF ACRONYMS

APH	<i>Asociación de Prensa Hondureña</i> (Honduran Press Association)	FNRP	<i>Frente Nacional de Resistencia Popular</i> (National Front of Popular Resistance)
CDV	<i>Comisión de Verdad</i> (Truth Commission)	FESCO	<i>Fiscalía Especial Contra el Crimen Organizado</i> (Special Prosecutor Against Organised Crime)
CEDOH	<i>Centro de Documentación de Honduras</i> (Documentation Centre of Honduras)	HONDUTEL	<i>Empresa Hondureña de Telecomunicaciones</i> (Honduran Telecommunications Company)
CIDH	<i>Comisión InterInstitucional de Derechos Humanos</i> (Inter-Institutional Commission of Human Rights)	HRW	Human Rights Watch
CIPRODEH	<i>Centro de Investigación y Promoción de los Derechos Humanos</i> (Centre for the Investigation and Promotion of Human Rights)	IACHR	Inter-American Commission on Human Rights
COFADEH	<i>Comité de Familiares de Detenidos Desaparecidos en Honduras</i> (Committee of Relatives of the Detained and Disappeared in Honduras)	ICCPR	International Covenant on Civil and Political Rights
COPINH	<i>Consejo Cívico de Organizaciones Populares e Indígenas de Honduras</i> (Civic Council of Popular and Indigenous Organizations of Honduras)	LIBRE	<i>Libertad y Refundación</i> (Liberty and Refoundation Party)
CONADEH	<i>Comisionado Nacional de los Derechos Humanos</i> (National Commissioner for Human Rights)	MIA	Mid-term Implementation Assessment
CONATEL	<i>Comisión Nacional de Telecomunicaciones</i> (National Telecommunications Commission)	NGO	Non-governmental organization
CPH	<i>Colegio de Periodistas de Honduras</i> (Association of Journalists of Honduras)	OAS	Organization of American States
CPJ	Committee to Protect Journalists	PLH	<i>Partido Liberal de Honduras</i> (Liberal Party of Honduras)
CPTRT	<i>Centro de Prevención, Tratamiento y Rehabilitación de Víctimas de la Tortura y sus Familiares</i> (Centre for the Prevention, Treatment and Rehabilitation of Torture Victims and their Families)	PNH	<i>Partido Nacional de Honduras</i> (National Party of Honduras)
CRSP	<i>Comisión de Reforma de la Seguridad Pública</i> (Public Security Reform Commission)	SIP-IAPA	<i>Sociedad Interamericana de Prensa</i> (Inter-American Press Association)
CVR	<i>Comisión de Verdad y Reconciliación</i> (Truth and Reconciliation Commission)	SITINPRESS	<i>Sindicato de Trabajadores de la Industria de la Prensa y Similares</i> (Syndicate of Press Workers and Other Similar Industries)
DIECP	<i>Dirección de Investigación y Evaluación de la Carrera Policial</i> (Department of Investigation and Evaluation of the Police Service)	UN	United Nations
DLCN	<i>Dirección de Lucha contra el Narcotráfico</i> (Commission for the Fight Against Narcotrafficking)	UNAH	<i>Universidad Nacional Autónoma de Honduras</i> (National Autonomous University of Honduras)
DTO	Drug trafficking organization	UNESCO	United Nations Educational, Scientific and Cultural Organization
FARP	<i>Frente Amplio de Resistencia Popular</i> (Broad Front for Popular Resistance)	UNODC	United Nations Office on Drugs and Crime
		UPR	Universal Periodic Review

## INTRODUCTION

Violence against journalists is not new to the Americas, nor is impunity, its customary bedfellow; but few observers could have foreseen the deluge of threats, attacks and targeted killings that has swept through Honduras during the last five years. In February 2009, PEN International launched a year-long campaign to “highlight the persecution of writers and journalists and the issue of impunity in the region.” During *Freedom to Write in the Americas*, 29 PEN Centres undertook advocacy for writers and journalists in Cuba, Mexico and Venezuela and monitored cases in Peru, Colombia, and Nicaragua. These countries were chosen because of the “volume of attacks and severity of persecution against writers.” At the time, there was little reason to take note of Honduras.

In 2010 PEN Canada and the International Human Rights Program at the University of Toronto, Faculty of Law began a study of journalists caught in the crossfire of former Mexican President Felipe Calderón’s war on drugs. When *Corruption, Impunity, Silence: The War on Mexico’s Journalists* was published in June 2011, reporting from certain parts of Mexico had become “as deadly an undertaking as living in a war zone.” Sadly, that description could now serve for parts of Honduras. This report was intended to complement *Corruption, Impunity, Silence*, specifically to provide an analysis of a situation in which a culture of impunity seemed to be emerging. Instead, our research showed that impunity had been entrenched in Honduras for at least a generation; what had changed was the level of violence against journalists.

## EXECUTIVE SUMMARY

This report examines the surge in violence directed against journalists following the ouster of President José Manuel Zelaya in June 2009. Since then at least 32 Honduran journalists have been killed and many more continue to work in a climate of fear and self-censorship. Reporters who cover corruption and organized crime are routinely targeted for their work and attacked or killed with almost complete impunity.

The sources of the violence against journalists are varied. Transnational drug cartels have infiltrated the country so effectively that the present crisis in Honduras cannot be understood in isolation from its Central American neighbours. That said, it is also clear that the absence of reliable institutions has allowed the violence to escalate far more rapidly than many anticipated. Much of the violence is produced by the state itself, perhaps most significantly by a corrupt police force. In a special report on police criminality in Honduras, the Tegucigalpa-based Violence Observatory (*Observatorio de Violencia*) found that between January 2011 and November 2012 police officers killed 149 civilians, approximately six per month.

The taint of corruption and a culture of impunity have undermined trust among state agencies and public confidence in key institutions. Public distrust of the police is so great that crimes are rarely reported. Moreover, due to widespread corruption and inefficiency among the force, only an estimated 20 per cent of crime is reported, and of that less than four per cent gets investigated. According to the State’s own statistics, less than one per cent of all crime in Honduras is subject to a police investigation.

Procedural flaws are evident throughout the system. Police often say an investigation is underway when there is none; the office of the Special Prosecutor for Human Rights (*Fiscalía Especial de Derechos Humanos*) does not have the jurisdiction to try those responsible for the murders of journalists, and lacks resources to conduct even the

most basic investigations into other human rights violations. On the other hand, while some legal initiatives are under-resourced, there is also a proliferation of competing agencies that notionally address the same problem. This has created a situation in which institutional responsibility has been so widely diffused that no one is ultimately accountable for the high level of impunity.

With current levels of funding, the office of the Special Prosecutor for Human Rights, which was nominally responsible for over 7,000 investigations in 2012, can only investigate a small percentage of these cases each year. While the office continues to operate with a serious shortage of funds, the Honduran state is able to argue that it has made progress in addressing human rights violations through the establishment of a Special Prosecutor for Human Rights.

Given these crises, this report finds that the Honduran judiciary faces significant challenges in establishing an independent legal culture capable of ensuring accountability for human rights abuses. Furthermore, legal mechanisms to protect journalists are needlessly complicated and often confusing. Even international mechanisms such as the precautionary measures issued by the Inter-American Commission of Human Rights (IACHR) are poorly understood by local police and, at least as currently implemented, offer little real protection.

Deep divisions among the journalists themselves hinder the fight against impunity. A striking absence of camaraderie within the profession has impaired its ability to collaborate effectively in protesting violence against journalists and in promoting protection mechanisms. Mutual suspicion is evident in many journalists’ scepticism towards the official Association of Journalists of Honduras (*Colegio de Periodistas de Honduras – CPH*) – an institution that has noticeably failed in its legislative mandate to “promote solidarity and mutual assistance among the media.” This failure has meant that there is no united front pressing for greater accountability and an end to the violence.

The coup that unseated President Zelaya in 2009 brought these problems into the spotlight, but the roots of the crisis lie further back in Honduras’ history, notably in its failure during the demilitarization process that began in the 1980s to hold those who had committed serious human rights violations accountable for their actions. A legacy of failed reforms left the state incapable of dealing with rights violations that took place during and after the 2009 coup. As a result, the recent wave of murderous violence has been met with a familiar mixture of inadequate resources, bureaucratic ineptitude, blame-shifting and denial.

The coup interrupted the demilitarization of Honduras. One human rights worker we interviewed spoke of the return of a security-state mindset in which peaceful dissent is often met with reflexive violence. Others noted that the re-emergence of the security state had been justified – as in Colombia and Mexico – as an antidote to pervasive corruption and organized crime. But the real lesson to be drawn from the use of force to compensate for the failures of transitional justice is that state actors no longer need to fear being held to account for their actions. As Bertha Oliva, co-ordinator of the Committee of Relatives of the Detained and Disappeared in Honduras (*Comité de Familiares de Detenidos Desaparecidos en Honduras – COFADEH*) put it: “When we allow impunity for human rights violations, we see the crimes of the past translated into the crimes of the future.”



## KEY FINDINGS

- Freedom of expression in Honduras has suffered serious restrictions since the 2009 coup and violence against journalists remains high, with almost complete impunity for perpetrators.
- Overall violence against the media has disproportionately targeted print journalists. An analysis by the Committee for Free Expression (*Comité por la Libre Expresión – C-Libre*) of 136 recorded cases of aggression against journalists from January to December 2012 indicates that 60 per cent involved individuals engaged in print journalism. However, most of the lethal violence – which has claimed the lives of 38 journalists since 2003 – has been directed at television and radio journalists.
- Current protection mechanisms offer journalists little security; even “precautionary measures” issued by the Inter-American Commission on Human Rights (IACHR) are poorly understood by the police, poorly implemented, if at all, and therefore generally ineffective.
- Threats and attacks on journalists are rarely investigated and hardly ever punished. At best – according to the State’s own figures – only eight of the 22 murders of media workers have been prosecuted. Convictions have been obtained in only two cases.
- Due to inadequate investigative work, little official information is available on the perpetrators of violence against journalists. Neither the extent to which such investigations have been conducted nor any meaningful results have ever been made public.
- Corruption hampers the institutional capacity of the criminal justice system – from the judiciary and lawyers to the security forces. Corruption is a substantial barrier to obtaining justice for journalists who have been victims of violent crime.
- Corruption within the police force remains high, despite decades of “purification.” The current “police purge” has been confined to the lower echelons. Those higher up the hierarchy have little to fear from the process. Importantly, the process itself has been criticized for being insufficiently rights-respecting.
- Honduras’ two official human rights institutions – the National Commissioner for Human Rights (*Comisionado Nacional de los Derechos Humanos – CONADEH*) and the Ministry of Justice and Human Rights (*Secretaría de Justicia y Derechos Humanos*) have failed to co-ordinate their work; this places further strain on the scarce resources available for human rights work.
- The office of the Special Prosecutor for Human Rights is critically underfunded. With only 16 prosecutors and nine investigatory analysts at its disposal it cannot address its caseload effectively. In 2012 the Office was responsible for investigating 7,000 files.
- Excluding murders of journalists from the Special Prosecutor’s jurisdiction reinforces the notion that journalists are simply victims of generalized violence.
- Violence against journalists often silences coverage of topics such as corruption, drug trafficking and impunity. In addition, economic elites have established unwritten limits as to what can be investigated by major news agencies. Consequently, sensitive issues are under-reported by the mainstream Honduran press.
- New legislation – such as the government’s Bill for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators – is not enough to address the problem unless it is accompanied by the necessary resources and political will needed for effective implementation.

- Faced with widespread institutional failures, Honduran non-governmental organizations (NGOs) have stepped in to provide protection that should be provided by the state. When a journalist is threatened, he or she is more likely to report the threat to an NGO such as COFADEH than to the police.
- Polarization and the lack of solidarity among journalists in Honduras contribute to impunity, as there is a lack of a united voice demanding accountability and measures to reduce violence.
- A long history of state-sanctioned violence and serious corruption among the security forces has produced a common perception among journalists and human rights defenders that state agents are one of the primary sources of targeted violence and human rights violations.
- The failure to hold accountable those responsible for human rights violations during the 1980s created a climate of pervasive impunity in Honduras. The lesson taken away from this by those who seek to commit human rights abuses and to suppress freedom of expression through violence is that their actions are likely to go unpunished.
- The serious challenges posed to freedom of expression go beyond violence against journalists. The lack of institutional support for the arts and humanities, or other activities that foster a culture of reading and critical thinking, are inseparable from the country’s wider crises with freedom of expression.

## RECOMMENDATIONS

### To the Government of Honduras

1. Ensure that all members of the media are afforded the full protection of the law and that an autonomous body explicitly protects their independence.
2. Establish appropriate investigative bodies and protocols for crimes committed against journalists, with adequate resourcing, and ensure that all crimes against journalists are fully investigated, prioritising any links with their professional duties.
3. Empower the Special Prosecutor for Human Rights to investigate and prosecute the murders of journalists and human rights defenders.
4. Ensure that the office of the Special Prosecutor for Human Rights receives sufficient financial, human and technical resources to carry out its work.
5. Ensure that any new legal mechanisms intended to improve journalist security come into effect with adequate financial, human and technical resources, as well as political will, in order to guarantee effective implementation.
6. Make public the status of the official investigations into journalist murders and all other violence committed against journalists.
7. Improve the implementation of Inter-American Commission on Human Rights (IACHR) precautionary measures for journalists and human rights defenders by providing training to all police and other state agents responsible for their implementation, increasing the human and financial resources available for doing so, and creating a judicial instrument that will review their effectiveness.

8. Minimize the potential for, or appearance of, political interference with the judiciary by establishing transparent procedures for the appointment, sanctioning, and removal of judges and judicial employees.
9. Widen the internal vetting of the National Police, while ensuring the rights of those involved are respected, and accelerate the process so that corruption at all levels is rooted out in a timely manner.
10. Ensure that institutions responsible for promoting and protecting the rights of journalists and human rights defenders, including CONADEH and the Ministry of Justice and Human Rights, are in regular communication and co-ordinate their work.
11. Reaffirm the close relationship between freedom of expression and cultural diversity by ensuring that cultural spaces like the National Library, Casa Morazán and the National School of Fine Arts receive adequate funding and are allowed to operate autonomously.
12. Reduce the deployment of military forces for law enforcement and domestic security purposes.

#### To the Honduran Media

1. Take all necessary steps to foster solidarity across different sectors of the media – journalists, community broadcasters, media owners – and ensure that mutual concerns such as security are addressed in a co-ordinated manner.
2. Lobby for the creation of an autonomous body that explicitly protects the independence of the media in Honduras.
3. Provide training and support for investigative journalism.
4. Lobby media owners to ensure the safety of their employees, and explicitly guarantee the freedom to conduct investigative reporting into sensitive topics.

#### To the International Community

1. Take all necessary steps to urge the government of Honduras to implement the recommendations above, including raising these issues via the UN's Universal Periodic Review of Honduras in 2014-15.
2. Ensure that funding for projects in Honduras – whether security-related, social or cultural – takes into consideration the above recommendations and is made conditional on independent auditing to ensure their independence and effectiveness.

#### To the IACHR

1. Require periodic reports from the government of Honduras on the status of all persons and institutions protected by precautionary measures, with a view to assessing how effectively they have been implemented.



# A VIOLENT REALITY

*"This is terror. People are terrified."*

Gladys Lanza Ochoa, Co-ordinator of the Visitación Padilla Women's Movement for Peace



**H**onduras is plagued by violence and high crime rates. Between 2005 and 2010, its homicide rate more than doubled.<sup>2</sup> In 2011, Honduras had 91.6 murders per 100,000 people, according to the United Nations (UN) and the Organization of American States (OAS), earning it the dubious distinction of murder capital of the world.<sup>3</sup> In a country of approximately 8 million people, this translates into about 20 homicides daily.<sup>4</sup> In 2012, the murder rate fell to 85.5 per 100,000 people, but the new figure indicates an increase in population rather than a decrease in murders – the actual number of homicides grew from 7,104 to 7,172.<sup>5</sup> The level of violence has led to a situation in which some neighbourhoods simply shut themselves in at dusk because people are afraid to go out, according to Gladys Lanza Ochoa, Co-ordinator of the Visitación Padilla Women's Movement for Peace (*Movimiento de Mujeres por la Paz Visitación Padilla*).<sup>6</sup> As Ochoa puts it: “This is terror. People are terrified.”<sup>7</sup>

The United Nations Office on Drugs and Crime (UNODC) attributes most of the violence and killings to non-state actors involved in organized crime, primarily transnational youth gangs and Mexican drug-trafficking syndicates.<sup>8</sup> Under former President José Manuel Zelaya, the government focused largely on violence committed by *maras* (semi-organized youth gangs present throughout the country) as opposed to curbing the influence of crime networks linked to Colombian, Honduran and Mexican drug traffickers. This was due in part to a lack of capacity and the presence of corruption within the Honduran security forces.<sup>9</sup> Drug cartels, particularly those from Mexico, became active within Honduras, taking control of strategic regions within the country while working in tandem with Honduran criminal organizations.<sup>10</sup> In the immediate aftermath of the June 2009 coup which removed Zelaya from power, these groups took advantage of the interim government's preoccupation with maintaining political stability and were able to operate relatively freely.<sup>11</sup> Members of organized crime groups have reportedly continued to develop relationships with the political and economic elite and are alleged to have infiltrated various state agencies including the police.<sup>12</sup>

The *maras*, which came to Honduras through El Salvador, were originally formed in California and exported to Central America by deported gang members.<sup>13</sup> They control many of the poorer neighbourhoods of Tegucigalpa, San Pedro Sula, El Progreso and other cities.<sup>14</sup> They are often involved in extortion, a business that generates up to US\$59m per year according to one Honduran security analyst.<sup>15</sup>

While these gangs will often target each other, reports also indicate that police officers and vigilantes have been responsible for killings of gang members and youth more generally.<sup>16</sup> A May 2013 Associated Press article states that in the previous three years, Honduran prosecutors had received at least 200 formal complaints about “death squad-style” killings in Tegucigalpa and San Pedro Sula.<sup>17</sup>

## IN FOCUS: POLITICAL BACKGROUND

Prior to its democratic transition in the 1980s, Honduras was controlled by a series of authoritarian governments led by competing political bosses associated with one of the two traditional political parties: the Liberal Party of Honduras (*Partido Liberal de Honduras* – PLH) and the National Party of Honduras (*Partido Nacional de Honduras* – PNH).<sup>18</sup> Facing pressure from the United States, the Honduran military began a process of “controlled democratization,” organizing constituent-assembly elections in 1980 and general elections the following year.<sup>19</sup> The military maintained a degree of hegemony until the 1990s, when external actors including the US government decreased their economic and political support for the Honduran Armed Forces following the end of the Cold War.<sup>20</sup>

Under civilian rule, power continued to alternate between the PLH and the PNH.<sup>21</sup> Neither party maintained a consistent political program but would change its political platform in order to win votes and resources.<sup>22</sup> Although Honduras had met the minimal requirements for procedural democracy<sup>23</sup> by 2000, the government lacked legitimacy in the eyes of many Hondurans as a result of widespread corruption and the common perception that politicians sought patronage and power rather than genuinely working on behalf of constituents.<sup>24</sup>

In 2005, José Manuel Zelaya of the PLH was elected president of Honduras. Although the PLH has a small progressive branch, it is still generally considered to be a centre-right party like the PNH.<sup>25</sup> Zelaya, however, shifted increasingly towards the left during his term, using populist politics designed to appeal to the majority of Hondurans disillusioned with traditional party elites and democratic institutions.<sup>26</sup>

In 2008, Zelaya began campaigning for a constituent assembly to revise the Honduran Constitution.<sup>27</sup> Despite united opposition from the Honduran National Congress, the Supreme Court, the Supreme Electoral Tribunal and the Attorney General, Zelaya continued with preparations to hold a non-binding referendum asking Hondurans whether they wished to add the constituent assembly question to the November 2009 general elections.<sup>28</sup>

On June 28, 2009, Zelaya was removed from power and forcibly deported in a coup. The coup was distinct from previous coups in Latin America, which were often instigated by the military, which would remain in power while “reforming” political and economic institutions. In the 2009 coup, the military removed Zelaya on the orders of the Honduran Supreme Court.<sup>29</sup> The military made no attempt to retain power and the president of the National Congress at the time, Roberto Micheletti of the PLH, was quickly named acting president.<sup>30</sup> The Honduran National Congress remained unchanged, as did the political and judicial institutions.

Mass demonstrations took place after the coup, as both supporters and opponents of Zelaya took to the streets to protest.<sup>31</sup> Serious human rights violations took place during this period, including illegal detentions, repression of protests, and even enforced disappearances and murders.<sup>32</sup> Freedom of expression was severely curtailed.

The Office of the High Commissioner for Human Rights sent a mission to Honduras in October and November 2009 to report on violations of human rights during and in the immediate aftermath of Zelaya's ouster. The mission's report concluded that the right to freedom of expression was “one of the most restricted rights under the emergency measures,” decrees which the de facto government used to declare a state of emergency following the coup.<sup>33</sup> The report stated that many journalists practiced self-censorship in order to avoid sanctions and that “[t]he right to inform and disseminate different



opinions was severely restricted.<sup>34</sup> Members of the media who were considered opponents of the de facto government were restricted and harassed, and some journalists were ill-treated and/or illegally detained by police forces while covering demonstrations.<sup>35</sup>

Honduras was suspended from the Organization of American States (OAS). The international community condemned the coup and supported negotiations to reinstate Zelaya so he could finish the remainder of his term. Despite this, the coup leaders held the previously scheduled November 2009 elections.<sup>36</sup>

Porfirio Lobo of the PNH won the presidency over Zelaya's vice-president, Elvin Santos Lozano, receiving 56 per cent of the vote.<sup>37</sup> The PNH captured a congressional majority with 71 seats, the PLH won 45 seats (down from the 62 in the previous election) and three minor parties received the 12 remaining seats.<sup>38</sup> The US, which had initially supported restoring Zelaya to power, recognized the legitimacy of the 2009 election and the Lobo government, restoring relations in January 2010.<sup>39</sup> Honduras was readmitted to the OAS in June 2011.

In November 2013 the national elections tribunal declared Juan Orlando Hernández, the National Party candidate, winner of the presidential election with 36.8 per cent of the vote. The result was disputed by the Liberty and Refoundation Party (*Libertad y Refundación* – LIBRE), the political wing of the National Front of Popular Resistance (*Frente Nacional de Resistencia Popular* – FNRP) a coalition of politicians, unions and indigenous groups led by Xiomara Castro de Zelaya, former President Zelaya's wife. LIBRE called for a full recount of the ballots and for the election to be annulled.



Gerardo Flores (2011)

Nery Orellana (2011)

Adán Benítez (2011)



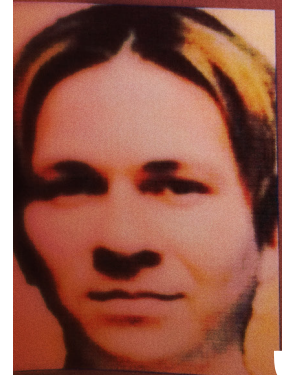
Henry Suazo (2010)



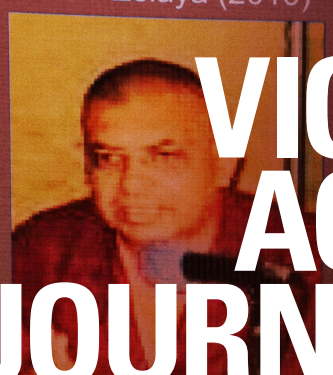
Israel Zelaya (2010)



Luís Mondragón (2010)



Luís Chevez (2010)



José Mairena (2010)



Manuel Juárez (2010)

# VIOLENCE AGAINST JOURNALISTS

*"In Honduras, assassins come in the form of two men on a motorcycle: one is fine; two means death."*

Julio Alvarado

**IN FOCUS: A COUP OR A "CRISIS"?**

In the immediate aftermath of the events of June 2009, there was controversy as to whether the removal of Zelaya from office constituted a coup or a "constitutional crisis." Those claiming a coup had not occurred argued that, "the military was acting on a court order to defend the rule of law and the constitution, and that the [Honduran] Congress asserted itself for that purpose."<sup>40</sup> This argument is premised on the illegality of Zelaya's proposed non-binding referendum, and suggests that the arrest of Zelaya by the Honduran military was legal as it came at the request of the Honduran Supreme Court.<sup>41</sup>

The controversy has largely subsided. Academic papers, reports by non-governmental organizations and media accounts now tend to refer to Zelaya's ouster as a coup.<sup>42</sup> In a 2010 interview with CNN, President Lobo himself referred to the events of June 2009 as a coup.<sup>43</sup> Consequently, this report will use the term "coup" when referring to the events of June 2009.

**V**iolence against journalists in Honduras is widespread, takes many forms and comes from many sources. Though there have been serious long-standing issues, since the 2009 coup there has been a dramatic rise in restrictions on freedom of expression and violence against journalists (See *Political Background*, p.13). In the immediate aftermath of the coup, journalists were subject to detentions, attacks and the destruction of their equipment.<sup>44</sup> The Inter-American Commission on Human Rights (IACHR) found that between June and August 2009, five journalists were illegally detained and beaten by members of the military.<sup>45</sup> Members of the police forces also assaulted a number of journalists.<sup>46</sup>

In December 2012 the UN Special Rapporteur on the situation of human rights defenders found that journalists "ha[d] increasingly been targeted for exposing human rights violations and poor governance," adding that an "alarming number of journalists ha[d] been killed since 2009, and those who covered the street protests and denounced human rights violations after the coup were particularly vulnerable."<sup>47</sup> The Special Rapporteur also noted that journalists working on social, economic and cultural rights, particularly indigenous and Afro-Hondurans and those working on land issues, were especially vulnerable.<sup>48</sup>

The Committee for Free Expression (*Comité por la Libre Expresión – C-Libre*) is a non-governmental organization (NGO) that defends freedom of expression. C-Libre's 2012 report found 136 cases of aggression committed against media workers between January and December 2012, including 344 separate direct acts of aggression.<sup>49</sup> C-Libre claimed to have identified the perpetrator in 197 instances and reported that state agents, half of them allegedly members of the National Police, had committed 93<sup>50</sup> of these 197 acts.<sup>51</sup> The remaining incidents were attributed to non-state actors.<sup>52</sup> Journalists engaged in print journalism were disproportionately targeted, according to C-Libre's figures. Of the 136 overall cases of aggression against journalists, 33 were committed against print journalists;<sup>53</sup> but this total increases to 81 when part-time print journalists who self-identified in a more particular way are included.<sup>54</sup> This means that 60 per cent of all cases of aggression involved individuals engaged in print journalism.

It is also important to note the kind of print journalists who are targeted. There is evidence that independent journalists and social communicators writing about sensitive subjects such as the environment, minerals, resources and land conflicts

are far more likely to be targeted than "traditional" print journalists working for mainstream publications and reporting on non-controversial subjects.<sup>55</sup>

Violence against journalists appears to be on the rise. C-Libre's 2012 report found that acts of aggression against journalists increased from 115 in 2011 to 136 in 2012.<sup>56</sup> The US Department of State's 2012 Country Report on Honduras notes that while killings of journalists have decreased since 2010, reports of harassment of journalists and social communicators<sup>57</sup> have continued to rise.<sup>58</sup>

At the same time, protection for journalists appears to be limited. A number of the journalists and human rights defenders interviewed for this report, for example, have been issued "precautionary measures" by the IACHR. These measures are requests from the IACHR to Honduras to "prevent irreparable harm" in "serious and urgent" situations – in the case of journalists, to protect life and personal integrity. As discussed in Section VII.D below, however, these measures seem to provide limited security.

## A. Types of violence against journalists

### i) Verbal threats and intimidation

Journalists are often subject to verbal threats and intimidation. Nearly all of the journalists interviewed for this report said that they had been subjected to threats and harassment. In February 2012, journalist Dina Meza received two text messages threatening her with sexual violence. One stated "[w]e are going to burn your 'pipa' [vagina] with caustic lime until you scream and then the whole squad will have fun"; the other message read "[y]ou'll end up dead like the Aguán people, there's nothing better than screwing whores."<sup>59</sup> Both were signed "CAM", a pseudonym "often used for sending threats to human rights activists and journalists after the 2009 coup."<sup>60</sup> According to television journalist Julio Alvarado (see *Self-censorship in action*, p. 20), threats have become so commonplace that they are often no longer reported.<sup>61</sup>

The IACHR Special Rapporteur for Freedom of Expression has documented several recent anonymous threats against journalists. Mavis Cruz, a journalist with *Radio Libertad*, received death threats over the phone in February 2012 stating that someone was going to "destroy her" for "causing lots of trouble" on her radio program.<sup>62</sup> From February to April 2012, journalist Antonio Cabrera received menacing text messages, one of which threatened to cut out his tongue; the threats were generally received while he was broadcasting the morning news.<sup>63</sup>

Sometimes, the threats come directly from state agents. Members of the Honduran military have threatened journalists in attempts to intimidate them into self-censorship. At a news conference in February 2013, for example, Xatruch Intervention Force commander Colonel Germán Alfaro Escalante accused four people by name, one of whom was a journalist, of "denigrating the actions of the armed forces" and of "besmirching the image of the Honduran nation."<sup>64</sup> On a different occasion, the news director and owner of *Radio Globo* was allegedly threatened by retired Colonel Guillermo Pinél Cáliz, the former head of military intelligence and current Director of Strategic Information of the Honduran Telecommunications Company (*Empresa Hondureña de Telecomunicaciones – HONDUTEL*), who said the journalist could be killed for being a "bigmouth," just like the murdered journalist Alfredo Villatoro.<sup>65</sup> In December 2012, according to the Honduran government's own ombudsperson for human rights, the National Commissioner for Human Rights (*Comisionado Nacional*



*de los Derechos Humanos* – CONADEH), President Lobo himself accused the newspapers *El Heraldo* and *La Prensa* of conspiring against his government. The president reportedly went on to state: “I will only say this to them: what they [the newspapers] are doing is dangerous for this country and they are going to create a problem for us that we haven’t had but that we could have. . . . We had a crisis in 2009 and they could cause another in 2012 or 2013. And they could do it because they are against the people.”<sup>66</sup>

In other instances, journalists have been harassed by private actors. In February 2013, two journalists were reportedly attacked by approximately 30 men who were participating in a protest regarding transportation issues, after some of the men recognized them as working for a media outlet that had criticized the National Transportation Director.<sup>67</sup> One journalist appealed for help to three nearby members of the Presidential Guard, but the guards ignored him and allowed the assault to continue.<sup>68</sup> On a separate occasion, a journalist accused of sedition by a water company reportedly received death threats from a company official.<sup>69</sup>

Several journalists interviewed for this report indicated that their phone calls and emails appeared to have been monitored. One recounted an incident in which a friend who called her mobile phone was connected to an answering machine belonging to the National Police.<sup>70</sup> Andrés Molina, journalist and human rights defender, experienced something similar: three times in a row, a friend called his phone only to have someone else answer.<sup>71</sup> After C-Libre staff heard echoes on the phone, experts confirmed that someone was likely monitoring their calls.<sup>72</sup> C-Libre’s electronic communications also appear to have been subject to interference.<sup>73</sup> As the director of C-Libre explained, the combination of surveillance and threats received over the phone is a form of psychological repression, which causes individuals to self-censor.<sup>74</sup>

## ii) Physical attacks

Journalists are also victims of armed attacks and physical violence. CONADEH has documented armed attacks on journalists by state agents. It lists several instances of journalists being subject to violence at the hands of the police, often while the journalists were covering protests or civil actions. On March 25, 2011, a journalist was hospitalized after being hit in the face by an object thrown by the police while they were dispersing a gathering of teachers.<sup>75</sup> On the same day, two journalists required medical attention after being subjected to tear gas fired by the police.<sup>76</sup> One journalist was also wounded while covering a civic strike on March 30, 2011, after being grazed by a bullet, and several journalists protesting impunity for the murders of their colleagues were hit with cudgels and tear gassed on December 13, 2011.<sup>77</sup>

Also in December 2011, armed men fired on the offices of *La Tribuna*, likely in response to investigations published in the newspaper which mentioned allegations that police officers were potentially responsible for the murder of two men, one of whom was Rafael Alejandro Vargas, the son of the Rector of the National Autonomous University of Honduras (*Universidad Nacional Autónoma de Honduras* – UNAH).<sup>78</sup> On December 23, 2011, men believed to be members of the police also arrested, assaulted and intimidated a journalist who had reported on issues including police corruption, attacks on the media, impunity in journalist murders and the Vargas murder.<sup>79</sup>

However, as with murders, verbal threats and intimidation, the perpetrators of most of the physical violence directed at journalists are unknown, as can be illustrated by some recent examples. Journalist José Ramón Maldonado and cameraman Daniel

Sánchez were shot at by an unidentified gunman on a motorcycle on May 20, 2013.<sup>80</sup> Maldonado said the attack “could have stemmed from his recent investigative reports into the local government.”<sup>81</sup> On the same day, an opinion columnist for *Revista Imagen* was shot at by unknown assailants.<sup>82</sup> On June 11, 2013, Antonio Quintero Calona of Honduras TV survived an attack which killed the technician accompanying him.<sup>83</sup>

In addition to physical assaults, journalists and media workers also face attacks on their technical equipment. In 2011, attackers entered the facilities of two community radio stations that had opposed the construction of a private hydroelectric project, cut their power and said there had been too much criticism coming from the stations.<sup>84</sup> According to Juan Vasquez, a broadcaster at these stations, the electrical company then told the journalists that they had to pay an increased rate in order to stay connected. To the community radio workers, this was a clear sign of the state attempting to silence them.<sup>85</sup>

## iii) Murders

As this report went to press, at least 38 journalists had been killed in Honduras since 2003, 32 of them since the coup in June 2009. (The sources cited in Table 1 below show lower total figures due to differing definitions of “journalist” and missing or incomplete data for 2013 – see Appendix B.) Although there are varying estimates as to the number of journalists killed from 2010 onwards, all show a dramatic increase in 2010 compared to previous years. While the 2011, 2012 and 2013 totals are lower than those for 2010, the numbers have yet to fall back to pre-2009 levels.<sup>86</sup>

TABLE 1: VIOLENCE AGAINST JOURNALISTS (2003 – 2013<sup>87</sup>)

	2003	2007	2008	2009	2010	2011	2012	2013 <sup>88</sup>	Total
Human Rights Watch (HRW) <sup>89</sup>	– <sup>90</sup>	–	–	–	–	–	–	0	At least 20 since 2009
Committee to Protect Journalists (CPJ) <sup>91</sup>	1	1	0	2	9	4	1	1	19
State of Honduras: <i>Ministerio Público</i> (Office of the Public Prosecutor) <sup>92</sup>	–	–	–	–	–	–	–	0	22
Freedom House <sup>93</sup>	–	–	–	–	–	–	–	0	26
United Nations Special Rapporteur <sup>94</sup>	1	1	1	4	12	6	7	0	32
State of Honduras: <i>Secretaría de Justicia y Derechos Humanos</i> (Ministry of Justice and Human Rights) <sup>95</sup>	1	1	1	4	12	6	8	0	33
<i>Comisionado Nacional de los Derechos Humanos</i> (National Commissioner of Human Rights – CONADEH) <sup>96</sup>	1	1	1	4	12	6	9	2	36 <sup>87</sup>

While, as discussed above, print journalists are the primary targets of violence generally, the victims of deadly violence are largely journalists working in television and radio. Appendix B gathers information about each of the journalists killed. In summary, 13 of those killed worked in the radio industry, 10 worked in television and six worked in both radio and television. One print journalist, two online media workers and two students have also been killed.<sup>98</sup> One journalist interviewed for this report suggested that radio and television journalists may be more vulnerable to deadly violence because they are more recognizable to the general population.<sup>99</sup> Radio and

television personalities tend to be household names; consequently their deaths have a greater impact on the broader population, creating more fear.<sup>100</sup>

Establishing how certain journalists are targeted for deadly violence, and why they are being singled out, is challenging. Due to inadequate investigative work, little officially verified information is available on the perpetrators of violence against journalists: neither the extent to which such investigations have been conducted nor any meaningful results have ever been made public.

The journalists' work and the manner in which they were killed can suggest likely perpetrators. Some journalists appeared to have been killed by hitmen, while others' bodies showed signs of torture.<sup>101</sup> While these characteristics may inform speculation as to who may be responsible for the killing, the lack of concrete information precludes confirmation. The following subsections consider potential motivations for the killing of journalists.

### IN FOCUS: SELF-CENSORSHIP IN ACTION

Julio Alvarado is no stranger to intimidation. The television and radio broadcaster has often criticized the Honduran police and armed forces on "*Medianoche*," a current affairs radio program he started in January 2010. The show was broadcast on *Radio Globo*, an opposition station. Alvarado frequently covered issues related to *campesinos* (rural workers) and violence in Bajo Aguán, Valle de Sula and San Miguel Cortes.

As a result of his work, Alvarado received threatening phone calls and letters. Cars without license plates drove past *Radio Globo's* offices. On numerous occasions, a man on a motorcycle tailed him. When Alvarado recalls what it feels like to be followed, he observes that being shadowed by one person is less threatening. "In Honduras," he says, "assassins come in the form of two men on a motorcycle: one is fine; two means death."

On March 1, 2013, six armed men pulled up outside the offices of *Radio Globo* and *Globo TV*. They drove around the building several times while Alvarado was still on air. Later that night, an unknown man entered the building in what was likely an attempt to scout it out. Security guards believed that the men intended to return and attack Alvarado.

Although he escaped unharmed, Alvarado had never felt so fearful. After realizing how easily he could have been killed that evening, he decided, reluctantly, to suspend the radio program. He had never imagined that he would become his own censor. Friends and listeners were bewildered by the decision, but even after the program was halted, the threats continued.

Shortly after the attempted attack, Alvarado reported the incident to the Committee of Relatives of the Detained and Disappeared in Honduras (*Comité de Familiares de Detenidos Desaparecidos en Honduras* – COFADEH). According to Alvarado, the Honduran National Police failed to investigate, even after specifically ordered to do so by the Ministry of Justice and Human Rights. Although it remains unclear who was behind the attack, Alvarado suspects that members of the police or the military may have been involved.

Currently, Alvarado works as a television broadcaster with *Globo TV*. Despite all that has happened, he would like to resume broadcasting "*Medianoche*." But, given the current conditions for journalists in Honduras, he knows he cannot do so yet.

## B. Possible motives for journalist murders

### i) Violence related to political reportage

Within this violent context, the extent to which journalists have been targeted as a result of their reporting on politics is unclear. According to information provided to the IACHR Special Rapporteur for Freedom of Expression by the Honduran government on February 22, 2013, of the 22 deaths it has recorded, "preliminary investigations confirm that the homicides [were] the result of common crime or organized crime, and it has not been determined that they were motivated by the opinions expressed by the media workers about the government."<sup>102</sup>

Independent Honduran officials, however, report differently. Ramón Custodio is the National Commissioner for Human Rights, the independent ombudsperson for human rights. Although he rejected the idea that journalists were killed for political reasons following the coup, Custodio believes that most killings were linked to the journalists' work and few were a result of common crime.<sup>103</sup> Jorge Omar Casco, Co-ordinating Commissioner of the Public Security Reform Commission (*Comisión de Reforma de la Seguridad Pública* – CRSP) has said that journalists face elevated risks because of their profession.<sup>104</sup> Casco believes journalists may be targeted because of what they say, if they speak critically, or because of what they fail to say – if they do not defend a particular person.<sup>105</sup>

Non-governmental rights monitors have also stated that murdered journalists were likely targeted because of their work. According to the Committee to Protect Journalists (CPJ), at least five journalists have been killed as a result of their professional activities since 1993.<sup>106</sup> Human Rights Watch (HRW) reports that it is not clear how many journalists have been killed as a result of their professional work, but that ongoing political polarization in Honduras and circumstantial evidence, including statements by perpetrators, suggest that many of the journalists killed in 2010 were targeted because of their political views.<sup>107</sup>

Indeed, according to the IACHR, during and immediately following the 2009 coup, journalists and media outlets perceived to be closely aligned with the government were targets of violence, presumably by individuals and/or groups opposed to the coup.<sup>108</sup> In the coup's aftermath, media workers and outlets deemed sympathetic to the resistance movement were targeted by agents of the state as well as private individuals, restricting their ability to report on events related to the coup.<sup>109</sup> HRW also confirms that journalists may have been killed for political reasons.<sup>110</sup>

### ii) Organized crime and narco trafficking

Manuel Orozco, Director of Migration, Remittances and Development at the Inter-American Dialogue, a US policy analysis centre, believes the consolidation of organized crime in recent years has sparked the increase in the murders of journalists. Orozco notes that it is not journalists from prominent media outlets who are being killed, but rather those from lesser known radio stations or television channels who are more likely to report on organized crime and corruption amongst state actors.<sup>111</sup>

Larger media outlets are controlled by powerful private sector economic interests, which exert influence on what can be published.<sup>112</sup> Orozco explains that while the economic elites may not be corrupt, they often set limits on what can be reported because they know and/or work with others who are corrupt and it is "not convenient



for them to complicate their reputation.” As such, journalists from the more prominent outlets do not report on issues such as corruption and drug trafficking or, if they do, publish only a limited amount of information.<sup>113</sup> Journalists who actively cover corruption and organized crime find themselves targeted by those who wish to silence such coverage. One international observer noted that it is not always necessary for journalists to expose links between organized crime and the state; sometimes the fact that they are simply investigating the matter is enough to make them a target.<sup>114</sup>

Neither is such violence limited to journalists, as the December 2011 murder of well-known anti-corruption campaigner José Alfredo Landaverde shows. Landaverde did significant work detailing the linkages between drug traffickers and state actors, in particular the police and the security ministry.<sup>115</sup> In the weeks prior to his murder, he revealed that arms from the Special Forces Cobra squadron had fallen into the hands of organized crime groups and he recommended to the president that a full audit of weapons be carried out.<sup>116</sup> According to reports by C-Libre, Landaverde was warned of a possible attempt against his life on November 28, 2011 after he reported alleged police involvement in the December 2009 murder of Julián Arístedes Gonzales, head of Secretary of the Commission for the Fight Against Narcotrafficking (*Dirección de Lucha contra el Narcotráfico – DLN*), which occurred in December 2009,<sup>117</sup> to the Special Prosecutor against Organized Crime (*Fiscalía Especial Contra el Crimen Organizado – FESCCO*). Although Landaverde’s alleged assassin was sentenced to 22 years in prison on January 9, 2014, the intellectual author of the crime (i.e. the individual who ordered the murder but who did not commit the crime itself) is apparently yet to be prosecuted.<sup>118</sup>

A linkage of the violence to organized crime is consistent with the explanation offered by Ethel Deras Enamorado, the State’s Attorney General (*Procuradora General*), who represents Honduras before international bodies such as the UN and the OAS. She explained that Central American countries are victims of their position in the drug corridor (i.e. the route through which drugs are smuggled from South American countries to the United States).<sup>119</sup> In her view, the increase in violence has resulted from the presence of drug traffickers, gangs and organized crime.<sup>120</sup>

Available information indicates that at least two of the murdered journalists may have been killed by criminal groups. Carlos Alberto Salgado was killed on October 18, 2007 by unknown assailants while leaving the radio station where he had just broadcast a radio show. CPJ reports a criminal group as the suspected source of fire.<sup>121</sup> Although a motive has not been confirmed in the April 2009 death of Rafael Munguía Ortiz, he had reported on organized crime shortly before his murder.<sup>122</sup> *El Heraldo* reported that a protected witness confirmed that Aníbal Barrow, who was killed in July 2013, was murdered on the orders of a narcotrafficker.<sup>123</sup>

### iii) State involvement

As the work of Landaverde makes clear, linkages between organized crime and the state security sector make it difficult to separate violence committed by non-state actors from human rights abuses committed by state agents. In some cases, circumstantial evidence suggests that state actors were involved. For example, there are suspicions of police involvement in the murder of radio journalist Ángel Alfred Villatoro. Villatoro was reportedly killed with a “Jericho gun,” property of the Honduran National Police.<sup>124</sup> The National Police also reportedly suspended Villatoro’s police bodyguard a few days prior to his kidnapping.<sup>125</sup>

As set out in Section III.A.ii below, the involvement of state agents in criminal activities and human rights abuses in Honduras is well documented. Even if violence against journalists is not an explicit state policy, the history of state-sanctioned violence and the serious corruption of the security forces gives rise to a common perception among journalists and human rights defenders that the state is a primary source of targeted violence and human rights violations. Bertha Oliva, General Co-ordinator of COFADEH said that state agents commit human rights violations, including the murder of journalists, and then justify these deaths as being products of narcotrafficking and organized crime.<sup>126</sup>

## IN FOCUS: DEADLY ASSIGNMENTS

### Political

*Journalists perceived as being supportive of ousted President Zelaya and who may have been killed as a result include:*

- Nahúm Palacios: killed in March 2010; opposed the 2009 coup and turned his TV station into an openly pro-opposition channel; previously detained by and received threats from the Honduran military.<sup>127</sup>
- Nery Jeremías Orellana: killed in July 2011; active member of the National Front of Popular Resistance (*Frente Nacional de Resistencia Popular – FNRP*), an organization supporting Zelaya. Jeremías regularly allocated airtime to the FNRP.<sup>128</sup>
- Medardo Flores: killed in September 2011; regional finance minister of the pro-Zelaya Frente Amplio de Resistencia Popular (Broad Front for Popular Resistance – FARP), shot two days after another leading FARP member was killed.<sup>129</sup>
- Luz Marina Paz Villalobos: killed in December 2011; known for outspoken criticism of the 2009 coup (Paz also received threats from organized crime for refusing to pay a “war tax”).<sup>130</sup>

In addition, Joseph Hernández Ochoa, a journalist for *Canal 51*, was probably murdered for political reasons. He was killed in March 2010 while driving with journalist Karol Cabrera, likely the actual target of the attack. Cabrera believes that supporters of ousted President Zelaya were responsible for the attack.<sup>131</sup>

### Corruption

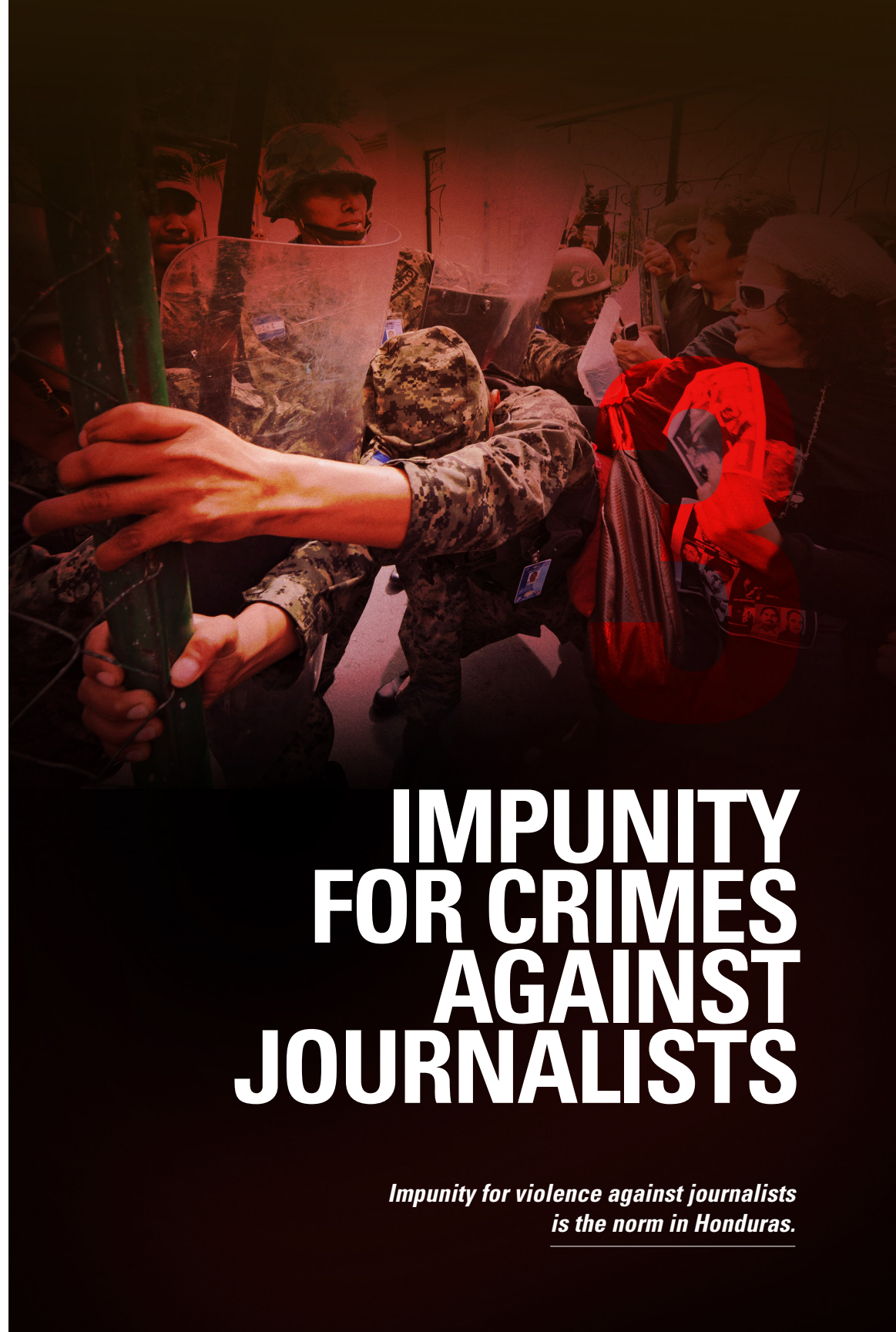
*Several journalists covered stories on state corruption prior to their murder. These include:*

- David Meza: killed in March 2010; had recently criticized local police as corrupt and incompetent; the CPJ reports government officials as the suspected source of fire.<sup>132</sup>
- Luis Arturo Mondragón Morazón: killed in June 2010; reported on government corruption, environmental issues and crime.<sup>133</sup>
- Héctor Francisco Medina Polanco: killed in May 2011; had reported on corruption in the local mayor’s office and on regional land disputes.<sup>134</sup>

IN THE 38 CASES  
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9

5



# IMPUNITY FOR CRIMES AGAINST JOURNALISTS

*Impunity for violence against journalists  
is the norm in Honduras.*

Impunity for violence against journalists is the norm in Honduras. The National Commissioner for Human Rights (*Comisionado Nacional de los Derechos Humanos* – CONADEH), the office of the independent ombudsman for human rights, has documented 38 cases of murdered journalists between 2003 and 2013. Only nine of these cases have produced arrests and, to date, no more than two convictions have resulted from the investigations – an impunity rate of 95 per cent.<sup>135</sup> No suspect has been identified, let alone arrested, in 27 of the 36 murder cases.<sup>136</sup>

### IN FOCUS: WIDESPREAD HUMAN RIGHTS VIOLATIONS AND IMPUNITY

The overall human rights situation in Honduras is precarious, with international bodies documenting violations of the rights of the accused, the right to judicial protection, as well as the rights of children, women, lesbian, gay, bisexual, and transgender (LGBT) people, human rights defenders, and indigenous people.<sup>137</sup> As many international observers have noted, impunity for human rights violations is the norm.

In its 2007 report, the United Nations (UN) Working Group on Enforced or Involuntary Disappearances expressed concern at levels of impunity, noting that “alleged perpetrators of serious violations of human rights, including disappearances, are not only at large, but in addition are not the subject of any effective investigation, still less any conviction by a court.”<sup>138</sup> The Committee against Torture has highlighted the issue, and identifies “the existence of widespread impunity, acknowledged even by the State party, as one of the main reasons for its failure to eradicate torture.”<sup>139</sup>

In the case of violations of LGBT rights, the Universal Periodic Review (UPR) Mid-term Implementation Assessment (MIA) found that Honduras had failed to “[c]arry out independent, impartial and effective investigations into the unlawful use of force against lesbian, gay, bisexual and transgender activists by Honduran law enforcement officials” and had failed to take “concrete steps to ensure prompt, adequate, and transparent investigation of killings, intimidations and other abuses of persons from the lesbian, gay, bisexual and transgender community.”<sup>140</sup>

The UN Special Rapporteur on the situation of human rights defenders visited Honduras in February 2012, at the invitation of the Honduran government. In her report, the Rapporteur noted positive steps taken by the Lobo administration, including “the creation of the Ministry of Justice and Human Rights, the Ministry for the Development of Indigenous Peoples and Afro-descendants, and the National Committee for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment.”<sup>141</sup> However she expressed concern that “[t]he pervasive impunity and absence of effective investigations of violations undermine the administration of justice and damages the public’s trust in the authorities,” adding that “high levels of impunity are affecting the stability of society.”<sup>142</sup>

Even in the cases currently being prosecuted, there has not been sufficient investigation to determine whether the crime has an intellectual author; instead, the murders are treated as “common crimes” and only those directly responsible have been charged.<sup>143</sup> This tendency to treat the killings of journalists as ordinary street crimes is reflected in the jurisdiction of the Special Prosecutors for Human Rights Defenders, whose mandates do not include investigating or prosecuting the murders of journalists.

Héctor Becerra of C-Libre identified seven cases where no attempt to search for an intellectual author has been made, including the recent case of Anibal Barrow.<sup>144</sup> As of mid-July 2013, five of the eight alleged killers in the Barrow case had been arrested.<sup>145</sup>

Although a “powerful narco-trafficker” has been identified as the intellectual author of the murder, he has not been named or charged.<sup>146</sup>

The State’s reported totals are different, but they still illustrate high levels of impunity. The State maintains that as of February 2013, eight of the 22 murders of media workers documented by the Public Prosecutor’s office – a figure significantly lower than the 33 given by the Ministry of Justice and Human Rights – had been prosecuted.<sup>147</sup> Even if these numbers are used, however, nearly two thirds of the killings remain unprosecuted.

It is not only the murders of journalists for which impunity is the status quo. Threats and attacks also go uninvestigated and unpunished. For example, journalist Dina Meza, who currently works for a human rights NGO and as a volunteer for the Visitación Padilla Women’s Movement for Peace (*Movimiento de Mujeres por la Paz Visitación Padilla*), has received numerous text message and phone threats. She has asked the police to investigate the threats, and has given them the phone number from which the calls and messages originated. In November 2012, the police were given access to her phone line. Despite this, she has been told nothing about the progress of the investigation, or about potential suspects.<sup>148</sup> Similarly, radio and television host Julio Alvarado reports that although police were ordered to probe the attempt on his life (see *Self-censorship in action*, p. 20), no progress has yet been made in the investigation.<sup>149</sup>

The UN Special Rapporteur on the promotion and protection of the right of freedom of opinion and expression (UN Special Rapporteur for freedom of expression) has cited impunity for violence against journalists in Honduras as a direct violation of the right to free expression. In March 2013, he observed that “[g]eneral impunity and the failure to conduct effective investigations into human rights violation[s] further cripple all initiatives taken and efforts made to protect human rights, to respect the rule of law, to establish the truth and to provide reparations.”<sup>150</sup> Citing “attacks against journalists and communication outlets, the excessive use of force against peaceful protestors, judicial harassment and trials for slander, libel and defamation,”<sup>151</sup> the Special Rapporteur expressed concern “regarding the impunity which prevails in the majority of cases of violence as a result of the lack of political will, human resources and budgetary means along with the lack of capacity on the part of those individuals charged with investigating, trying and penali[z]ing the perpetrators.”<sup>152</sup>

## A. Sources of impunity

### i) Failure to investigate and prosecute

The lack of accountability for violence against journalists in Honduras stems from failures at the investigative stage. The UN Special Rapporteur for freedom of expression reports that since the 2009 coup, the Honduran population has lost confidence in state authorities and institutions, including the National Police, the Office of the Public Prosecutor, and CONADEH.<sup>153</sup> Bertha Oliva, Co-ordinator of the Committee of Relatives of the Detained and Disappeared in Honduras (*Comité de Detenidos Desaparecidos en Honduras*), explained that the depth of impunity in Honduras is such that it is difficult to trust what the police report: “A person might be killed with a gun, but if officials say it was a machete, then that is what is reported.”<sup>154</sup> The population does not trust the police to investigate properly. This lack of confidence has likely exacerbated the under-reporting of crimes, as many feel that the state lacks the institutional capacity

to obtain justice for the victims. Sometimes, fear that state agents – including police – may themselves be complicit in crimes also discourages reporting.

In Honduras, only 20 per cent of all crimes are reported, according to the US State Department.<sup>155</sup> When a crime is reported, it is still unlikely to be fully investigated let alone prosecuted. Only 3.8 per cent of reported crimes are investigated by the police.<sup>156</sup> Consequently less than one per cent of crimes committed in Honduras are ever investigated. The Office of the Public Prosecutor (*Ministerio Público*) states that all cases of murdered journalists are being investigated.<sup>157</sup> In reality, however, some cases have hardly been investigated and remain open after several years, while others have been investigated more thoroughly.<sup>158</sup>

A 2010 Committee to Protect Journalists (CPJ) report analyzing the Honduran government's response to violence against journalists found "an alarming pattern of impunity . . . as evidenced by the authorities' inability or unwillingness to take obvious steps to investigate the crimes and arrest the perpetrators."<sup>159</sup> Instances of this inertia are not hard to find. In August 2012, for example, Honduras promised the Inter-American Press Association (*Sociedad Interamericana de Prensa – SIP-IAPA*) that it would create a special investigative unit for crimes committed against journalists and other vulnerable groups. But it has yet to do so.<sup>160</sup>

The UN Special Rapporteur for freedom of expression has noted that the Honduran Public Prosecutor does not have a proper investigative police unit but rather relies on the National Police to investigate all crimes.<sup>161</sup> According to an international observer, the Office of the Public Prosecutor will say an investigation is in the hands of the police, but the police simply do not investigate.<sup>162</sup> This sentiment was echoed by Rosa Seaman, former Special Prosecutor for Human Rights Defenders, who explained that many human rights cases referred to her office were accompanied by practically no evidence.<sup>163</sup> Indeed, according to sociologist Sergio Bahr, the police place little emphasis on the investigatory aspects of their jobs.<sup>164</sup> Rather, they see policing as limited to protecting public security – "they are just men with guns," explained Bahr.<sup>165</sup> Jorge Casco, Co-ordinating Commissioner of the Public Security Reform Commission (*Comisión de Reforma de la Seguridad Pública – CRSP*), places the blame more broadly, characterizing the Public Prosecutor, the police and the judiciary as incompetent.<sup>166</sup>

In addition, structural constraints hinder the prosecutions of those responsible for the murders of journalists. Miriam Elvir, journalist and co-ordinator of alerts for C-Libre, emphasized that there needs to be recognition that a journalist's profession makes crimes against them distinct from those committed against non-journalists.<sup>167</sup> The current prosecutorial system, however, does not fully recognize this. The Special Prosecutors for Human Rights Defenders<sup>168</sup> investigate cases of human rights violations against human rights defenders – including journalists – where the perpetrator is a state agent or a civilian colluding with a state official.<sup>169</sup> Abuses such as threats, assaults and illegal detentions fall within their jurisdiction. If, however, a journalist is murdered, they no longer have the legal authority to prosecute.<sup>170</sup> Instead, the case will be referred to the new Special Prosecutor for Crimes against Life (*Fiscalía Especial de Delitos Contra la Vida*), created in August 2013,<sup>171</sup> which lacks the same focus on human rights. Excluding murders of journalists from the Special Prosecutor's jurisdiction reinforces the notion that journalists are simply victims of generalized violence.

Violence against lawyers also contributes to the failure to prosecute. Lawyers play an important role in defending human rights and strengthening the rule of law.<sup>172</sup>

As a result, they face a number of risks in the exercise of their profession, ranging from threats and attacks to murder. Between 2010 and 2012, 53 lawyers were killed in Honduras, including specialists in criminal law, commercial lawyers, public prosecutors, union lawyers, in-house counsel at banks, and lawyers providing counsel to *campesino* (rural worker) organizations.<sup>173</sup> In more than 95 per cent of these cases, there is total impunity.<sup>174</sup> When lawyers are killed as a result of their profession, the rule of law suffers and impunity thrives. Violence against lawyers renders the state less willing and less able to prosecute those who violate human rights.

## ii) Corruption within the security forces

Corruption is a serious problem within the Honduran security forces.<sup>175</sup> In the first five months of 2013, German Enamorado, the former Special Prosecutor for Human Rights, opened more than 400 cases examining police abuse, misconduct and murder.<sup>176</sup> A United States Senate Caucus report on International Narcotics Control states that criminal networks in Central America have been closely linked to government and military elites.<sup>177</sup> In November 2011, the then Honduran Security Minister Pompeyo Bonilla estimated that 1,000 members of Honduras' 14,500-member police force were corrupt.<sup>178</sup> Martha Savillón, Deputy Minister of Justice and Human Rights, confirmed that the police forces have many problems, including infiltration by organized crime.<sup>179</sup> An international observer said that his office operates under the assumption that narco-trafficking groups have established links with politicians, the army, and the police.<sup>180</sup>

Writer and psychologist Claudia Sánchez commented that in her view, in some cases the *maras* and the police are essentially the same thing and that some members of the police force have been caught demanding "war taxes" just like the *maras*.<sup>181</sup> This observation was borne out by evidence uncovered following the murder of two university students, one of whom was the son of Julieta Castellanos, Chancellor of the National Autonomous University of Honduras (*Universidad Nacional Autónoma de Honduras – UNAH*). Castellanos launched her own investigation into the murders, which ultimately led not only to the conviction of four Honduran police officers for the killings but also "unveiled the level of deep-seated corruption in the police."<sup>182</sup> This corruption included police involvement in "murders, extortion, kidnapping, car theft and drug trafficking."<sup>183</sup>

Drug trafficking organizations (DTOS) also have significant influence within the security forces. These organizations will pay police officers or soldiers to work for them occasionally, or will recruit them to provide security.<sup>184</sup> Jorge Casco explained that, in the past, it was more of a question of police turning a blind eye to drug traffickers.<sup>185</sup> Now, some members of the police force are actually involved in transporting drugs, sometimes using their own vehicles.<sup>186</sup> Sociologist Sergio Bahr stated that, as in Colombia and Mexico, the cartels have integrated themselves into the military and the police in order to thrive.<sup>187</sup>

The high levels of corruption and infiltration have two major consequences. Firstly, they increase the likelihood that state actors are involved in crimes committed against journalists. Juan Vasquez, a community media journalist with *La Voz Lenca* and *Radio Guarajambala*, said that international observers help to protect community radio journalists because the police will not harass or attack them in the presence of outsiders.<sup>188</sup> As this comment suggests, Vasquez and his colleagues believe the police are all too likely to be complicit in repressive measures against them. Secondly, the corruption and infiltration of security forces by criminal groups have meant that those directly responsible



for conducting investigations (i.e. the police) may be unwilling or unable to do so. Although the Honduran Congress created the Department of Investigation and Evaluation of the Police Service (*Dirección de Investigación y Evaluación de la Carrera Policial* – DIECP) in November 2011 to “investigate crimes and misconduct committed by police officers, and to continuously evaluate police personnel to weed out corrupt officers,” a lack of resources and personnel has resulted in it almost exclusively implementing “confidence tests” (see Section IV.A.ii).<sup>189</sup> As a result, state agents who commit human rights abuses often end up being responsible for investigating these violations.<sup>190</sup> Probes into serious police misconduct are frequently carried out by the police themselves.<sup>191</sup> This system creates the potential for serious conflicts of interest and undermines the professional credibility of the entire force.<sup>192</sup>

Members of the police have also been accused of compromising the ability of the Human Rights Unit of the Honduran Office of the Public Prosecutor to investigate crimes and threats against human rights defenders.<sup>193</sup> According to Maria Mercedes Bustillo, Co-ordinator of the Special Prosecutor for Human Rights (*Fiscalía Especial de Derechos Humanos*), in other countries, when a police officer or member of the armed forces commits a crime, superior officers refer the case to the appropriate authorities.<sup>194</sup> In Honduras, however, superior officers conceal the involvement of the security forces in the crime.<sup>195</sup>

Awareness of high levels of corruption also undermines anti-crime efforts. Police and security organizations, both civilian and military, are less willing to share information with other organizations when they believe it may then be passed on to DTOS.<sup>196</sup> Consequently joint investigations are less likely to succeed, due to a lack of collaboration between agencies.

### iii) *Weak and corrupt judiciary and prosecutor’s office*

The Honduran judiciary lacks autonomy and is subject to outside influence, rendering it an ineffective mechanism for ensuring accountability. As one commentator has observed, the Honduran judiciary has largely failed to develop a culture that promotes professional integrity, principled contemplation of legal problems and independence from political pressure.<sup>197</sup> The appointment of judges is also highly politicized. The Honduran Supreme Court appoints judges, but the Court itself is chosen by the Honduran National Congress based on political affiliation.<sup>198</sup>

The judiciary’s impotence relative to the executive and legislative branches of government was clearly displayed in December 2012. Congress voted to remove four of the 15 Supreme Court justices after the Court ruled that two pieces of legislation, one of them a police reform bill, were unconstitutional.<sup>199</sup> Martha Savillón, Deputy Minister of Justice and Human Rights, explained that the police reform bill<sup>200</sup> required, among other things, a mandatory lie detector test for police officers.<sup>201</sup> The Court viewed the mandatory nature of this test as a violation of individual rights, seeing it as unjust to dismiss a police officer on the basis of a test which is neither fully effective nor fully reliable.<sup>202</sup>

It is not clear that Congress was legally entitled to remove the judges. Ana Pineda, Minister of Justice and Human Rights, held a press conference following the judges’ dismissal and stated that their removal was illegal and violated the principle of independence of the judicial branch.<sup>203</sup> According to Jorge Casco, the episode illustrates the fact that Honduran institutions lack the capacity to handle political conflict and that the political class has failed to learn from the 2009 coup.<sup>204</sup> Despite this, Congress went on to approve amendments to the police law, including the mandatory lie detector test.<sup>205</sup>

Corruption also hampers the institutional capacity of the Honduran judiciary and is a substantial barrier to obtaining justice and ending impunity for violence against journalists. In closed meetings, bribes are often offered to judges by criminal defendants or their representatives.<sup>206</sup> Eduardo Bähr, Director of the National Library, explained that if a judge does not accept a bribe, he or she may be killed.<sup>207</sup> Consequently, many judges choose to accept bribes.<sup>208</sup> As a result, even if an individual is brought to trial for committing a violent act against a journalist, there is a strong possibility that he or she will never be convicted due to the high levels of judicial corruption.

The Office of the Public Prosecutor is not immune from corruption either. In April 2013, Congress voted to suspend Public Prosecutor Alberto Rubi, and appointed a temporary commission to take over the prosecutor’s office.<sup>209</sup> In late June 2013, both Rubi and the Assistant Public Prosecutor, Roy Urtecho, resigned “shortly after a congressional body recommended their impeachment based on administrative errors discovered during investigation into the Office of the Public Prosecutor” including “apparent misuse of money for travel expenses and suspiciously high salaries for certain employees.”<sup>210</sup>

## IN FOCUS: CRIMES OF THE PAST, CRIMES OF THE FUTURE

Bertha Oliva arrives late for our meeting. She is distracted. She tells us of a family that is being held hostage in their home. One family member has precautionary measures issued by the Inter-American Commission on Human Rights (IACHR) and the police are supposed to protect her – but they won’t. Oliva has been called in to help. This is what she and her organization do – they step in when the state lacks the capacity, or the will, to protect its citizens from violence.

Oliva is the General Co-ordinator of COFADEH, the Committee of Relatives of the Detained and Disappeared in Honduras (*Comité de Familiares de Detenidos Desaparecidos en Honduras*), an organization she founded in 1982 with other women whose husbands, fathers and sons had been “disappeared” by death squads. COFADEH’s original mission was to find out what had happened to the disappeared and to secure their safe return. In the years since its founding, however, the organization has become a frontline defender of human rights in Honduras, working towards accountability for a wide range of abuses.

In Oliva’s view, accountability is in short supply. “The dead are dead,” she tells us. “We can do nothing for them.” The murders of journalists and human rights defenders remain unsolved. The disappeared remain lost to their families. “When we allow impunity for human rights violations,” she says, “we see the crimes of the past translated into the crimes of the future.” What is happening in Honduras today reminds her too much of the 1980s: “We are living the experience all over again.”

The 1980s were a harrowing time for many Hondurans. Under the military dictatorship, enforced disappearances could happen at any time. In 1981, Oliva’s husband, Tomás Nativí, was dragged out of their home as a pregnant Oliva watched in despair. She never saw him again.

A painting of Nativí is on the door to Oliva’s office, one of several memorials on the premises to the disappeared and the dead. She tells us that COFADEH documents human rights abuses because the Honduran authorities will not. “We exist to conserve memories of the past,” she says.

Like many other human rights defenders, Oliva has been the target of threats and attacks. The IACHR has issued precautionary measures on her behalf. In fact, everyone at COFADEH is covered by a similar measure. She admits that the attacks frighten her. “I love life. That is why I defend human rights – the lives of others.” Despite this, she has declined police protection, saying that she would prefer them to devote resources to a meaningful investigation of crimes rather than stand guard at her home. Besides, she says, “Telling the truth is the best precaution one can take.”

BETWEEN 2010 AND 2012,  
53 LAWYERS WERE KILLED  
IN HONDURAS, INCLUDING  
SPECIALISTS IN CRIMINAL  
LAW, COMMERCIAL LAWYERS,  
PUBLIC PROSECUTORS,  
UNION LAWYERS, IN-HOUSE  
COUNSEL AT BANKS, AND  
LAWYERS PROVIDING  
COUNSEL TO CAMPESINO  
(RURAL WORKER)  
ORGANIZATIONS

53

# 4 DIFFUSION OF RESPONSIBILITY

*The situation in Honduras is one in which institutional responsibility has been so widely diffused that no one is ultimately accountable for the high level of impunity.*

ELECTRICOS Y ACCESORIOS INDUSTRIALES

ILUMINANDO SU CONSTRUCCION



## A. Institutional failures to address impunity

### i) National Commissioner for Human Rights (CONADEH) vs the Ministry of Justice and Human Rights

According to Article 16 of the Organic Law of the National Commissioner for Human Rights (*Ley Orgánica del Comisionado Nacional de los Derechos Humanos*), the National Commissioner for Human Rights (CONADEH) “can initiate, by virtue of his office or at the request of an interested party, any investigation that leads to the clarification of facts which involve illegitimate, arbitrary, abusive, defective, negligent or discriminatory practices on the part of the public administration; likewise with regards to violations of human rights, in the broadest sense.”<sup>211</sup> The National Commissioner is able to inspect public offices and to require that these offices provide him information immediately and without cost.<sup>212</sup>

Although it seems that the National Commissioner’s mandate should make the institution a strong protector of human rights, the reality is less straightforward. On paper, CONADEH is an independent body. The National Commissioner, however, is elected by the National Congress.<sup>213</sup> Although the Organic Law states that CONADEH is to be given an “independent annual budget,” its funding comes from the general budget of Honduras. CONADEH submits an annual budget and report to the National Congress for its approval.<sup>214</sup> Any economic cooperation agreement with national and foreign institutions must also be approved by Congress.<sup>215</sup> This reliance on Congressional approval undercuts the Office’s claims to independence.

The current National Commissioner, Ramón Custodio, serves as an example of how problematic a lack, or a perceived lack, of impartiality can be. Custodio was elected by the National Congress when Roberto Micheletti was its president.<sup>216</sup> Following the 2009 coup, Custodio supported the de facto government led by Micheletti.<sup>217</sup> As a result, a significant part of organized civil society lost confidence in his office.<sup>218</sup> Hondurans have increasingly turned to the Ministry of Justice and Human Rights, created in late 2010, to report human rights violations; however this Ministry lacks CONADEH’s mandate to register complaints and to investigate.<sup>219</sup> Instead, representatives of the Ministry direct complainants back to CONADEH, or to the Special Prosecutor for Human Rights and/or to the Ministry of Security, if they need protection.<sup>220</sup> Custodio, however, does not seem to believe that civil society has lost faith in him. He claims to be the person in whom people confide, as they lack confidence in other institutions.<sup>221</sup>

Another problem is the lack of any institutional relationship between CONADEH and the Ministry of Justice and Human Rights. Martha Savillón, Deputy Minister of Justice and Human Rights, reported that there is no co-ordination between the two institutions.<sup>222</sup> According to an international observer, it is impossible for UN representatives to hold a meeting with the technical staff of the institutions together.<sup>223</sup> When the Ministry of Justice and Human Rights drafted a law designed to protect human rights defenders and journalists,<sup>224</sup> the National Commissioner refused to participate in the process.<sup>225</sup>

Ramón Custodio cites his organization’s independence as the reason why it will not work with the Ministry of Justice and Human Rights, stating that the Ministry is linked to the government and it is necessary to be independent in order to protect human rights.<sup>226</sup> He did, however, also note that CONADEH will provide information about the investigations it conducts to the office of the Public Prosecutor,<sup>227</sup> somewhat contradicting his emphasis on institutional independence.

The lack of cooperation between the country’s two official human rights institutions means that already scarce resources are stretched even further. Custodio reported that CONADEH’s budget was recently cut by approximately 50 per cent, though he also claimed that it did not affect his office’s ability to conduct thorough and adequate investigations.<sup>228</sup> That assertion is belied by the numbers. CONADEH’s own reports indicate that the impunity rate for journalists’ murders is a staggering 95 per cent.<sup>229</sup> When asked for more details about the nature of the investigative work conducted by CONADEH, Custodio declined to answer on the grounds that the Organic Law requires confidentiality in this area.

Overall, the failure of these institutions to work together makes the protection of human rights in Honduras all the more challenging. In December 2013, there were reportedly plans to close or merge the Ministry of Justice and Human Rights in order to make financial cuts and due to a perceived overlap with CONADEH’s mandate and duplication of work.<sup>230</sup>

### ii) Inadequate police reforms

The Honduran state has taken a number of steps to address widespread corruption within the National Police. In February 2012 the Honduran government established the Public Security Reform Commission (*Comisión de Reforma de la Seguridad Pública – CRSP*) to serve as a “temporary and independent organ, responsible for the design, planning and certification of the reform process integral to public security, including the National Police, Public Prosecutor and Judicial Power.”<sup>231</sup> The CRSP is responsible for certifying, monitoring and supervising the Department of Investigation and Evaluation of the Police Service (*Dirección de Investigación y Evaluación de la Carrera Policial – DIECP*).<sup>232</sup> The DIECP is an independent unit that is supposed to investigate allegations of police corruption and violations of human rights,<sup>233</sup> although its lack of resources and personnel has rendered it largely ineffective in this regard. It is also responsible for administering the “police purge.”<sup>234</sup>

The “police purge” comprises several “confidence tests” that determine whether or not an individual police officer is corrupt. These include:

- Polygraphs in which eight of the questions are directly related to narcotrafficking, corruption and organized crime;
- Drug testing;
- A psychometric test to determine the officer’s mental state;
- Sworn declarations of personal assets, which are then run through the National Commission of Banking and Insurance for verification.<sup>235</sup>

As mentioned in Section III.A.iii, the Honduran Supreme Court found the mandatory nature of the polygraph test to be a violation of individual rights, and struck down the police reform bill.<sup>236</sup> Despite this ruling, the National Congress approved the implementation of all four “confidence tests.”<sup>237</sup>

Jorge Casco, Co-ordinating Commissioner of the CRSP, conceded that the process is quite slow, and that fewer than 1,000 of Honduras’ approximately 11,000 police officers<sup>238</sup> had gone through the process as of the end of July 2013.<sup>239</sup> One journalist estimated that it would take up to 25 years to test every police officer.<sup>240</sup> But even if the process were to be expedited, its results would remain doubtful, for officers who fail the tests are merely suspended without pay rather than being dismissed outright.<sup>241</sup>

The “police purge” has been applied unevenly. Both Eduardo Bähr and a journalist interviewed for this report emphasized that the tests are quite selective in their application, with those at the top of the police hierarchy often being passed over during the process.<sup>242</sup> Bähr described the process as superficial, comparable to examining the shell of an egg to see whether the yolk is rotten, rather than breaking it open.<sup>243</sup> Casco confirmed that most of the approximately 1,000 police tested so far were from basic services or from the pool of potential recruits.<sup>244</sup> Of this group, approximately 300 passed the tests while the remainder either failed or resigned rather than submit to being vetted.<sup>245</sup>

### iii) Lack of resources, or selective allocation?

A common refrain about institutions responsible for protecting human rights in Honduras is that they lack the resources to fulfill their mandates effectively. For example, Manuel Orozco has stated that the Office of the Public Prosecutor has nothing close to the funding and human resources it needs to manage the volume of work it is expected to process.<sup>246</sup> Ramón Custodio explained that CONADEH received only 0.4 per cent of the national budget for 2013 while more money, both from domestic and international sources, went to the Ministry of Justice and Human Rights.<sup>247</sup> The State’s Attorney General (*Procuradora General*), Ethel Deras Enamorado, confirmed that human rights organizations such as CONADEH are allocated few resources in the national budget.<sup>248</sup>

It is unclear, however, whether the real problem is a lack of resources or the selective allocation of resources. For example, although the failure to investigate human rights violations and arrest those responsible is widespread, Honduran prisons are extremely overcrowded, with 11,727 prisoners (male and female) for 8,120 prison spots.<sup>249</sup> Edy Tábora, former Special Prosecutor for Human Rights Defenders, explained that many prisoners have been deprived of their liberty for minor offences, while crimes such as murder and corruption result in impunity.<sup>250</sup> Several others confirmed that there is a widespread perception that justice in Honduras is far from blind. Community radio journalist Juan Vasquez stated that there is justice for the poor, who will be imprisoned, but not for the rich.<sup>251</sup> Jorge Casco confirmed that police officers, soldiers and wealthy Hondurans are effectively above the law.<sup>252</sup> It therefore seems that a lack of resources is no excuse for the failure to arrest those responsible for human rights abuses. Rather, resources are channelled in a way that deprioritizes the investigation of human rights violations.

It is also unclear whether the police do in fact lack resources. According to Sergio Bahr, the police budget has increased consistently over the past 20 years, even while institutions such as the Ministry of Education have had their funding reduced.<sup>253</sup> It is also not clear that a lack of resources is the reason for the failure to prosecute those responsible for human rights violations. Resources exist, but they are distributed selectively. Rosa Seaman, former Special Prosecutor for Human Rights Defenders, explained that there is unequal support for different Special Prosecutors, with those responsible for corruption and organized crime receiving much more funding than those responsible for human rights investigations.<sup>254</sup> Co-ordinator of the Special Prosecutor for Human Rights (*Fiscalía Especial de Derechos Humanos*) Maria Mercedes Bustillo confirmed this, stating that certain prosecutors’ offices have vehicles, personnel, investigators and resources, while others lack them.<sup>255</sup>

Accordingly, the Special Prosecutor for Human Rights’ office is critically underfunded. The entire office consists of 16 prosecutors, nine investigatory analysts, one secretary and two individuals who run errands.<sup>256</sup> In 2012, the office was nominally responsible for 7,000 cases.<sup>257</sup> As Special Prosecutor for Human Rights Defenders, Rosa Seaman was personally responsible for 200 cases.<sup>258</sup> The office only receives enough funding for salaries and vehicles.<sup>259</sup> As of August 2013, the two then Special Prosecutors for Human Rights Defenders had no technical resources, no investigative team and no analysts assigned to them.<sup>260</sup> As such, they were unable to investigate human rights violations, with no capacity to even trace back threats made via email or phone.<sup>261</sup> With the resources then available, Rosa Seaman estimated that she could only effectively investigate and prosecute one case per month.<sup>262</sup> According to Maria Mercedes Bustillo, to be fully effective the Special Prosecutor for Human Rights needs psychologists, sociologists, more vehicles, information systems specialists, forensic pathologists, experts in recognizing the signs of torture, dedicated investigators and additional personnel.<sup>263</sup> And so while a Special Prosecutor for Human Rights exists on paper and as an institution, its ability to carry out its mandate is seriously compromised by severe underfunding.

A similar theme emerges with respect to the government’s recently proposed Bill for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators (*Ley de Protección para Defensores de los Derechos Humanos, Periodistas, Comunicadores y Operadores de Justicia*). Following the abduction and murder of Aníbal Barrow, whose body was found in July 2013, the Inter-American Press Association (*Sociedad Interamericana de Prensa – SIP-IAPA*) indicated that the case demonstrated the need for a special protection mechanism for journalists.<sup>264</sup> The proposed protection scheme would work as follows: the Ministry of Justice and Human Rights will receive requests for protection, evaluate the risks faced and then create methods of protection tailored to the individual.<sup>265</sup> The Ministry of Security is then responsible for implementing these methods.<sup>266</sup> A “National Council of Protection for Human Rights Defenders, Journalists, Social Communicators and Justice Operators” composed of representatives from government and civil society<sup>267</sup> will serve as a consulting body to guarantee the rights listed in the law and to provide advice in the process of implementing the protective measures.<sup>268</sup>

A number of individuals and institutions have, however, expressed concern about whether the proposed law could be successfully translated into reality. Bertha Oliva, General Co-ordinator of COFADEH, noted that the government had previously passed laws and then done nothing to implement them.<sup>269</sup> New legislation, such as the establishment of the Special Prosecutor for Human Rights, is simply not enough to address the problem unless it is accompanied by the necessary resources and political will. Ramón Custodio expressed similar concerns, stating that by itself the law was unlikely to change anything; real change will depend on which institutions implement the law.<sup>270</sup>

Even the Ministry of Justice and Human Rights, which proposed the bill, has concerns about implementation. Martha Savillón noted that the Honduran Congress has previously passed laws without an accompanying budget and the Ministry of Justice and Human Rights currently lacks the capacity to implement the proposed scheme.<sup>271</sup> She stated that, in her opinion, the law can only be effective if it is passed with an allocated budget of at least 80m Lempira (approx. US\$3.9m) for the first year.<sup>272</sup> Without sufficient resources, the law may allow the state to placate international



criticism without providing any measures that address the problem effectively.<sup>273</sup> At the time of going to press, the Bill was still pending approval by the National Congress.

*iv) The non-governmental organization (NGO) response to institutional failure*

As a result of the institutional failures detailed above, Honduran NGOs have stepped in to provide security services typically provided by the state. One example is the Committee of Relatives of the Detained and Disappeared in Honduras' (*Comité de Familiares de Detenidos Desaparecidos en Honduras* – COFADEH) role in protecting journalists and human rights defenders. Miriam Elvir explained that threatened journalists usually approach COFADEH rather than the police.<sup>274</sup> COFADEH helps them file official complaints<sup>275</sup> or inform the authorities of their responsibilities regarding protection. For example, representatives from COFADEH accompanied journalists with community radio station *La Voz de Zacate Grande* to a meeting with local and regional police, to discuss the implementation of their precautionary measures.<sup>276</sup> At the meeting, it soon became clear that the police officers involved did not understand what implementation would entail.<sup>277</sup> Similarly, Gladys Lanza Ochoa, Co-ordinator of the *Visitación Padilla Women's Movement for Peace (Movimiento de Mujeres por la Paz Visitación Padilla)*, requires the police to speak to COFADEH rather than directly to herself on matters relating to the provisional measures of protection granted to her by the IACHR.<sup>278</sup> When armed assailants threatened journalist Julio Alvarado, he went directly to COFADEH to report the crime rather than to the authorities.<sup>279</sup> (See *Self-censorship in action*, p.20) Institutional failures have thus created a situation in which civil society rather than the state takes the lead in addressing human rights abuses.

*v) Lack of solidarity among journalists*

Polarization among journalists in Honduras also contributes to impunity since the lack of solidarity complicates demands for accountability and measures to reduce violence. Several journalists suggested that this polarization is mostly based on political partisanship and was exacerbated by the 2009 coup.<sup>280</sup> A direct consequence of this division is that, despite high levels of violence and impunity, journalists have failed to take collective action.<sup>281</sup> Dana Ziyasheva, Communication and Information Advisor for UNESCO's Cluster Office for Central America and Mexico, explained that while journalists across the political spectrum want more effective investigations into the violence, the lack of solidarity remains an impediment to achieving this goal.<sup>282</sup> Polarization also diminishes the ability of journalists to define potential self-defence mechanisms.<sup>283</sup>

This polarization is further illustrated by the fact that the Association of Journalists of Honduras (*Colegio de Periodistas de Honduras* – CPH), the country's official journalism association, is widely seen as not truly representing the interests of journalists. Honduras' Organic Law of the Association of Honduran Journalists (*Ley Orgánica del Colegio de Periodistas*) requires individuals to be members of CPH in order to be considered journalists,<sup>284</sup> even though this requirement goes against the definition of a journalist advanced by both the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Inter-American Court of Human Rights.<sup>285</sup>

In addition to regulating the profession, CPH is meant to promote solidarity and mutual assistance among its members.<sup>286</sup> Journalists, however, report otherwise. One journalist asserted that major newspaper owners control the organization and although its Board is elected, positions are simply rotated amongst major media interests.<sup>287</sup> This journalist and Andrés Molina, a journalist and human rights defender, explained that CPH defends the interests of elites, not those of journalists.<sup>288</sup> Consequently many journalists simply refuse to join CPH. Molina explained that he is not a member of CPH because of this lack of solidarity, and because the Inter-American Court of Human Rights has said it is not obligatory for anyone to be a member of a professional association in order to work as a journalist.<sup>289</sup> CPH's failure to represent journalists means that there is no united front pressing for increased accountability and an end to the violence.

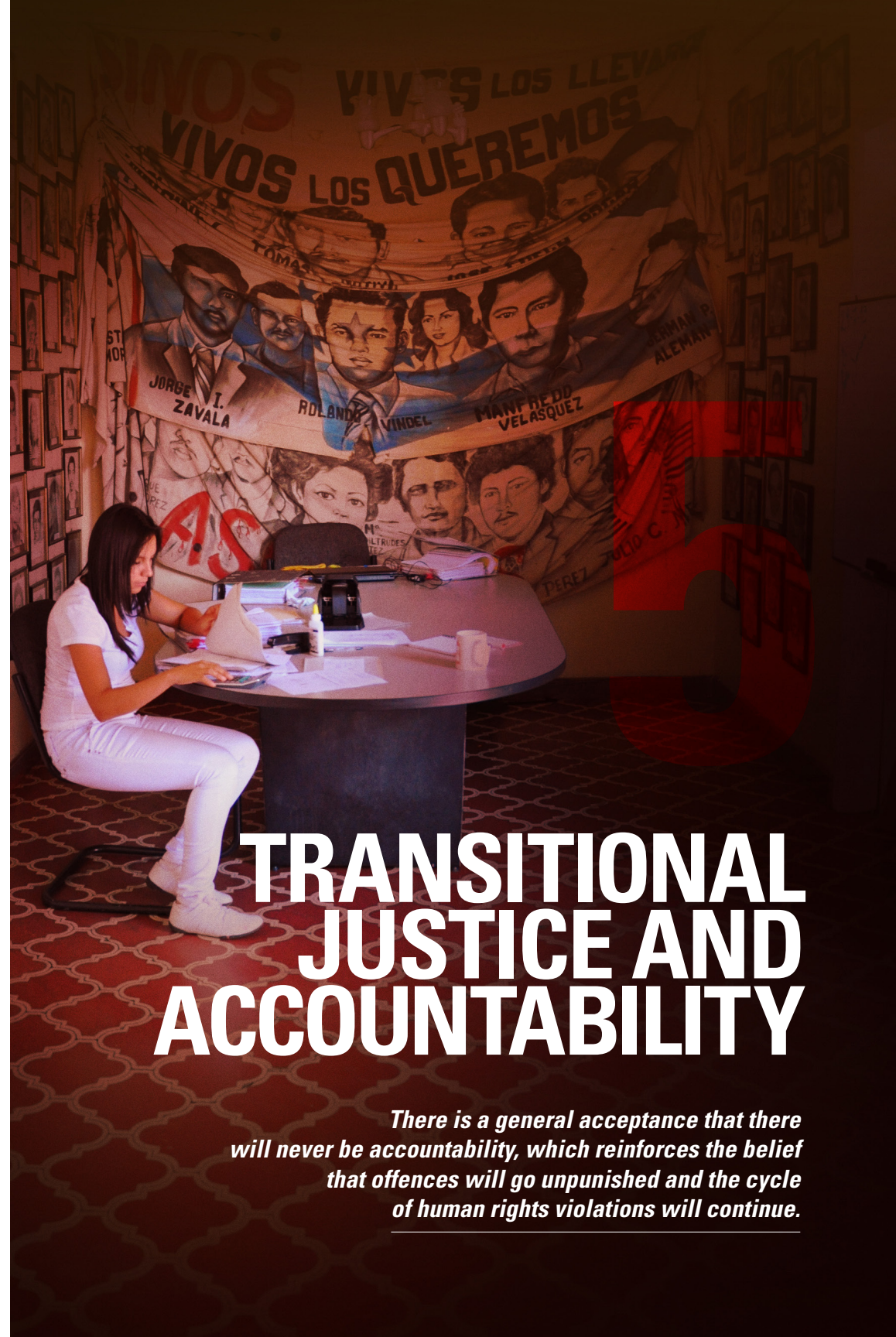
The Honduran Press Association (*Asociación de Prensa Hondureña* – APH) is perceived by some as being more representative of journalists' interests. This organization is composed of journalists themselves, along with individuals from other professions who also do journalistic work.<sup>290</sup> As such, some journalists, including Andrés Molina, are more sympathetic to its work.<sup>291</sup> Another journalist interviewed for this report, however, remains critical of this group and said that, like CPH, APH only pays lip service to efforts to decrease violence against journalists.<sup>292</sup> While APH could potentially provide united representation for local journalists, it has not yet done so.

There are other journalists' associations in the country, including the Honduran affiliate of the International Federation of Journalists, the Syndicate of Press Workers and Other Similar Industries (*Sindicato de Trabajadores de la Industria de la Prensa y Similares* – SITINPRESS). However, none was mentioned by interviewees. In the meantime, efforts to counter violence and impunity remain splintered, a situation that makes it all the more difficult to achieve accountability.

IN HONDURAS ONLY  
ONE IN FIVE CRIMES IS  
REPORTED AND POLICE  
INVESTIGATE LESS THAN  
ONE IN 25 OF THOSE  
THAT ARE RECORDED –  
CONSEQUENTLY LESS  
THAN ONE PER CENT OF  
ALL CRIME IS FORMALLY  
INVESTIGATED.

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# TRANSITIONAL JUSTICE AND ACCOUNTABILITY

*There is a general acceptance that there will never be accountability, which reinforces the belief that offences will go unpunished and the cycle of human rights violations will continue.*

**IN FOCUS: TRANSITIONAL JUSTICE**

Transitional justice “refers to the set of judicial and non-judicial measures that have been implemented by different countries in order to redress the legacies of massive human rights abuses.”<sup>293</sup> These can include “criminal prosecutions, truth commissions, reparations programs, and various kinds of institutional reforms.”<sup>294</sup> It is important to note that each mechanism has potential benefits and drawbacks, and that the pursuit of justice versus the pursuit of peace is an issue with which each society continues to grapple. While prosecutions may “serve to restore (or install) democracy, the rule of law and respect for human rights, by making it clear that certain actions are not only proscribed by law, but subject to punishment,” they may also increase resentment and suspicion of the justice system since only rarely can all perpetrators be punished.<sup>295</sup> Likewise, while implementing a general amnesty may help to ensure the stability of a state in which the rule of law triumphs and human rights violations cease, a government that begins its term by rejecting accountability may also undermine its own legitimacy.<sup>296</sup> Truth commissions may aid reconciliation and stability, but they remain imperfect substitutes for justice, especially when poorly implemented.<sup>297</sup>

Honduras is less emblematic of the debate of justice versus peace than it is of a failure to fully implement transitional justice measures. Journalist and human rights defender Dina Meza says that the rampant impunity in Honduras today began with the failure to hold accountable those responsible for human rights abuses in the 1980s.<sup>298</sup> It is a sentiment echoed by other human rights defenders and journalists interviewed for this report.<sup>299</sup> Following serious human rights violations in both the early 1980s and the aftermath of the 2009 coup, the Honduran state embarked upon the implementation of a number of different transitional justice mechanisms. As is illustrated below, some of these measures have successfully exposed abuses and secured justice for the victims. A far more common outcome, however, has been impunity for the perpetrators and unwillingness by the state to implement changes needed to ensure accountability. In both situations, criminal violence has continued to flourish in a culture of pervasive impunity.

**H**onduras’ culture of impunity can be traced back to the 1980s, where serious human rights violations took place without subsequent accountability. The culture of impunity was further entrenched by the aftermath of the 2009 coup, where there was again limited accountability for serious rights violations. Now, there is a general acceptance that there will never be accountability, which reinforces the belief that offences will go unpunished and the cycle of human rights violations will continue.

**A. The 1980s: a period of gross human rights violations**

Although Honduras held general elections in the early 1980s, putting an end to years of authoritarian rule, the Honduran military retained a significant degree of political influence. Its autonomy was reaffirmed in the 1982 Constitution and it received unprecedented military aid from the US in return for permission to base Nicaraguan anti-Sandinista guerrillas in Honduras.<sup>300</sup> As a result, the armed forces grew in size and in strength.<sup>301</sup> General Gustavo Álvarez Martínez, head of the Honduran armed forces, implemented a national security doctrine and created an “advanced apparatus for repression” which carried out human rights abuses against political and popular

organizations.<sup>302</sup> Members of Battalion 3-16, a government battalion funded by the US, conducted enforced disappearances and tortured opposition leaders.<sup>303</sup> Paramilitary groups also killed and tortured many suspected members of the political left.<sup>304</sup> By 1984, 88 individuals had been murdered, 105 had been forcibly disappeared, 138 had been temporarily disappeared or tortured before being turned over to the courts, and 57 remained political prisoners.<sup>305</sup>

**B. Transitional justice mechanisms in the 1980s***i) Special Armed Forces Commission*

Although the Honduran military continued to retain its supremacy over the civilian government through the rest of the 1980s, Álvarez was dismissed by an internal military coup in 1984.<sup>306</sup> A Special Armed Forces Commission was established to investigate the disappearances. The Commission was presented with 112 documented cases, but only presented findings on eight of them, stating that those individuals “were either living in Honduras, or had been deported to their country of origin.”<sup>307</sup>

Amnesty International criticized the Commission for failing to conduct thorough and impartial investigations, for being composed entirely of members of the military, for basing its findings “largely on interviews with former army officials and members of the DNI [*Dirrección Nacional de Investigación Criminal* – the investigative branch of the Public Security Force],<sup>308</sup> some of whom had been named as responsible for the ‘disappearances’ by local human rights groups” and for failing to examine key evidence, including “indications of the existence of secret detention facilities and clandestine burial sites, and much of the evidence put forward by relatives and human rights organizations.”<sup>309</sup>

*ii) The Comisión InterInstitucional de Derechos Humanos (CIDH)*

In 1987, President José Azcona Hoyo created the Inter-Institutional Commission of Human Rights (*Comisión InterInstitucional de Derechos Humanos* – CIDH). The CIDH’s mandate included gathering information on the disappearance cases before the Inter-American Court of Human Rights (discussed below) and responding to international criticism of the disappearances and human rights violations.<sup>310</sup> Again, Amnesty International criticized the CIDH for failing to conduct thorough investigations and for lacking independence from civilian and military authorities.<sup>311</sup>

*iii) National Commissioner for Human Rights*

The most successful of the investigations into the human rights abuses perpetrated by the Honduran military during the early 1980s was conducted by the first human rights ombudsperson, Leo Valladares. In 1992, President Rafael Leonardo Callejas created the National Commissioner for Human Rights (*Comisionado Nacional de los Derechos Humanos* – CONADEH), giving the Commissioner “absolute independence in the performance of his duties” although not mandating an inquiry into disappearances.<sup>312</sup> Valladares, appointed as the first National Commissioner, independently investigated disappearances and produced a report entitled “The Facts Speak for Themselves” (*Los Hechos Hablan por sí Mismo*) in late 1993. It concluded that the practice of enforced disappearances was “systematic and widespread, particularly between 1982 to 1984,” reporting 179 disappearances carried out by the Honduran military and security forces between 1979 and 1990.<sup>313</sup> It also stated that the Honduran political and judicial authorities “tolerated the abuses either by action or omission.”<sup>314</sup>



Valladares' report also included a number of recommendations for the Honduran government. These included the establishment of a truth commission, the investigation and prosecution of perpetrators of human rights violations, reparations for victims and the implementation of a range of legal reforms along with human rights education in public schools, the armed forces and the judiciary.<sup>315</sup> Despite the report's thorough documentation of abuses and its comprehensive proposals, few reforms were implemented.<sup>316</sup>

#### *iv) Prosecutions and the amnesty law*

A number of judicial proceedings were instigated against those responsible for human rights violations, with varying degrees of success. In 1985, Álvarez and other senior officers faced a complaint in the courts accusing them of murder, torture and abuse of authority in the cases of several "disappeared" individuals.<sup>317</sup> The case, however, was ordered closed by the First Criminal Court in 1986 after key evidence indicating guilt had been ruled inadmissible, even though none of the accused had been thoroughly questioned.<sup>318</sup>

With justice frustrated at home, Hondurans sought accountability at the international level. Four enforced disappearance cases were referred to the Inter-American Court of Human Rights, which was to determine whether the rights to life, personal security and personal freedom had been violated.<sup>319</sup> In 1988 and 1989, the Honduran government was found to be responsible in two of the cases, the first ever cases in which the Inter-American Court found a government guilty of enforced disappearances.<sup>320</sup> The Court ordered the Honduran state to pay financial compensation to the victims' families.<sup>321</sup> The Cajellas administration ignored the order. However, the administration of Carlos Roberto Reina set an important precedent by following the order and paying the compensation, albeit five years after the initial decision.<sup>322</sup>

In July 1991, however, the Honduran Congress passed a sweeping amnesty law, reinforcing a previously declared amnesty from 1990. According to news reports, the amnesty applied to rebel groups and approximately 1,000 political prisoners.<sup>323</sup> The law's stated intent was to contribute to "a 'climate of harmony and peaceful coexistence' among all sectors of Honduran society."<sup>324</sup> The amnesty extended to "political and related common crimes" in the 1980s and ordered all those who had been sentenced to be immediately freed. It also dismissed all current and future cases against persons whose crimes were covered by the law.<sup>325</sup> Moreover, it did not discriminate between insurgents and state actors, covering political prisoners accused of arms trafficking and land occupation along with police and military personnel guilty of murder, torture and unlawful arrest.<sup>326</sup> Meanwhile, the almost 180 cases of disappeared persons remained uninvestigated and unresolved.

In 1995, 10 military personnel were formally charged with violations of human rights allegedly committed in 1982.<sup>327</sup> At trial, the defendants unsuccessfully argued that the 1991 amnesty law applied to them.<sup>328</sup> A Court of Appeals overturned this decision, holding that the amnesty did in fact apply.<sup>329</sup> The original decision was, however, ultimately restored by the Honduran Supreme Court which held that it was for the trial court to determine whether amnesty applied based on the nature of the crime allegedly committed (i.e. "political and related common crimes" versus "common crimes").<sup>330</sup> Despite this step towards accountability, three of the 10 military officers refused to testify and went into hiding.<sup>331</sup> Two military officers were convicted for abuses during the 1980s, one sentenced to 12 years in prison for the 1983 murder of Honduran Communist Party leader Herminio Deras,<sup>332</sup> and one sentenced to four years in prison for illegal detention.

#### *v) Impunity and the persistence of human rights violations*

The failure to hold accountable those responsible for human rights violations during the 1980s created a climate of pervasive impunity in Honduras. Although disappearances decreased sharply after Álvarez was removed, the military structures that had either directly carried out or indirectly facilitated human rights violations remained intact with the perpetrators immune from prosecution.<sup>333</sup> Although the Honduran state passed a law demilitarizing the police forces and created a body to "purify" the police, civil society saw the "purification" process as only superficially purging individuals with "questionable ethics."<sup>334</sup> As a result, there continued to be "a hidden structure of violence and terror" within the Armed Forces and the National Police.<sup>335</sup>

As a result, suspected government opponents continued to be subjected to enforced disappearances and murdered in the late 1980s.<sup>336</sup> Along with these suspected opponents, human rights workers were also targets of bomb attacks, death threats and harassment.<sup>337</sup> Little was done by way of investigation into these serious rights abuses. As Amnesty International observed, the failure to investigate the violations "reinforced the sense that they were committed with the consent of the military and civilian authorities" and "may have contributed to the persistence of other human rights violations by members of the armed forces who [felt] they [could] operate with impunity."<sup>338</sup>

### **C) Transitional justice mechanisms since 2009**

According to Human Rights Watch, the 2009 coup and its immediate aftermath represented "the most serious setbacks for human rights and the rule of law in Honduras since the height of political violence in the 1980s."<sup>339</sup> Human rights abuses and violence against journalists, human rights workers and political activists were widespread and documented by the human rights bodies of the Organization of American States (OAS) and the United Nations (UN), as well as international human rights NGOs.<sup>340</sup> As part of the 2009 Tegucigalpa/San José Accord, a 2009 diplomatic agreement between the de facto government and deposed President Zelaya, the Lobo administration convened a truth and reconciliation commission to address concerns about extant human rights abuses. The following sets out the attempts to implement transitional justice following the 2009 coup.

#### *i) Truth and Reconciliation Commission*

President Lobo's administration established the Truth and Reconciliation Commission (*Comisión de Verdad y Reconciliación – CVR*) in April 2010. Its mandate extended to an examination of all aspects of the June 2009 coup, including human rights violations during and immediately following the ouster of President Zelaya.<sup>341</sup> According to Jorge Omar Casco, Co-ordinating Commissioner of the Public Security Reform Commission (*Comisión de Reforma de la Seguridad Pública – CRSP*), who was a member of the CVR, the emphasis was on reconciliation, which he admitted was not always in line with punishing the perpetrators and providing reparation for those affected.<sup>342</sup>

The decree creating the CVR specified that the commission could examine a broad period of time, ranging from the start of the Zelaya administration to the day Lobo took office.<sup>343</sup> With regards to human rights violations, the CVR examined the period from June 28, 2009 to January 27, 2010.<sup>344</sup>

The CVR faced significant criticism from Honduran and international human rights organizations for several violations of international standards for truth and reconciliation commissions. These included the executive's authority to determine the structure of



the CVR and the participants in the process; the fact that the CVR's mandate did not acknowledge that a coup had taken place in Honduras nor did it mention any human rights violations related to the coup; and the fact that the five members of the CVR were selected at the discretion of President Lobo himself, without input from civil society.<sup>345</sup>

Despite the criticism, the CVR released a detailed report in July 2011. Its conclusions were based on over 50,000 pages of documentation, including interviews with 37 of the "principal protagonists," 250 of the victims of human rights violations and 180 of the "key actors," along with reports from 125 collective meetings in the 18 departments of Honduras.<sup>346</sup> The CVR first examined external sources for evidence on violations of the right to life during the period of review. It found a total of 79 cases, 56 of which were documented in the reports of international and national human rights organizations.<sup>347</sup> The CVR chose to examine "20 illustrative cases" as opposed to all 79, although it stated that this did not mean it was dismissing the possibility of the other 59 cases being instances of extrajudicial execution.<sup>348</sup> The CVR ultimately concluded that, of these 20 cases, 12 people were killed due to excessive police or army force, eight of whom were targeted for killing by government agents.<sup>349</sup> The remaining eight individuals were found to have been killed by unknown agents.<sup>350</sup> The CVR also found that police officers and army officials systematically obstructed investigations into these abuses, by altering crime scenes and official documents; through criminal negligence; and by helping suspects to escape.<sup>351</sup>

The CVR report also documented 19 cases of violations of the right to liberty and security. While some of the cases involved only one or two individuals whose rights had been violated, others included up to 300 people.<sup>352</sup> The CVR found that these cases showed a "lack of observance of criteria including proportionality, timeliness, necessity and legitimacy of the use of force" on the part of the Armed Forces and the National Police.<sup>353</sup> It documented three instances of torture, two instances of sexual violence by the National Police and six overall cases of suppression of the right to freedom of expression.<sup>354</sup>

As of June 2012, the Lobo administration had reportedly implemented 13 of the CVR's 84 recommendations and had "partially implemented" another 15.<sup>355</sup> The 13 which had been fully implemented, however, did not include any of the recommendations addressing impunity, nor did they include recommendations aimed at protecting freedom of expression.<sup>356</sup> Three of the 13 recommendations addressing social communication and freedom of expression<sup>357</sup> were considered partially implemented.<sup>358</sup> For example, ongoing investigations into crimes committed against journalists were taken to constitute the partial implementation of the recommendation that Honduras should complete investigations into these crimes.<sup>359</sup>

The Honduran government's general inaction in this regard does little to establish accountability on the part of those who act to suppress freedom of expression and it indicates where preventing the violation of this right falls on its list of priorities. The failure to implement recommendations from the CVR mirrors the failure of the Honduran state to implement Valladares' recommendations in the 1990s. As Jorge Casco explained, where there is no will to implement recommendations such as these, there can be no control over the violence.<sup>360</sup> Those affected, and their families, observe that no accountability is ever established, which in turn entrenches impunity.<sup>361</sup>

## ii) The Truth Commission

The Truth Commission (*Comisión de Verdad* – CDV) was an alternative truth and reconciliation commission launched in June 2010 by the Human Rights Platform of

Honduras, a collective of civil society groups. The CDV focused on documenting the human rights abuses related to the 2009 coup, and seeking accountability for violations of human rights and fundamental freedoms.<sup>362</sup> The period examined was much longer than that covered by the CVR, from June 28, 2009 to August 2011.<sup>363</sup>

The CDV collected 1,966 complaints of human rights abuses, representing a total of 5,418 violations or criminal acts.<sup>364</sup> The nature of the rights abuses examined in the report appears to be much broader than those contained within the CDR report, as the violations listed by the CDV included 89 different types of repressive acts such as intimidation and threats, repression of public protests, illegal detention, physical and/or psychological torture, permanent disappearance and murder.<sup>365</sup> The CDV found that 58 individuals were "killed in a political context" and three were subjected to a permanent enforced disappearance.<sup>366</sup> Another 1,610 were deprived of the right to personal integrity, including 11 who were sexually assaulted, 94 who were tortured and 354 who were otherwise seriously injured.<sup>367</sup> Finally, 197 individuals suffered violations of their right to freedom of expression, freedom of opinion and access to information.<sup>368</sup> Of all of the crimes and violations reported, the CDV concluded that the National Police were responsible for 888 cases, the Armed Forces for 596 cases, armed groups and "groups with relative power" for 314 cases, public officials for 196 cases and other individuals or groups for 16 cases.<sup>369</sup>

## iii) Prosecutions and the amnesty law

In January 2010, the National Congress of Honduras passed an amnesty decree. The law granted amnesty for political crimes and associated offences attempted or committed between January 1, 2008 and January 27, 2010, but excluded crimes that constituted crimes against humanity or human rights violations.<sup>370</sup> The law was criticized by a number of human rights organizations, including the Inter-American Commission on Human Rights (IACHR) which maintained that, in general, amnesty laws violate states' obligations to investigate and punish human rights violations.<sup>371</sup>

More particularly, the IACHR expressed concern regarding the ambiguity of the law. It listed three concepts in particular which it saw as confusing or vague: "the doctrinaire reference made to political crimes, the amnesty for conduct of a terrorist nature, and the inclusion of the concept of abuse of authority with no indication of its scope."<sup>372</sup> While the CVR's report indicated that the law had not affected the investigations of human rights violations under the Office of the Special Prosecutor for Human Rights, it did state that judges could invoke the law when hearing cases, as was the case when the Office of the Public Prosecutor filed a request to prosecute the commissioners of the National Telecommunications Commission (*Comisión Nacional de Telecomunicaciones de Honduras* – CONATEL) for dismantling the equipment of several media outlets.<sup>373</sup>

Moreover, the amnesty law was passed prior to the CVR's formation, meaning that any violations found by the CVR that fell under the blanket heading "political crimes and related common crimes" could not be prosecuted. Thus, even though the CVR found that both the 2009 coup and the interim government were illegal,<sup>374</sup> the Honduran Supreme Court found that the six army generals charged with overthrowing Zelaya were shielded from prosecution by operation of the amnesty law.<sup>375</sup> As of this report's publication, available research indicated that only one person had been convicted for any of the reported abuses: a police officer sentenced to eight years in prison for the illegal arrest and torture of a protestor.<sup>376</sup>

IN NOVEMBER 2011  
THE HONDURAN  
SECURITY MINISTER  
ESTIMATED THAT 1,000  
OF THE COUNTRY'S 14,500  
NATIONAL POLICE  
WERE CORRUPT

1,000

14,500

6

# IMPUNITY AND THE RESURGENCE OF THE SECURITY STATE

*"When we allow impunity for violations of human rights, we see the crimes of the past translated into the crimes of the future."*

Bertha Oliva, Co-ordinator of the Committee of Relatives of the Detained and Disappeared in Honduras

Despite the investigation and reporting which took place following the coup, almost no accountability has resulted. This mirrors the transitional justice failures of the late 1980s and early 1990s as yet again, despite clear findings of illegality and human rights violations, impunity persists for egregious rights violations. The failure to successfully implement transitional justice following the 2009 coup has had a similar result to failures in the late 1980s and early 1990s. Although President Lobo removed corrupt police officers from the Honduran security forces, his administration was filled with military figures and other individuals who initiated the 2009 coup and were criticized for intensifying levels of repression.<sup>377</sup> Indeed, the current National Commissioner for Human Rights (*Comisionado Nacional de los Derechos Humanos* – CONADEH) supported and justified the 2009 coup, and has publicly declared that he opposed the Truth and Reconciliation Commission (*Comisión de Verdad y Reconciliación* – CVR).<sup>378</sup> With those who have committed or supported the commission of rights violations remaining in power, it seems unlikely that the climate of impunity in Honduras is likely to change. This long history of impunity has led those who commit human rights abuses and suppress freedom of expression through violence to conclude that their actions are likely to go unpunished.<sup>379</sup>

According to the Documentation Centre of Honduras (*Centro de Documentación de Honduras* – CEDOH), the 2009 coup destroyed more than a legal and institutional scheme. It interrupted the demilitarization of the state and allowed the Honduran Armed Forces to again become a prominent political actor.<sup>380</sup>

The re-emergence of a security state is often justified as necessary to address high levels of violent criminality and the corruption of the police. In June 2013, Congress approved a plan to add 1,000 new soldiers to the Armed Forces, promoted as an attempt to reduce levels of organized crime and delinquency in the country.<sup>381</sup> An elite military-police unit known as “*Los Tigres*” (*Tropa de Inteligencia y Grupos de Respuesta Especial de Seguridad* – Investigation Troop and Security Special Response Groups), or “the Tigres”, has also been created, with assistance from the US.<sup>382</sup> According to Marcela Castañeda, Deputy Minister of Security, the *Tigres* are a reactionary force created with the capacity to act in an emergency, such as in countering drug trafficking operations.<sup>383</sup> The *Tigres* are assigned to the Ministry of Security during peacetime but act independently of that department.<sup>384</sup> They are directed by the Ministry of Defence in times of war.<sup>385</sup>

The *Tigres*, however, have resurrected memories of the 1980s – in particular of Battalion 3-16.<sup>386</sup> Gladys Lanza Ochoa, a prominent human rights defender, recounted an incident from early 2013, in which more than 200 members of the unit raided her sister’s house at 5 a.m.<sup>387</sup> They reportedly told her sister that they were from “Intelligence” and that she needed to give them “the information” (although they specified neither what this information was, nor to what it was related).<sup>388</sup> As of late July 2013, three months after the incident, there had been no investigation and no information had been provided as to who ordered the raid.<sup>389</sup> Since her sister’s house was the only one targeted in the neighbourhood, Lanza Ochoa believes the raid was meant to intimidate her and deter her from pursuing human rights work.<sup>390</sup>

Dr. Juan Almeyda, President of the Centre for Prevention, Treatment and Rehabilitation of Torture Victims and their Families (*Centro de Prevención, Tratamiento y Rehabilitación de Víctimas de la Tortura y sus Familiares* – CPTRT), believes that the *Tigres* are killing people, but that no one can be specifically accused because they do

not have badges and they cover their faces.<sup>391</sup> In his view the army is trying to control the country, just as it would in a state of war.<sup>392</sup> Indeed, according to writer Claudia Sánchez, the creation of the unit was part of the militarization of the Honduran National Police, and part of a strategy to suppress expression, thought and the diffusion of ideas.<sup>393</sup>

## IN FOCUS: THE REPRESSION OF COMMUNITY RADIO

Communicators working for community radio stations in Honduras face many of the same risks as other journalists, including attacks, threats and harassment. However, a 2009 report by Article 19 noted that they face additional challenges due to a “lack of recognition in Honduran legislation” and “the fact that many of them are located outside the capital,” in areas which tend to have a higher incidence of abuses of power.<sup>394</sup> According to Reporters Without Borders, “community media that dare to report human rights violations or rural land conflicts are exposed to serious reprisals, with the direct complicity of the police and the armed forces.”<sup>395</sup>

*La Voz de Zacate Grande* is a community radio station located in southern Honduras. The communities in the Zacate Grande peninsula use the radio station as a means of sharing information about their struggles to defend their land from what they see as its illegal possession by palm oil magnate Miguel Facussé Barjum.<sup>396</sup> They have repeatedly been the target of persecution for their support of local *Campesino* (rural workers) groups.<sup>397</sup> In July 2010, members of the Honduran Armed Forces and the National Police arrived at the station, informed the operators that it was a crime for them to continue broadcasting and briefly closed the station.<sup>398</sup> In March 2011, the president of the board which oversees the station was shot in the leg by two clearly identified assailants.<sup>399</sup> The only action taken by police and judicial authorities was to call the radio station to ask staff “not to make a fuss.”<sup>400</sup>

*Radio Guarajambala* and *La Voz Lenca* are two of three community radio stations in La Esperanza, Intibucá, associated with the Council of Popular and Indigenous Organizations of Honduras (*Consejo de Organizaciones Populares e Indígenas de Honduras* – COPINH), an organization dedicated to the protection of Lenca rights including those related to land.<sup>401</sup> Radio broadcasters with these stations host programs that focus on issues associated with COPINH, women’s rights, youth rights and activities, the defence of land, food security and other topics.<sup>402</sup> Several efforts have been made to silence their broadcasts. In January 2011, employees of Honduran Electric Measurement Services (*Servicios de Medición Eléctrica de Honduras*) entered the facilities of *La Voz Lenca*, and *Radio Guarajambala*, interfering with their transmitters in order to prevent the community radio programs from broadcasting.<sup>403</sup> According to COPINH, this was politically-motivated interference: Arturo Corrales, then Foreign Minister of Honduras, was a shareholder in the electricity company.<sup>404</sup> COPINH reported that the electrical company’s employees threatened to kill COPINH’s members and also physically attacked one of them.<sup>405</sup> In November 2012, on the basis of a complaint dating back to 2007, the National Telecommunications Commission of Honduras (*Comisión Nacional de Telecomunicaciones de Honduras* – CONATEL) ordered *Radio Guarajambala* to reduce the strength of its broadcasts or pay a fine of at least one million Lempiras (approx. US\$48,850).<sup>406</sup> Broadcasters with the station have also been shot at, once in 2012 by two individuals on a motorcycle who had followed them to a meeting, and previously, when buses in which they were travelling were fired upon.<sup>407</sup>



Community radio stations also face heightened insecurity as a result of increased militarization of the areas in which they are located. During the 2009 coup, laws were passed which increased militarization, suppressed freedom of expression and produced a culture of fear, according to journalists with *La Voz Lenca* and *Radio Guarajambala*.<sup>408</sup> Although started during the de facto government, the militarization in these rural areas has not ended with the transition to a democratically elected regime. Journalists with *La Voz Lenca* and *Radio Guarajambala* reported that their phones have been tapped by the military, as military officials are consistently aware of their movements.<sup>409</sup> When they leave meetings to travel to Tegucigalpa, for instance, there are military officials stationed outside waiting in order to record who is travelling.<sup>410</sup>

Another example of the continued militarization can be seen in the case of *La Voz de Zacate Grande*. Journalists with this station explained that there has been a small battalion from the Honduran Armed Forces present within their community for the past three years.<sup>411</sup> There has also been talk of setting up a second battalion within the community.<sup>412</sup> Community radio workers view this as part of the overall strategy of militarization in the country, and emphasize the negative psychological repercussions of the unit's ongoing presence.<sup>413</sup>

The persecution of community radio workers is indicative of a broader wave of repression associated with land rights and natural resources. As of February 2013, at least 88 members or associates of *campesino* movements had been killed in the Bajo Aguán Valley in northern Honduras.<sup>414</sup> The violence, however, is not limited to Bajo Aguán. In July 2013, Lenca leader Tomas García was shot and killed, allegedly by the Honduran military, during a peaceful protest against a hydroelectric dam in Achotal, Río Blanco, in the department of Intibucá.<sup>415</sup>

According to a report by Rights Action, an international NGO working with communities in Honduras, those who have been consistently identified as initiating acts of violence against the *campesinos* include the 15<sup>th</sup> Battalion, a Honduran special-forces unit; members of the National Police stationed in Colón; and private security forces.<sup>416</sup> Powerful political and economic elites, including Miguel Facussé, are able to use the police and the Armed Forces as though they were private security forces.<sup>417</sup> Members of the police and the Armed Forces are then used to attack *campesino* groups in an attempt to stifle protest and popular mobilization.<sup>418</sup>

## A. Consequences for freedom of expression

### i) (Self-)Censorship

When journalists self-censor as a result of threats and/or violence against them, freedom of expression is denied. In a report on the safety of journalists and the danger of impunity, the Director-General of UNESCO states that “the curtailment of their expression deprives society as a whole of their journalistic contribution . . . [and i]n such a climate societies suffer because they lack the information needed to fully realize their potential.”<sup>419</sup>

Many journalists in Honduras have practiced self-censorship, particularly since the 2009 coup. In departments such as Copán, in western Honduras, near the border with Guatemala, there are topics that journalists simply do not cover.<sup>420</sup> Although they are aware of the presence of narco-trafficking and the high levels of corruption, these journalists self-censor as a result of violence and repression.<sup>421</sup> Rubén Quiroz, a police beat reporter for *Canal 6* in San Pedro Sula, ceased his investigation into a story

regarding a recent gang truce after receiving a phone call threatening that he would end up in “*las cañeras*” (“the sugar cane fields”), a place where many Hondurans have been found murdered.<sup>422</sup> Julio Alvarado cancelled his radio show after a failed attempt on his life (see *Self-censorship in action*, p.20). Although radio journalist Carlos Matute does not engage in self-censorship on his own radio program, on a private station, he does limit what he says while broadcasting for other stations.<sup>423</sup>

As the UN Special Rapporteur on the situation of human rights defenders has observed, the failure to investigate crimes committed against journalists has resulted in journalists engaging in self-censorship.<sup>424</sup>

### ii) Exile

Several Honduran journalists have emigrated or are in exile because of the violence, saving their lives but at a great cost to their freedom of expression. Dagoberto Rodríguez, director of *Radio Cadena Voces* – the radio station that employed radio and television journalist Carlos Salgado before he was murdered in 2010 – left Honduras in 2008 after being told by the police that a group of hired killers intended to kill him.<sup>425</sup> Correspondent José Alemán fled the country in April 2010 after two unidentified armed men reportedly broke into his home while he was out and opened fire in his bedroom.<sup>426</sup> He had also previously received threatening phone calls. Broadcast journalist Karol Cabrera also left Honduras in 2010 for Canada following two separate attacks which killed her daughter and her colleague.<sup>427</sup>

In 2012, radio journalist Jose Chinchilla requested asylum in the United States after he and his family were repeatedly threatened and attacked.<sup>428</sup> Independent cameraman Uriel Gudiel Rodríguez left Honduras in September 2012.<sup>429</sup> Rodríguez had received a death threat from a Honduran police officer and had also been assaulted and shot with rubber bullets on two other occasions.<sup>430</sup> In July 2013, journalist Joel Coca was beaten with a wooden bat after reporting on his program “*Más Noticias*” about a case of corruption involving a local manufacturing plant.<sup>431</sup> According to Coca, one of the attackers told the other to “shoot”; however, the other responded “let’s go” and Coca was left alive.<sup>432</sup> After the assailant who refused to pull the trigger was found dead, Coca requested asylum in both Canada and the United States and was reportedly planning to leave the country.<sup>433</sup>

Journalists have also left Honduras temporarily in response to violence. Journalist and human rights defender Dina Meza temporarily lived in England while studying and participating in a protection program.<sup>434</sup> Violence against journalists thus succeeds in silencing coverage of sensitive topics such as impunity, often only temporarily but enough to let the cycle of violence continue.

## IN FOCUS: THE ABANDONMENT OF CULTURAL SPACES

*We understood culture to be the creation of any meeting space among men, and culture, for us, included all the collective symbols of identity and memory: the testimonies of what we are, the prophecies of the imagination, the denunciations of what prevents us from being.* – Eduardo Galeano<sup>435</sup>

In August 2013 the mayor of Danlí, a city 90 kilometres outside Tegucigalpa, forbade the installation of a statue in a public park because he deemed its subject – a depiction of the Mayan corn goddess Yum Kaax – sacrilegious. The sculptor, Johnny Mac Donald, a pioneer of public art in Honduras, expressed surprise that municipal authorities could dismiss an indigenous deity as Satanic – the mayor spoke of a “*figura diabólica*” – and he complained that while Mexico and Guatemala were keenly promoting their cultural heritage, such pride seemed to be “receding” in Honduras.<sup>436</sup>

Similarly, the writer and artist Gilda Batista reports that she was prevented from completing a mural commissioned by and for the National Library in November 2010, after staff members of the library complained that it was “pornographic.”<sup>437</sup> Designed as a protest against violence against women in Honduras, the mural included nude figures of both women and men.<sup>438</sup> According to Batista, the Institute of Anthropology and History (*Instituto de Antropología e Historia*) ruled that there was no technical reason why the mural could not be completed but recommended that the outline of the mural be removed or retraced on another, less visible wall – which Batista refused to do.<sup>439</sup>

Direct censorship of cultural activity is not common in Honduras, but these cases are suggestive of the difficulties which face artists who hold opinions that are not shared by the country’s cultural, religious and socioeconomic elites. Mac Donald speculated that the mayor’s attitude was informed by his membership in an evangelical congregation that “rejects Mayan culture” because for them “there is only one god.”<sup>440</sup> Likewise, Batista and journalist and activist Dina Meza told us that Honduran officials often “follow the instructions of the Catholic and Evangelical churches” and accommodate culturally conservative groups like the Catholic society Opus Dei, private business interests and the military.<sup>441</sup>

Article II of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, to which Honduras is a signatory, states that, “Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed.”<sup>442</sup> Batista, Meza and writers and cultural activists Eduardo Bähr and Claudia Sánchez reported a lack of official support for cultural diversity. For them, the failure to encourage a broader range of cultural expression, and the lack of institutional support for arts and the humanities, or other activities that foster critical thinking, were inseparable from the country’s wider crises with freedom of expression.<sup>443</sup>

The National Library is a case in point. When Eduardo Bähr was appointed as Director in 2008, he tried to move the library away from being a place, as he puts it, “solely dedicated to lending books, with no cultural strategy,” to one that “open[s] doors to all people and all organizations to carry out cultural activities: religious, lesbian, gay, bisexual, and transgender (LGBT), indigenous, *garífuna* [descendants of African former slaves and indigenous Caribs], poets, photographers, et cetera.”<sup>444</sup> The approach has earned him praise and distrust in equal measures. Writers, journalists and activists speak highly of the climate of openness and inclusivity he has fostered.<sup>445</sup> Bähr himself is visibly moved when he recalls how a gay teenager who attended the launch of LGBT books at the library told him: “Director, I didn’t know that the National Library opened its doors to people like us.”<sup>446</sup> Yet Bähr’s openness has faced direct resistance from parts of the government, including some within the Ministry of Culture itself. As he says: “They don’t want me to open the library to the whole of society because this includes the

[political] opposition. When there’s a book presentation here, all of the authors come,” adding that in Honduras “writers, poets and intellectuals tend to be anti-establishment.”<sup>447</sup>

However, the library’s autonomy is in fact limited. Librarians – and even Bähr as Director – lack the authority to order new books and can only make recommendations that have to be approved by the Ministry of Culture.<sup>448</sup> Furthermore, although Honduran authors are theoretically obliged to donate five copies of each new book to the national and municipal library system, very few honour this commitment.<sup>449</sup> The library is chronically underfunded and has relied heavily on private book donations to replenish its stacks.<sup>450</sup> Bähr emphasized the importance of maintaining cultural spaces like the National Library and Casa Morazán – a cultural centre and museum in Tegucigalpa set up in 2008 under former President Zelaya – and he expressed skepticism towards the official explanation that the budget of such institutions has been slashed as part of austerity measures following the 2008 global financial crisis.<sup>451</sup> Bähr added that many suspect the money was simply used to fund political campaigns ahead of the November 2013 presidential elections.<sup>452</sup> Dina Meza noted that the National School of Fine Arts, the Museum of Anthropology and the National Art Gallery also face the threat of closure.<sup>453</sup> As she puts it, this is “supposedly due to budget cuts – yet there is money for the military.”<sup>454</sup>

Bähr also spoke of the difficulty of producing independent research, analysis and literature in a publishing environment that is focused almost exclusively on commercial interests.<sup>455</sup> He remarked that although the cultural intelligentsia in Honduras is highly critical of the status quo in Honduras where “everything is contaminated” by collusion and corruption, many fear the repercussions of denouncing drug traffickers and their allies in wider society and have learned “to study other things instead.”<sup>456</sup> He spoke of long delays in getting material prepared for publication, and of the near total absence of support for the promotion of local literature, even though Honduran writers have been successfully published abroad.<sup>457</sup> He described the “Colombianization” of Honduran society under the influence of the *maras* and said he feared that a widespread lack of education and the absence of opportunities for local youth to discover a moral alternative to gang life had helped to prolong the current cycle of criminal violence.<sup>458</sup> Bähr suggested that the problem could only be adequately addressed if the judicial system, and several ministries, were de-politicized and restructured to take proper account of the country’s unfulfilled educational and cultural needs.<sup>459</sup>

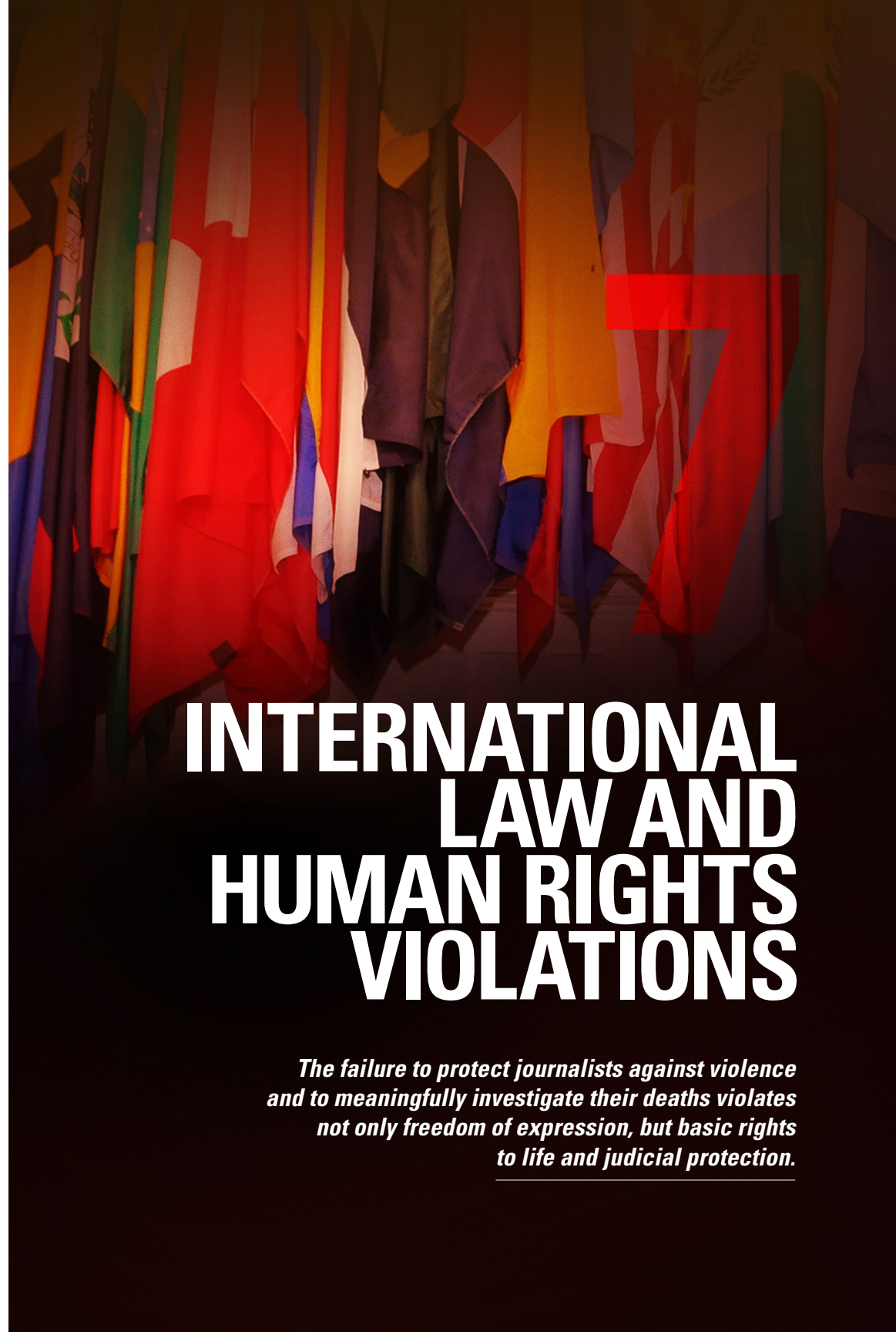
Repeatedly, the writers and activists interviewed stressed that the neglect, marginalization and underfunding of cultural spaces had affected the democratic culture of Honduras. For Meza and Batista, neglect of the cultural sector has been a deliberate state policy. “Cultural repression became more noticeable after the coup because the cultural sector was belligerent in denouncing and opposing the coup through its various media. It has continued its denunciations post-coup, and has openly opposed the sale of the state’s assets, natural and otherwise, as well as the privatisation of education from school to university level, the change in academic curricula that removes humanities classes, and anything that requires a human being to use critical thought.”<sup>460</sup>

According to Meza and Batista, during President Zelaya’s mandate, “culture was promoted and there was no censorship.”<sup>461</sup> They said that the cultural sector has strenuously objected to negotiations taking place between the state of Honduras and private business, and that individuals working for the Ministry of Culture had “denounced the theft of documents and cultural relics, as well as the censorship of cultural spaces and historical documents.”<sup>462</sup> They added: “It’s for these reasons that it is vital that we work towards a just secular state, respectful of freedom of expression in every sense, and respectful of all human rights.”<sup>463</sup>

IN 2012 THE OFFICE OF  
THE SPECIAL PROSECUTOR  
FOR HUMAN RIGHTS –  
WITH 16 PROSECUTORS,  
NINE ANALYSTS AND  
ONE SECRETARY –  
WAS RESPONSIBLE FOR  
INVESTIGATING  
7,000 CASES.



**7,000**



# INTERNATIONAL LAW AND HUMAN RIGHTS VIOLATIONS

*The failure to protect journalists against violence  
and to meaningfully investigate their deaths violates  
not only freedom of expression, but basic rights  
to life and judicial protection.*



Freedom of expression is a fundamental human right. In international law, it finds expression in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human Rights and Peoples' Rights, the American Declaration of the Rights and Duties of Man, the American Convention of Human Rights (the American Convention) and the European Convention of Human Rights.

Of particular relevance to the present discussion are the ICCPR<sup>464</sup> and the American Convention,<sup>465</sup> which create binding obligations on Honduras to respect and protect human rights. Honduras acceded to the ICCPR on August 25, 1997 and to the American Convention on September 5, 1977.<sup>466</sup> The ICCPR contains protections for the rights to life and to freedom of expression, while the American Convention provides guarantees of these two rights and also the right to judicial protection.

### A. Freedom of expression

Articles 13 and 14 of the American Convention establish a legal right to freedom of expression, with the core of the right expressed in Article 13(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.*<sup>467</sup>

Per Articles 1 and 2 of the American Convention, state parties to the convention have a positive obligation to ensure that the human rights provisions within the treaty are respected, protected and fulfilled.<sup>468</sup> With regards to freedom of expression, this means the state must “adopt, when appropriate, the measures necessary and reasonable to prevent or protect the rights of whoever is in that situation [i.e. vulnerable to violations of the right to freedom of expression], as well as investigate facts that affect them.”<sup>469</sup>

The Inter-American Court of Human Rights has stated that “it is essential that journalists who work in media should enjoy the necessary protection and independence to exercise their functions comprehensively, because it is they who keep society informed, and this is an indispensable requirement to enable society to enjoy full freedom.”<sup>470</sup> It has also been recognized that violence against journalists violates society's right to access information freely under Article 13, as the purpose of the attacks is to silence journalists.<sup>471</sup>

A state's failure to investigate and punish those involved in violence against journalists also results in the right to freedom of expression being violated. The IACHR has stated that, in cases of crimes against journalists, “the lack of an exhaustive investigation, that would lead to the punishment of all those responsible for the murder of the journalist, also constitutes a violation of the right to freedom of expression, due to the chilling effect of such impunity on every citizen.”<sup>472</sup>

The impact of impunity on freedom of expression is further clarified in the Inter-American Declaration on Freedom of Expression, which states in Principle 9:

*The murder, kidnapping, intimidation of and/or threats to social communicators, as well as the material destruction of communications media violate the fundamental rights of individuals and strongly restrict freedom of expression. It is the duty of the state to prevent and investigate such occurrences, to punish their perpetrators and to ensure that victims receive due compensation.*<sup>473</sup>

Under the United Nations (UN) system, Article 19(2) of the ICCPR establishes the core of the right to freedom of expression:

*Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*<sup>474</sup>

Honduras' obligations under the ICCPR are similar to those under the Inter-American system. It must respect and ensure the fulfilment of the human rights obligations contained within the treaty.<sup>475</sup> Pursuant to Article 2(3)(a) of the ICCPR, signatories have an obligation “to ensure that any person whose rights or freedoms as [t]herein recognized are violated shall have an effective remedy.”<sup>476</sup>

The ongoing violence against journalists in Honduras constitutes a violation of Article 13 of the American Convention pursuant to Articles 1 and 2, as well as Principle 9 of the American Declaration of Principles. It is also a clear violation of Honduras' obligations under the ICCPR. Honduras has a positive obligation to ensure that the right to freedom of expression is respected, promoted and fulfilled. It has failed to respect and to ensure the fulfilment of the right to freedom of expression in a number of ways.

Honduras has failed to foster an environment in which freedom of expression is respected. Instead, journalists in Honduras are threatened, harassed, attacked and murdered, sometimes in circumstances which strongly suggest the involvement of state agents. This has a devastating impact on the right to freedom of expression. Many journalists self-censor (see *Self-censorship in action*, p. 20) and flee the country to avoid personal harm and even death. In turn, this violates society's ability to access information freely, as journalists are silenced as a result of the attacks.

The ongoing state of impunity for many of the cases of violence against journalists also constitutes a violation of the right to freedom of expression, “due to the chilling effect of such impunity on every citizen.”<sup>477</sup> It is the duty of the state to investigate crimes against journalists and to punish those responsible. Honduras has not fulfilled its obligation. Investigations by the National Police are conducted poorly, if at all. The Special Prosecutor for Human Rights is critically underfunded, hindering the office's ability to prosecute perpetrators of human rights violations. The judiciary lacks independence and is susceptible to corruption, and as such is unable to respond strongly and effectively to cases of human rights abuses. The continuing state of impunity for these acts of violence means that those whose rights have been violated have not had an effective remedy.

### B. Right to life

The right to life not only imposes on the state the negative obligation not to arbitrarily deprive an individual of his or her life, but also the positive obligation to take appropriate measures to prevent and punish violations of this right.

The American Convention establishes the right to life in Article 4(1):

*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.*<sup>478</sup>

The right to life protected by the American Convention includes “both the right of all human beings not to be deprived of life arbitrarily as well as the right not to be prevented from having access to conditions that guarantee a life of dignity.”<sup>479</sup> Inter-American Court jurisprudence has illuminated the relationship between Article 1 and Article 4, indicating that “[c]ompliance with Article 4, in relation to Article 1.1 of the American Convention, not only presupposes that no person may be arbitrarily deprived of life (negative obligation), but also requires that the States take all appropriate measures to protect and preserve the right to life (positive obligation), as part of their duty to guarantee the full and free exercise of the rights of all persons under their jurisdiction.”<sup>480</sup> The positive obligation to prevent and punish violations of the right to life applies not only to the legislature, but to all state institutions including the police and the armed forces.<sup>481</sup>

Under the UN System, Article 6(1) of the ICCPR states that:

*Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.*<sup>482</sup>

In its General Comment No. 6 on the right to life, the UN Human Rights Committee explains that “State parties should take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent killing by their own security forces.”<sup>483</sup> According to the Human Rights Committee’s General Comment No. 31, when an individual’s right to life has been violated, “State Parties must ensure that those responsible are brought to justice.”<sup>484</sup> Referencing this obligation, the Human Rights Council held that Algeria’s failure to investigate the disappearance of Kamel Rakik by the Algerian police was a violation of Article 2(3) of the ICCPR (Right to a remedy) in conjunction with Article 6(1).<sup>485</sup> The obligation to punish thus extends to members of a state’s own security forces as well.

Honduras is in violation of both Articles 4 and 1 of the American Convention and the right to life under the ICCPR. Due to a lack of comprehensive investigation, it is impossible to conclude with any certainty whether Honduran state agents played a direct role or were complicit in the murders of journalists, though the available information from some of the cases detailed in this report strongly suggests that members of the security forces were involved in at least some of the journalist deaths.

If Honduran security forces or other state actors were involved in the deaths of journalists, it would constitute a violation of Honduras’ negative obligation not to deprive an individual of his or her life. Even if Honduran state actors had no direct role in the deaths of journalists, the ongoing state of impunity represents a failure to fulfill its positive obligation to prevent and punish violations of the right to life. Failure to investigate has allowed impunity to flourish, as perpetrators are not identified and prosecutors are not provided with evidence needed to convict. As the right to life imparts an immediate obligation, Honduras cannot justify this failure based on the police lacking resources to conduct proper investigations.

### C. Right to judicial protection

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.*<sup>486</sup>

The Inter-American Court has held that the right to judicial protection protected by Article 25 is “one of the basic pillars, not only of the American Convention, but of the very rule of law in a democratic society in the terms of the Convention.”<sup>487</sup> Article 25 requires states to exercise due diligence in addressing human rights violations.<sup>488</sup> This obligation includes four aspects: the duty to prevent, to investigate, to punish and to provide redress for human rights violations.<sup>489</sup> In the leading case of *Velásquez Rodríguez*, the Inter-American Court held that:

*This obligation implies the duty of State Parties to organize the governmental apparatus and, in general, all the structures through which public power is exercised, so that they are capable of juridically ensuring the free and full enjoyment of human rights. As a consequence of this obligation, states must prevent, investigate and punish any violation of the rights recognized by the Convention and, moreover, if possible attempt to restore the right violated and provide compensation as warranted for damages resulting from the violation.*<sup>490</sup>

In *Kawas-Fernández v Honduras*, the Court stated that its prior jurisprudence established that, in investigating a violent death, the:

*State authorities in charge of conducting the investigation should at least try, inter alia: a) to identify the victim; b) to collect and preserve evidence related to the death in order to assist in any investigation; c) to identify possible witnesses and obtain testimonies in relation to the death under investigation; d) to determine the cause, manner, place and time of death, as well as any pattern or practice which may have brought about such death, and e) to distinguish between natural death, accidental death, suicide and homicide.*<sup>491</sup>

The Inter-American Court has stated that if “the State’s apparatus functions in a way that assures the matter remains with impunity, and it does not restore, in as much as possible, the victim’s rights, it can be ascertained that the State has not complied with the obligation to guarantee the free and full exercise of those persons within its jurisdiction.”<sup>492</sup>

The Honduran state’s apparatus functions in a manner that results in high levels of impunity for violence against journalists. Its failures to prevent, investigate, punish and provide redress for the human rights violations illustrated in this report constitute violations of Honduras’ obligations under the American Convention. In many cases, the National Police have failed to meet the investigative standards outlined by the Inter-American Court of Human Rights. Underfunding of the Special Prosecutor for Human Rights and the failure to develop the judiciary’s institutional capacity also constitute Honduras’ failure to exercise due diligence in addressing human rights violations.

### D. Inter-American Commission on Human Rights (IACHR) precautionary measures

Article 25 of the Rules of Procedure of the Inter-American Commission on Human Rights (IACHR)<sup>493</sup> establishes the mechanism for precautionary measures in the Inter-

American system. Article 25 states that “the Commission may, on its own initiative or at the request of a party, request that a State adopt precautionary measures . . . whether related to a petition or not” concerning “serious and urgent situations presenting a risk of irreparable harm to persons or to the subject matter of a pending petition or case before the organs of the Inter-American system.”<sup>494</sup>

The Centre for the Investigation and Promotion of Human Rights (*Centro de Investigación y Promoción de los Derechos Humanos* – CIPRODEH) released a report in August 2013 examining the efficacy of the IACHR precautionary measures. It reported a common observation from recipients of the precautionary measures: the Honduran state repeatedly failed in the implementation of these measures.<sup>495</sup>

This was also a common theme among the interviewees consulted in this report. Gladys Lanza Ochoa, Co-ordinator of the Visitación Padilla Women’s Movement for Peace (*Movimiento de Mujeres por la Paz Visitación Padilla*), is the recipient of both precautionary measures from the IACHR and provisional measures<sup>496</sup> ordered by the Inter-American Court of Human Rights. When she appeared before the Court, the representative for the Honduran government stated it would comply with the order to implement the measures.<sup>497</sup> However, the one time Lanza Ochoa called her designated police contact – she was at a protest and feared retaliation from police officers who were responding to the demonstration – he did not answer and never returned her call.<sup>498</sup> In her mind, this was a test of the measures and they ultimately proved useless.<sup>499</sup>

All of the community radio workers from *La Voz de Zacate Grande* have cards from the Ministry of Security identifying them as beneficiaries of IACHR precautionary measures. They think that the police are probably less likely to arbitrarily detain them as a result, despite the fact that the police generally have very little understanding of what the measures mean in terms of protection.<sup>500</sup> These cards are the only protection mechanisms they have been given.<sup>501</sup> They reported that the government should have taken steps to offer them more effective protective measures, but they see different police officers in their community each week, indicating a lack of permanence regarding the current police protection measures.<sup>502</sup>

Juan Vasquez of *Radio Guarajambala* and *La Voz Lenca* has had IACHR measures since the 2009 coup. He was told giving the police his phone number and photograph would help him to be protected.<sup>503</sup> Vasquez and other community radio journalists who work with him, however, have been subject to police harassment in the past and ultimately chose to withhold the information.<sup>504</sup> This distrust is confirmed in the CIPRODEH report, which states that the beneficiaries of precautionary measures lack confidence in the mechanisms of protection, with some believing that consenting to the mechanisms actually puts them at greater risk because of the requirement of sharing contact information with government institutions such as the National Police.<sup>505</sup>

The Honduran government is quick to point to justifications for the failure to fully implement all precautionary measures. Marcela Castañeda, Deputy Minister of Security, stated that many of the beneficiaries no longer faced substantial risks following the 2010 elections, as they had been in danger primarily as a result of the 2009 coup.<sup>506</sup> She explained that implementation of the IACHR measures requires significant resources, finances and manpower, and that the Ministry of Security is only able to respond with the resources it has available.<sup>507</sup> Finally, she also asserted that the measures provided must be consensual and that there will be beneficiaries who say they do not want a particular security measure.<sup>508</sup> As such, the Ministry of Security cannot

implement it.<sup>509</sup> Ethel Deras Enamorado, the State’s Attorney General (*Procuradora General*), also commented that the lack of information provided by the IACHR regarding the identity of the person or group assigned the measures hinders the state’s ability to provide protection.<sup>510</sup>

CIPRODEH’s recent report, however, cites numerous examples evidencing lack of political will in implementing these mechanisms. These include the absence of a judicial instrument effectively guaranteeing the implementation of these measures, the failure to create the institutional capacity needed to provide immediate response to requests for protection and the failure to assign sufficient economic resources to protective mechanisms as well as related investigations and prosecutions.<sup>511</sup> Moreover, as a number of journalists and human rights workers have faced persecution at the hands of the police,<sup>512</sup> it does not seem unreasonable that they would not want the same police force providing them with security measures. Overall, it would appear that Honduras has consistently failed to implement precautionary measures for journalists and human rights defenders pursuant to its obligations as an OAS member state.

Article 25 of the Rules and Procedures of the IACHR was recently modified with the changes coming into force as of August 1, 2013.<sup>513</sup> Changes included identification requirements for individuals and groups requesting precautionary measures and a detailed list of requirements for any decision “granting, extending, modifying or lifting precautionary measures.”<sup>514</sup> It remains to be seen whether these amendments will make the measures more effective.

## E. Resource constraints no excuse for breaches of international law

Honduras cannot rely on a purported lack of resources to justify failures to protect and promote the rights to life and to freedom of expression. Civil and political rights – which include the right to freedom of expression and the right to life – fall under the category of “immediate obligations.” This type of obligation imposes “a duty to implement the obligations undertaken under a treaty upon becoming a State party to the Covenant irrespective of the available resources.”<sup>515</sup>

In its General Comment No. 31, the Human Rights Committee confirmed the immediacy of the obligations imposed by civil and political rights as protected by the ICCPR, stating that the “obligation to respect and ensure the rights recognized in the Covenant has immediate effect for all State parties.”<sup>516</sup> It also confirmed that the “requirement . . . to take steps to give effect to the Covenant rights is unqualified and of immediate effect.”<sup>517</sup> Accordingly, a state cannot justify a failure to comply with this obligation using references to political, social, cultural or economic considerations within the state.<sup>518</sup>



## CONCLUSION

A long history of state-sanctioned violence predates the current crisis in Honduras. Coupled with a series of failures to achieve accountability for grave human rights violations, this legacy of violence has fostered a culture of impunity and a serious crisis of faith in government institutions. In the five years following the ouster of President Zelaya, inadequate state protections have been further weakened by a new wave of lethal violence, leaving journalists and media workers perilously exposed to targeted attacks from local gangs, international drug trafficking organizations and corrupt state agents. Even protection measures issued by the Inter-American Commission on Human Rights (IACHR) have failed to provide any reliable measure of security.

Honduras has been advised, repeatedly, of the need for urgent action on these fronts. The United Nations (UN) Universal Periodic Review (UPR) process, conducted by the 47 members of the Human Rights Council, examines the human rights records of all 193 UN Member States.<sup>519</sup> At the first UPR of Honduras, in 2010, several countries urged the Honduran state to promote and protect the right to freedom of expression. Germany advised that the state “[i]ncrease efforts to protect journalists”; the Netherlands asked it to “[i]ntensify efforts to investigate and prosecute those responsible for the recently reported crimes committed against journalists.”<sup>520</sup> Slovakia advised that Honduras should “[f]ully restore the freedom of the media, protecting them from any harassment or intimidation, in accordance with its international obligations.”<sup>521</sup> Canada recommended that the State “[t]ake all necessary measures, including by undertaking a reform of legislation governing the telecommunications sector and guaranteeing access to public information, to guarantee freedom of the press, freedom of expression and the right to peaceful assembly.”<sup>522</sup>

The UPR Mid-term Implementation Assessment (MIA) provides an analysis of the level of implementation of the recommendations from the UPR; the MIA is produced by UPR-Info, a Geneva-based NGO, on the basis of information provided by stakeholders including states, NGOs and national human rights institutions. With regards to freedom of expression, as of the writing of the MIA in May 2013, Honduras had not implemented the recommendations from Germany or Canada detailed above.<sup>523</sup> All other recommendations related to freedom of expression were found to be partially implemented.<sup>524</sup>

In the new climate of fear, few journalists trust the institutions that should shield them from further violence. The state’s failure to provide security has prompted NGOs to improvise – with limited success – various stop-gap measures. These gestures are invaluable, but they will hardly suffice in the long term. Further progress will require an honest reckoning on the part of the Honduran state with earlier failures to provide accountability. Until this is done no initiative is likely to overturn the culture of impunity. Faced with a lack of public confidence, corrupt security forces, and a chronic lack of resources, no government – however well-intentioned – can address the root causes of the present crisis until there is sufficient political will, and international support to do so.

Until the Honduran state, and its regional and international partners, prioritize holding violators of human rights to account, impunity will remain the order of the day, and the crimes of the past will continue to foreshadow the crimes of the future.

## APPENDIX A: DEFINITIONS OF JOURNALIST

### 1. *United Nations Educational, Scientific and Cultural Organization (UNESCO)*

Journalism is “a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere.”<sup>525</sup>

### 2. *United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression*

Journalists are defined by their function of informing society, and this activity cannot be restricted by requirements or limitations including the holding of a degree, mandatory membership in a professional organization or registration with the state.<sup>526</sup>

### 3. *Committee to Protect Journalists*

Journalists are “people who cover news or comment on public affairs in print, in photographs, on radio, on television, or online.”<sup>527</sup>

### 4. *National Commissioner for Human Rights, Honduras (Comisionado Nacional de los Derechos Humanos – CONADEH)*

Includes “journalists and social commentators” in its reporting.<sup>528</sup>

### 5. *Human Rights Watch*

No definition is provided in the World Report; based on the statistics for Honduras, it is likely a broad definition.

### 6. *State of Honduras: Office of the Public Prosecutor (Ministerio Público)*

Honduras’ Organic Law of the Association of Honduran Journalists (*Ley Orgánica del Colegio de Periodistas*) requires individuals to be members of the Association of Journalists of Honduras (*Colegio de Periodistas de Honduras*) in order to be considered journalists.<sup>529</sup>

### 7. *Freedom House*

No definition is provided.

### 8. *PEN International / PEN Canada*

Does not define journalist but rather includes it as a subset of the “writer” category, a definition that “refers to anyone involved with the written or spoken word.”<sup>530</sup>

### 9. *Inter-American Court of Human Rights*

Journalism means “that a person is involved in activities defined by or consisting of the freedom of expression that the American Convention [on Human Rights] protects specifically.... Because of its close overlap with freedom of expression, journalism cannot be thought simply as the provision of a professional service to the public through the application of knowledge acquired at a university or by those persons who are registered with a particular professional association.”<sup>531</sup>

## APPENDIX B: ADDITIONAL INFORMATION ON MURDERED JOURNALISTS (2003–2013)

*Note: Unless stated otherwise, all information in the following chart comes from one or more of the “General Sources” listed below. Where certain facts are specific to only one source, endnotes indicate the source cited.*

### 1. GERMÁN ANTONIO RIVAS DATE OF DEATH November 26, 2003

**JOB DESCRIPTION** Reporter and owner of the *Corporación Maya Visión* television station in Santa Rosa de Copán **OTHER INFORMATION** Killed by unknown assailants while leaving his television station • Survived a previous shooting in February 2003, shortly after reporting on coffee and cattle smuggling to Guatemala • Had also criticized a cyanide spill into the Lara River by the *Minerales de Occidente* mining company **STATUS** Case unsolved **IMPUNITY** Yes

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### 2. CARLOS ALBERTO SALGADO DATE OF DEATH October 18, 2007

**JOB DESCRIPTION** Journalist and radio comedian for *Radio Cadena Voces* in Tegucigalpa **OTHER INFORMATION** Killed by unknown assailants while leaving the radio station where he had just broadcast a radio show • Had previously received threats • Beats covered: corruption • German David Almendárez Amador was arrested but later freed without charge • Suspected source of fire: criminal group **STATUS** Suspect confirmed • Arrest made • No conviction: suspect released without charge **IMPUNITY** Yes

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### 3. FERNANDO GONZÁLEZ DATE OF DEATH January 1, 2008

**JOB DESCRIPTION** Announcer and owner of Santa Bárbara radio station *Mega FM 92.7* **OTHER INFORMATION** Killed inside his radio station **STATUS** Case unsolved **IMPUNITY** Yes

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### 4. BERNARDO RIVERA PAZ DATE OF DEATH March 15, 2009; body found July 9, 2009

**JOB DESCRIPTION** Journalist, lawyer and politician **OTHER INFORMATION** Kidnapped and driven away in his own car on March 14, 2009, before being shot by unknown assailants • Rivera’s body was found on July 9, 2009, however, a police investigation indicated he was killed only a few hours after being kidnapped • According to news reports, the authorities were looking for four assailants<sup>532</sup> **STATUS** Case unsolved **IMPUNITY** Yes

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### 5. SANTIAGO RAFAEL MUNGUÍA ORTIZ DATE OF DEATH April 1, 2009

**JOB DESCRIPTION** Journalist who worked for *Radio Cadena Voces* in Tegucigalpa **OTHER INFORMATION** Shot and killed by unknown assailants • Had received a telephone call shortly before his murder<sup>533</sup> • Had recently reported on organized crime **STATUS** Case unsolved **IMPUNITY** Yes

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### 6. OSMÁN RODRIGO LÓPEZ DATE OF DEATH April 19, 2009

**JOB DESCRIPTION** Journalist who worked for the Department of Press of the *Casa Presidencial*, for *La Tribuna* and for *Canal 45* in La Ceiba, where he produced and presented a news program **OTHER INFORMATION** Shot and killed by unknown assailants while driving with a friend and cousin<sup>534</sup> **STATUS** Case unsolved **IMPUNITY** Yes

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### 7. GABRIEL FINO NORIEGA DATE OF DEATH July 3, 2009

**JOB DESCRIPTION** Journalist who worked as a correspondent for *Radio América* in San Pedro Sula and for local stations **OTHER INFORMATION** Killed while leaving the radio station where he worked • Reported on general news • UNESCO stated that his death appeared to be unrelated to recent political events in Honduras • According to the Office of the Public Prosecutor (*Ministerio Público*), as of July 2013 investigations were ongoing and new evidence was being sought **STATUS** Case unsolved **IMPUNITY** Yes

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### 8. NICOLÁS JOSUÉ ASFURA DATE OF DEATH February 17, 2010

**JOB DESCRIPTION** Journalist and construction worker **OTHER INFORMATION** Found murdered in his apartment, his body was bound and gagged • According to news reports, the authorities struggled to find cause of death owing to the state of putrefaction<sup>535</sup> • There were no signs of a break in **STATUS** Case unsolved **IMPUNITY** Yes

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### 9. JOSEPH HERNÁNDEZ OCHOA DATE OF DEATH March 1, 2010

**JOB DESCRIPTION** Journalist for *Canal 51* in Tegucigalpa **OTHER INFORMATION** Killed while driving with journalist Karol Cabrera, who was wounded in the attack • News accounts suggest Cabrera was the target of the attack; she stated that she believed supporters of ousted President Zelaya were behind the attack • Cabrera had received death threats and her daughter was fatally shot in December 2009 under similar circumstances • Suspected source of fire: political group • In July 2013 the Office of the Public Prosecutor (*Ministerio Público*), stated that the authorities had asked the USA for help in the investigation **STATUS** Case unsolved **IMPUNITY** Yes

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### 10. DAVID ENRIQUE MEZA MONTESINOS DATE OF DEATH March 11, 2010

**JOB DESCRIPTION** Journalist and news correspondent for news program “*Abriendo Brecha*” and for *Radio América* in La Ceiba **OTHER INFORMATION** Killed by unknown assailants following a car chase • Had recently criticized local police as corrupt and incompetent • Was known to extort money from sources • Beats covered: crime, corruption, politics • Two suspects were apprehended; one was later freed and the other acquitted at trial • In December 2013, another suspect, a gang leader, was arrested; two other members of the same gang arrested in December 2012 remained in custody.<sup>536</sup> Suspected source of fire: government officials **STATUS** Suspects confirmed • Arrests made • Awaiting trial **IMPUNITY** Outcome pending

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### 11. NAHÚM PALACIOS ARTEAGA DATE OF DEATH March 14, 2010

**JOB DESCRIPTION** Journalist and director of *Canal 5 News* in Tocoa and a news program on *Radio Tocoa* **OTHER INFORMATION** Killed by unknown assailants along with his girlfriend; his cousin was present at the attack but was not wounded • Opposed the 2009 coup and had turned the TV station into an openly opposition channel • He and his family had been detained by the military in June 2009; had also received threats from the military • IACHR issued an order to the government of Honduras to protect Palacios, but it was mostly ignored • In the months before he was killed, he had campaigned on behalf of *campesino* activists • Beats covered: corruption, crime, politics • Suspected source of fire: political group • Marked by investigative failures: coroner did not examine the body before it was buried, police had no photographs of the crime scene, police had no evidence from the crime scene • According to the Office of the Public Prosecutor (*Ministerio Público*), as of July 2013 investigations were ongoing and new evidence was being sought **STATUS** Case unsolved **IMPUNITY** Yes

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**12. JOSÉ BAYARDO MAIRENA** DATE OF DEATH March 26, 2010

**JOB DESCRIPTION** Worked on *Canal 4's* news program "*Así es Olancho*" and Director of *Radio Excelsior* in Juticalpa **OTHER INFORMATION** Killed along with Manuel Juárez (see below) by unknown persons; the two men were killed while driving after they had transmitted a program on *Radio Excelsior* • Local journalists reported that Bayardo Mairena and Juárez worked together on news and talk programs, typically avoiding sensitive topics • However, sources told the Office of the IACHR Special Rapporteur for Freedom of Expression that Mairena had recently published newspaper reports on land disputes and organized crime • According to the Office of the Public Prosecutor (*Ministerio Público*), as of July 2013 investigations were ongoing and new evidence was being sought **STATUS** Case unsolved **IMPUNITY** Yes

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**13. MANUEL JUÁREZ** DATE OF DEATH March 26, 2010

**JOB DESCRIPTION** Worked on *Canal 4's* news program "*Así es Olancho*" and for *Radio Excelsior* in Juticalpa **OTHER INFORMATION** See José Bayardo Mairena above **STATUS** Case unsolved **IMPUNITY** Yes

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**14. LUIS CHÉVEZ HERNÁNDEZ** DATE OF DEATH April 9, 2010

**JOB DESCRIPTION** Announcer for the broadcaster *W105* of San Pedro Sula **OTHER INFORMATION** Killed with his cousin by unknown assailants • Police ruled out robbery as a motive, as a large quantity of money was found in the possession of the deceased<sup>537</sup> • Kevin Giovanni Romero Figueroa was charged with the murders but was acquitted **STATUS** Suspect confirmed • Arrest made • No conviction: acquitted at trial **IMPUNITY** Yes

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**15. JORGE ALBERTO ORELLANA** DATE OF DEATH April 20, 2010

**JOB DESCRIPTION** Manager of the debate program "*En vivo con Georgino*" transmitted by *Televisión de Honduras* in San Pedro Sula **OTHER INFORMATION** Killed while he was leaving the television station • Program focused on local news, mostly cultural events • Did not report on sensitive stories such as organized crime • In September 2012, Jonathan Joseph Cockborn was sentenced to 28 years in jail after being found guilty of shooting Orellana during a robbery<sup>538</sup> **STATUS** Suspect confirmed • Arrest made • Conviction obtained **IMPUNITY** No

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**16. CARLOS HUMBERTO SALINAS MIDENCE** DATE OF DEATH May 8, 2010

**JOB DESCRIPTION** Sports reporter who presented various radio and television shows **OTHER INFORMATION** He and his grandson were shot while in his car by unknown assailants • Salinas had been arrested three times: (1) for threats, robbery and murder, (2) for human trafficking and the falsification of public documents and (3) for murder, illegal possession of firearms, fraud and forgery **STATUS** Case unsolved **IMPUNITY** Yes

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**17. LUIS ARTURO MONDRAGÓN MORAZÁN** DATE OF DEATH June 14, 2010

**JOB DESCRIPTION** Manager of *Canal 19* in El Paraíso and the news program "*Teleprensa*" **OTHER INFORMATION** Killed while leaving the television station • Reported on government corruption, environmental issues and crime • Had received death threats • Security forces stated that there was evidence that the murder was not in relation to his work as a journalist • According to the Office of the Public Prosecutor (*Ministerio Público*), as of July 2013 investigations were ongoing and new evidence was being sought **STATUS** Case unsolved **IMPUNITY** Yes

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**18. ISRAEL ZELAYA DÍAZ** DATE OF DEATH August 24, 2010

**JOB DESCRIPTION** Manager of the program "*Claro y Pelado*" transmitted on San Pedro Sula's *Radio Internacional* **OTHER INFORMATION** Shot and killed by unknown assailants; personal belongings were not stolen • Reported on a range of topics, including politics and crime • Home had been damaged by arson three months prior to his murder • A former member of the National Police was arrested in March 2012, suspected of having participated in the murder<sup>539</sup> • In January 2013, the former policeman was convicted of killing a businessman in 2011;<sup>540</sup> not clear whether he is still thought to be linked to Zelaya's murder • According to the Office of the Public Prosecutor (*Ministerio Público*), as of July 2013 investigations were ongoing and new evidence was being sought **STATUS** Case unsolved **IMPUNITY** Yes

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**19. HENRY ORLANDO SUAZO SANTOS** DATE OF DEATH December 28, 2010

**JOB DESCRIPTION** Correspondent for *Radio HRN* in Tegucigalpa and news presenter for *Cablevisión del Atlántico* **OTHER INFORMATION** Killed by assailants • Prior to his death, he publically stated that he had received death threats • Honduran government indicated that in January 2011 the Office of the Public Prosecutor filed a criminal complaint against the alleged murderer and issued a warrant for the suspect's arrest **STATUS** Suspect confirmed • No arrest, but warrant issued **IMPUNITY** Yes

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**20. HÉCTOR FRANCISCO MEDINA POLANCO** DATE OF DEATH May 10, 2011

**JOB DESCRIPTION** Social communicator who produced and hosted the "TV9" news program for San Pedro Sula cable company *Omega Visión* **OTHER INFORMATION** Shot and killed by unknown heavily armed assailants • Had reported on corruption in the local mayor's office and on regional land disputes • Had received threats, including death threats • Reporters Without Borders stated that he was almost certainly killed in relation to his work as a journalist<sup>541</sup> • Honduran government indicated that investigations and interviews of witnesses and others who knew the deceased had been conducted • Suspect arrested August 22, 2012<sup>542</sup> • On November 18, 2013, the suspect was convicted of Medina's murder; sentence of 20-30 years in prison expected<sup>543</sup> • An arrest warrant has been issued for one other suspect<sup>544</sup> **STATUS** Suspect confirmed • Arrest made • Conviction obtained • Sentencing pending **IMPUNITY** No

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**21. LUIS ERNESTO MENDOZA CERRATO** DATE OF DEATH May 19, 2011

**JOB DESCRIPTION** Owner of cable company *Macrosistema* and Danlí's *Canal 24* **OTHER INFORMATION** Killed by unknown heavily armed assailants • Police stated they believed it to be a contract killing • Honduran government indicated that the case is related to another case and that an investigation was being conducted **STATUS** Case unsolved **IMPUNITY** Yes

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**22. ADÁN BENÍTEZ** DATE OF DEATH July 5, 2011

**JOB DESCRIPTION** Social communicator and television producer **OTHER INFORMATION** Was stopped by unknown assailants who stripped him of his valuables before killing him • Had recently reported on crimes committed by a gang involved in breaking into cars<sup>545</sup> • According to the Office of the Public Prosecutor (*Ministerio Público*), Benítez is not considered to be a journalist. While he produced music programmes for a radio station until 2002 he had more recently been an advertisement announcer **STATUS** Case unsolved **IMPUNITY** Yes

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### 23. NERY JEREMÍAS ORELLANA DATE OF DEATH July 14, 2011

**JOB DESCRIPTION** Manager of *Radio Joconguera* in *Candelaria* and a correspondent for *Radio Progreso* in El Progreso **OTHER INFORMATION** Shot and killed by an unknown assailant • Active member of the National Front of Popular Resistance (FNRP), an organization supporting ousted president Zelaya • Regularly allotted airtime on *Radio Joconguera* to the FNRP • Co-ordinated a news program for the station that denounced local corruption • Had received death threats and verbal abuse on the street • Honduran government stated that an investigation was conducted • As of July 2013, the authorities have asked for judicial assistance from El Salvador and were awaiting a response **STATUS** Case unsolved **IMPUNITY** Yes

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### 24. MEDARDO FLORES HERNÁNDEZ DATE OF DEATH September 9, 2011

**JOB DESCRIPTION** Public communications liaison, member of the Cultural Collective and volunteer reporter for *Radio Uno* in San Pedro Sula **OTHER INFORMATION** Shot and killed by unknown assailants • Regional finance minister of the pro-Zelaya Broad Front for Popular Resistance (FARP) • Shot two days after another leading FARP member was killed<sup>546</sup> • According to the Office of the Public Prosecutor (*Ministerio Público*), the investigation is ongoing. The authorities are looking for new lines of enquiry **STATUS** Case unsolved **IMPUNITY** Yes

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### 25. LUZ MARINA PAZ VILLALOBOS DATE OF DEATH December 6, 2011

**JOB DESCRIPTION** Director of a radio program transmitted by the *Cadena Hondureña de Noticias* in Tegucigalpa and had previously worked for *Radio Globo* in Tegucigalpa **OTHER INFORMATION** Killed with one other person • Was also a business owner who had received threats for refusing to pay a “war tax” • According to the Office of the Public Prosecutor (*Ministerio Público*) an informant has claimed that Paz’ murder was related to her business interests and that she was killed by a gang practising extortion. The investigation is ongoing • Known for alleging wrong-doing and for being critical of the 2009 coup **STATUS** Case unsolved **IMPUNITY** Yes

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### 26. SAIRA FABIOLA ALMENDÁRES BORJAS DATE OF DEATH March 1, 2012

**JOB DESCRIPTION** Communications student at the Metropolitan University of Honduras in Tegucigalpa; worked for *Radio Cadena Voces* (sports program) **OTHER INFORMATION** Shot and killed by unknown assailants along with two others • The authorities have reportedly ruled out Almendáres’ journalistic work as a possible motive for her murder<sup>547</sup> **STATUS** Case unsolved **IMPUNITY** Yes

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### 27. FAUSTO ELIO VALLE HERNÁNDEZ DATE OF DEATH March 11, 2012

**JOB DESCRIPTION** Reporter and announcer for the program “*La Voz de la Noticia*” for *Radio Alegre* in Saba **OTHER INFORMATION** Killed by unknown assailants who used machetes • One suspect arrested on March 17, 2012 and imprisoned pending trial • Request made to exhume body; no Initial autopsy was carried out due to resistance on the part of Valle’s family, according to the authorities **STATUS** Arrest made • Awaiting trial **IMPUNITY** Outcome pending

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### 28. NOEL ALEXANDER VALLADARES DATE OF DEATH April 23, 2012

**JOB DESCRIPTION** Television host on “*El Show del Tecolote*” broadcast on Tegucigalpa’s *Maya TV* **OTHER INFORMATION** Killed by four armed assailants who fired at him and three others in the car with him • His

uncle and his bodyguard were also killed; his wife was seriously injured • The Office of the Public Prosecutor (*Ministerio Público*) has stated they do not consider Valladares to be a journalist as he paid for his TV slot on *Maya TV* in which he predicted the lottery numbers **STATUS** Case unsolved **IMPUNITY** Yes

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### 29. ERICK ALEXANDER MARTÍNEZ ÁVILA DATE OF DEATH Body found May 7, 2012

**JOB DESCRIPTION** Member of the “*Los Necios*” communication network, spokesperson for the *Asociación Kukulkan* (promotes lesbian, gay, bisexual, and transgender (LGBT) rights) and human rights defender **OTHER INFORMATION** Was kidnapped before being murdered • Had recently been designated a pre-candidate for a deputy position in the *Libertad y Refundación* (LIBRE) party and was an active member of the Sexual Diversity Board of the National Resistance Front • In September 2012, a suspected perpetrator of the crime was arrested • According to the Office of the Public Prosecutor (*Ministerio Público*), as of July 16, 2013 two suspects had been charged, one of whose cases was at the preliminary hearing stage and the other at the preparatory hearing stage **STATUS** Suspect confirmed • Arrest made • Awaiting trial **IMPUNITY** Outcome pending

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### 30. ÁNGEL ALFREDO VILLATORO RIVERA DATE OF DEATH Body found May 15, 2012

**JOB DESCRIPTION** Manager of *Radio HRN* in Tegucigalpa **OTHER INFORMATION** Was kidnapped before being murdered • Had received death threats • Three suspects were arrested in May 2012 and accused of being accomplices to the killing and murder; all three denied being involved • Two other men, one a former police officer, were also accused of being involved with ransom negotiations • Suspects are members of the Osorio gang, though it has been suggested that they are not the intellectual authors of the murder • An initial evidentiary hearing took place in August 2013; three men including the Osorio brothers have been accused, along with three suspected accomplices<sup>548</sup> • As of August 2013, at least 10 people were suspected of being involved in Villatoro’s kidnapping and murder, seven of whom have been apprehended<sup>549</sup> **STATUS** Suspects confirmed • Arrests made • Awaiting trial **IMPUNITY** Outcome pending

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### 31. ADONIS FELIPE BUESO GUTIÉRREZ DATE OF DEATH July 8, 2012

**JOB DESCRIPTION** Announcer for the broadcaster *Radio Estéreo Naranja* in Sonaguera **OTHER INFORMATION** Kidnapped along with two of his cousins while leaving an internet café; shot and killed shortly thereafter • Wallets were stolen along with the tennis shoes of one of the victims<sup>550</sup> **STATUS** Case unsolved **IMPUNITY** Yes

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### 32. JOSÉ NOEL CANALES LAGOS DATE OF DEATH August 10, 2012

**JOB DESCRIPTION** Worked for the *Hondudiario* website in Tegucigalpa and was news editor for the business *Servicios Profesionales de Comunicación* **OTHER INFORMATION** Shot while driving to work by unknown assailants who were driving a taxi • Had received frequent death threats since 2009 • The Office of the Public Prosecutor (*Ministerio Público*) has stated that it does not consider Lagos to be a journalist as he transcribed the news for *Hondudiario* **STATUS** Case unsolved **IMPUNITY** Yes

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### 33. JULIO CÉSAR CASSALENO DATE OF DEATH August 28, 2012

**JOB DESCRIPTION** Police Deputy Inspector, lawyer and journalist, working as the spokesperson for the

National Transit Association **OTHER INFORMATION** Shot by unknown assailants • The day before his murder, he had publicized national statistics on arrests and confiscations of vehicles • Honduran police have said that this was a contract killing **STATUS** Case unsolved **IMPUNITY** Yes

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#### 34. ÁNGEL EDGARDO LÓPEZ FIALLOS **DATE OF DEATH** November 8, 2012

**JOB DESCRIPTION** Journalism student at National Autonomous University of Honduras (UNAH) in Tegucigalpa; worked as a presenter for evangelical radio station *Stereo Luz* and had recently joined the press team of *HRCV-La Voz Evangélica de Honduras*<sup>551</sup> **OTHER INFORMATION** Shot by an unknown assailant • Police reportedly believe that he was the victim of a robbery gone wrong<sup>552</sup> **STATUS** Case unsolved **IMPUNITY** Yes

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#### 35. CELÍN ORLANDO ACOSTA ZELAYA **DATE OF DEATH** January 31, 2013

**JOB DESCRIPTION** Sports journalist **OTHER INFORMATION** Shot by at least four unidentified assailants while walking with his five-year-old daughter • He had served as a spokesperson for the Liberal Party of Honduras for the previous four campaigns.<sup>553</sup> • Also an employee of the National Registry (*Registro Nacional de las Personas*).<sup>554</sup> **STATUS** Case unsolved **IMPUNITY** Yes

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#### 36. ANÍBAL BARROW **DATE OF DEATH** Abducted June 24, 2013; body found July 9, 2013

**JOB DESCRIPTION** Presented a daily news program, “*Anibal Barrow y nada más*” on *Globo TV* in Tegucigalpa **OTHER INFORMATION** Kidnapped while in San Pedro Sula and shot; body found dismembered and burned • The authorities believe that it was a contract killing carried out by a local criminal group. At least nine suspects were arrested between July and November 2013, including the gang leader and the suspected assassin; police searching for at least one more suspect<sup>555</sup> According to one witness, Barrow’s murder was ordered by an unnamed drug trafficker.<sup>556</sup> • On the day of the abduction, Barrow had interviewed three *Libertad y Refundación* (LIBRE) party candidates in the forthcoming November elections: Juan Barahona, a trade union leader; Enrique Flores Lanza; and Jari Dixon, a lawyer. They talked about the fourth anniversary of the coup d’état that took place in Honduras on June 28, 2009<sup>557</sup> • Suspects confirmed • Arrests made **STATUS** Awaiting trial **IMPUNITY** Outcome pending

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#### 37. MANUEL MURILLO VARELA **DATE OF DEATH** October 23, 2013; body found next day

**JOB DESCRIPTION** Freelance cameraman. Worked as an official cameraman for several public figures, including former President Zelaya,<sup>558</sup> and, more recently, for *TV Globo*. **OTHER INFORMATION** The Inter-American Commission of Human Rights (IACHR) requested precautionary measures for Murillo after he and a colleague were kidnapped and tortured for 24 hours in February 2010 • Murillo told Committee of Relatives of the Detained and Disappeared in Honduras (COFADEH) and the Truth and Reconciliation Commission (CVR) that his family had been threatened by policemen seeking video footage of political demonstrations in June 2009 • He was a member of *Libertad y Refundación* (LIBRE) party<sup>559</sup> **STATUS** Case unsolved **IMPUNITY** Yes

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#### 38. JUAN CARLOS ARGEÑAL MEDINA **DATE OF DEATH** December 7, 2013

**JOB DESCRIPTION** Owner of Christian station *Vida Televisión* and correspondent for *Globo TV* and *Radio Globo* in Danlí. **OTHER INFORMATION** Shot and killed in his home by unidentified gunmen • Argeñal had been threatened in the past for revealing corruption in local hospitals. He had covered local

government corruption in the months before his murder,<sup>560</sup> and had reported receiving death threats<sup>561</sup> • Argeñal was a member of *Libertad y Refundación* (LIBRE) and *Vida Televisión* had voiced support for the party<sup>562</sup> • **STATUS** Case unsolved **IMPUNITY** Yes

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3. United Nations Office on Drugs and Crime, *Intentional homicide, count and rate per 100,000 population (1995-2011)* (Vienna: United Nations Office on Drugs and Crime, 2012) and Organization of the American States, *Report on Citizen Security in the Americas 2012* (Washington: OAS Hemispheric Security Observatory, 2012) at 18. Note that the *Observatorio de la Violencia* lists the same total number of homicides for 2011 as the OAS (7,104), yet it puts the rate per 100,000 individuals at only 86.5: *Observio de la Violencia, Boletín: Enero-Diciembre 2011* (Tegucigalpa: UNAH-IUDPAS, 2012), Ed. 24 at 2.
4. Ronan Graham, “Honduras Murder Rate Set to Soar to 86 per 100,000” (September 9, 2011), *Insight Crime*, online: <http://www.insightcrime.org/news-briefs/honduras-murder-rate-set-to-soar-to-86-per-100000> (accessed September 18, 2013).
5. *Observatorio de la Violencia, Boletín: Enero-Diciembre 2012* (Tegucigalpa: UNAH-IUDPAS, 2013), Ed. 28 at 2.
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7. *Ibid.*
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9. Manuel Orozco, *Countries at the Crossroads 2010: Honduras* (Freedom House, 2010), online: <http://www.freedomhouse.org/report/countries-crossroads/2010/honduras> (accessed September 18, 2013) [Countries at the Crossroads 2010] and Ana-Constantina Kolb, “Transnational Organized Crime: The Honduran Fight Against Transnational Cocaine Traffickers” (2012) 66:1 *Columbia Journal of International Affairs* [Transnational Organized Crime]. For examples of military corruption, see Geoffrey Ramsey, “Cable: Honduran Military Supplied Weaponry to Cartels” (April 25, 2011), *InSight Crime*, online: <http://www.insightcrime.org/news-analysis/cable-honduran-military-supplied-weaponry-to-cartels> (accessed October 7, 2013); “In Brief – Honduras: Soldiers Done for Munitions Theft” (June 26, 2012), *Latin News Daily Report*, online: <http://www.latinnews.com/component/k2/item/52109-in-brief-honduras.html> (accessed October 7, 2013); and “Condenados en Honduras 13 Militares por Robo de Avioneta Decomisada a Narcos” (June 26, 2013), *terra*, online: <http://noticias.terra.com.ar/internacionales/condenados-en-honduras-13-militares-por-robo-de-avioneta-decomisada-a-narcos,3db7f95c2487f310VgnCLD2000000ec6eb0ARCRD.html> (accessed October 7, 2013).
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11. Transnational Organized Crime, *supra* note 8.
12. Bertelsmann Stiftung, *BTI 2012 – Honduras Country Report* (Gütersloh: Bertelsmann Stiftung, 2012) [BTI 2012] at 5; Interview with Sergio Bahr (August 13, 2013) [Sergio Bahr Interview].
13. Orlando J. Perez, *Countries at the Crossroads 2007: Honduras* (Freedom House, 2007), online: <http://www.refworld.org/docid/47386925c.html> (accessed September 18, 2013) [Countries at the Crossroads 2007].
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15. Ángel Servellón, “Honduras: Maras profit from extortion” (June 26, 2013), *infosurhoy*, online: [http://infosurhoy.com/en\\_GB/articles/saii/features/main/2013/06/26/feature-01](http://infosurhoy.com/en_GB/articles/saii/features/main/2013/06/26/feature-01) (accessed September 18, 2013).
16. *Ibid* and Dennis Rodgers, Robert Muggah and Chris Stevenson, *Gangs of Central America: Causes, Costs and Interventions* (Geneva: Small Arms Survey, 2009) at 13.
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18. J. Mark Ruhl, “Honduras Unravels”, (2010) 21:2 *Journal of Democracy* at 95 [Ruhl, “Honduras Unravels”].
19. *Ibid*.
20. BTI 2012, *supra* note 12 at 3.
21. Freedom House, *Freedom in the World 2013 - Honduras (2013)*, online: <http://www.freedomhouse.org/report/freedom-world/2013/honduras> (accessed September 18, 2013) [Freedom in the World 2013].
22. Ruhl, “Honduras Unravels”, *supra* note 18 at 97-8.
23. Determining whether or not a country has successfully consolidated a procedural democracy involves examining the country’s institutions. It requires that the country has established legislative, executive and judicial branches of government and that free elections are held regularly.
24. Ruhl, “Honduras Unravels”, *supra* note 18 at 96.
25. *Ibid* at 98.
26. *Ibid* at 99.
27. J. Mark Ruhl, “Honduras: Democracy in Distress”, in Howard J. Wiarda and Harvey F. Kline eds., *Latin American Politics and Development*, 7<sup>th</sup> ed. (Colorado: Westview Press, 2011) 543 [Ruhl, “Democracy in Distress”] at 549.
28. *Ibid* at 550.
29. *Ibid*.
30. Freedom in the World 2013, *supra* note 21.
31. Ruhl, “Honduras Unravels”, *supra* note 18 at 102.
32. See Section V.C.i and V.C.ii for the findings of the two post-coup Truth Commissions on the types and quantities of violations which occurred.
33. United Nations High Commissioner for Human Rights, *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), A/HRC/13/66 at para 41.
34. *Ibid* at paras 41 and 42.
35. *Ibid* at paras 44 and 45.
36. Freedom in the World 2013, *supra* note 21.
37. *Ibid*.
38. Ruhl, “Honduras Unravels”, *supra* note 18 at 13.
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46. Dr. Catalina Botero, Special Rapporteur for Freedom of Expression, *Annual Report of the Inter-American Commission on Human Rights 2009: Report of the Special Rapporteur for Freedom of Expression* (Washington: OAS Inter-American Commission on Human Rights, 2009), online: <http://www.oas.org/en/iachr/expression/docs/reports/annual/Informe%20Anual%202009%202%20ENG.pdf> (accessed September 18, 2013) at 112-4 and 116-7.
47. Margaret Sekaggya, *Report of the Special Rapporteur on the situation of human rights defenders Addendum: Honduras* (December 13, 2012), A/HRC/22/47/Add1 [Special Rapporteur on the situation of human rights defenders] at para 70.
48. *Ibid* at para 113.
49. C-Libre, *¡Basta! Informe ¿Libertad de Expresión? 2012* (Tegucigalpa: C-Libre, 2013) [C-Libre 2012 Report] at 104. Note that direct acts of aggression include murders, attacks, attempted crimes, arbitrary detention, kidnapping, forced exile, threats, assault with a weapon and sabotage.
50. *Ibid* at 107.
51. *Ibid*.
52. *Ibid* at 114.
53. *Ibid*.
54. *Ibid*.
55. Interview with Héctor Becerra (July 30, 2013) [Becerra Interview].
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65. 2012 Annual Report, *supra* note 62 at 130.
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67. “TV journalists attacked during transport protest in Honduras” (February 11, 2013), online: [http://www.ifex.org/honduras/2013/02/11/globo\\_tv\\_agresion/](http://www.ifex.org/honduras/2013/02/11/globo_tv_agresion/) (accessed September 18, 2013).
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69. 2012 Annual Report, *supra* note 62 at 129.
70. Interview with Anna B. (pseudonym) (July 30, 2013) [Anna B. Interview].
71. Interview with Andrés Molina (August 1, 2013) [Molina Interview].
72. Becerra Interview, *supra* note 55.

73. *Ibid* and Anna B. Interview, *supra* note 70.
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80. “Honduras should investigate attack on two journalists” (May 23, 2013), online, <http://www.cpj.org/2013/05/honduras-should-investigate-attack-on-two-journali.php> (accessed September 18, 2013).
81. *Ibid*.
82. C-Libre, “Journalists targeted in gunfire in northern Honduras” (May 24, 2013), online: [http://www.ifex.org/honduras/2013/05/24/norte\\_balas/](http://www.ifex.org/honduras/2013/05/24/norte_balas/) (accessed September 18, 2013).
83. “Matan a técnico en electrónica y dejan herido a periodista” (June 12, 2013), *La Prensa*, online: <http://www.laprensa.hn/csp/mediapool/sites/LaPrensa/Sucesos/Policiales/story.csp?cid=365284&sid=951&fid=98> (accessed September 18, 2013).
84. 2012 Annual Report, *supra* note 62 at 129-30.
85. Interview with Juan Vasquez and Telma Hernández (July 30, 2013) [Vasquez and Hernández Interview].
86. Differing definitions of what it means to be a “journalist” may account, in part, for these varying estimates. For definitions of the term “journalist” or “journalism” used by the organizations listed in the following table, please see Appendix A.
87. The 1993 murder of Carlos Grant and the 2001 murder of Aristides Soto are not included in the overall statistics. CPJ is the only organization which lists the murder of Grant. None of the organizations list the murder of Soto, but his murder and profession were confirmed in several news reports (see e.g. “Condenan a 17 años de cárcel a dos acusados de matar a periodista Aristides Soto” (November 17, 2007), *Proceso Digital*, online: <http://www.proceso.hn/2007/11/17/Nacionales/Condenan.a.a/2257.html> (accessed October 23, 2013). If these are the only murders missing from the lists, it means that between 1993 and 2001 there were only two murders of journalists. As the data for the decade may be incomplete, however, this cannot be concluded with certainty.
88. Several of these sources had not yet listed the 2013 murders of Aníbal Barrow, Manuel Murillo Varela and Juan Carlos Argeñal Medina.
89. Human Rights Watch, *World Report 2013: Events of 2012* (United States of America: Human Rights Watch, 2013), online: [https://www.hrw.org/sites/default/files/wr2013\\_web.pdf](https://www.hrw.org/sites/default/files/wr2013_web.pdf) (accessed September 18, 2013) [HRW World Report 2013] at 242.
90. The dashes indicate that the organization has provided only an overall total for murders since the coup.
91. *Journalists Killed in Honduras* (2013), online: <http://cpj.org/killed/americas/honduras/> (accessed January 12, 2014) [Journalists Killed in Honduras].
92. 2012 Annual Report, *supra* note 62 at 122; data provided by the State of Honduras to the IACHR in a letter dated February 22, 2013.
93. Freedom in the World 2013, *supra* note 21.
94. UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, *Informe del Relator Especial sobre la promoción y protección del derecho a la libertad de opinión y expresión: Adición Misión a Honduras* (March 22, 2013), Human Rights Council, 23rd Sess, A/HRC/23/40/Add 1 [Mission to Honduras].
95. Secretaría de Justicia y Derechos Humanos, *Informe sobre la Situación de los Derechos Humanos en Honduras: Desafíos y Avances (2011-2012)* (Tegucigalpa: Secretaría de Justicia y Derechos Humanos, 2012) at 27.
96. 2009 to 2011 statistics from CONADEH 2011, *supra* note 75 at 59-60. 2012 statistics from CONADEH 2012, *supra* note 66 at 47-8. 2013 statistics from “36 periodistas y comunicadores sociales muertos violentamente en Honduras” (July 12, 2013), online: <http://www.conadeh.hn/index.php/component/content/article/7-conadeh/235-36-periodistas-y-comunicadores-sociales-muertos-violentamente-en-honduras> (accessed January 12, 2014).
97. Manuel Murillo Varela, a cameraman killed in Tegucigalpa in October 2013 and Juan Carlos Argeñal Medina, a TV station owner and journalists murdered in Danlí on December 7, 2013 have not been taken into account in these figures.
98. Based on available evidence, the professional details of the remaining two journalists murdered since the coup is unknown.
99. Anna B. Interview, *supra* note 70.
100. *Ibid*.
101. Email from Héctor Becerra (June 5, 2013) [Becerra Email].
102. 2012 Annual Report, *supra* note 62 at 122.
103. Interview with Ramón Custodio (August 2, 2013) [Custodio Interview].
104. Interview with Jorge Omar Casco (July 29, 2013) [Casco Interview].
105. *Ibid*.
106. Journalists Killed in Honduras, *supra* note 91.
107. Human Rights Watch, “After the Coup: Ongoing Violence, Intimidation and Impunity in Honduras” (December 20, 2010), online: [http://www.hrw.org/sites/default/files/reports/honduras1210webwcover\\_0.pdf](http://www.hrw.org/sites/default/files/reports/honduras1210webwcover_0.pdf) (accessed September 18, 2013) [After the Coup] at 4.
108. Preliminary Observations, *supra* note 44.
109. *Ibid*.
110. After the Coup, *supra* note 107.
111. Interview with Manuel Orozco (June 3, 2013) [Orozco Interview].
112. *Ibid*.
113. *Ibid*.
114. Interview with Carlos D. (pseudonym) (August 1, 2013) [Carlos D. Interview].
115. See “La muerte de mi esposo es una antorcha de luz para Honduras” (December 31, 2011), *La Prensa*, online: <http://www.laprensa.hn/Secciones-Principales/Honduras/Tegucigalpa/La-muerte-de-mi-esposo-es-una-antorcha-de-luz-para-Honduras#.UgNtDpLFWpE> (accessed September 5, 2013) and “Exponiéndose a los buitres, Landaverde hizo lo correcto” (December 8, 2011), *La Prensa*, online: <http://www.laprensa.hn/Secciones-Principales/Honduras/Apertura/Exponiendose-a-los-buitres-Landaverde-hizo-lo-correcto#.UgNrCJLFWpE> (accessed September 5, 2013).
116. “Honduras: silencian a José Alfredo Landaverde” (December 8, 2011), *La Prensa*, online: <http://www.laprensa.hn/Secciones-Principales/Sucesos/Honduras-silencian-a-Jose-Alfredo-Landaverde#.UgNmH5LFWpE> (accessed September 5, 2013).
117. At the time of Landaverde’s murder, Julián Aristides Gonzales’ case remained unsolved.
118. C-Libre, “Amparado en el derecho a la libertad de expresión, Alfredo Landaverde combatió al narcotráfico, el crimen organizado y la corrupción policial” (December 8, 2011), online: <http://clibrehonduras.com/main/noticias/amparado-en-el-derecho-la-libertad-de-expresi%C3%B3n-alfredo-landaverde-combati%C3%B3-al-narcotr%C3%A1fico> (accessed September 5, 2013). “Condenado a 22 años, asesino de Alfredo Landaverde” (January 10, 2014), *La Tribuna*, online: <http://www.latribuna.hn/2014/01/10/condenado-a-22-anos-asesino-de-alfredo-landaverde/> (accessed January 12, 2014); “Hoy individualizarán pena al asesino de Landaverde” (January 9, 2014) *Tiempo*, online: <http://www.tiempo.hn/portada/noticias/hoy-individualizaran-pena-al-asesino-de-landaverde> (accessed January 12, 2014)
119. Interview with Ethel Deras Enamorado (August 2, 2013) [Deras Enamorado Interview].
120. *Ibid*.
121. *Carlos Salgado* (2008), online: <http://cpj.org/killed/2007/carlos-salgado.php> (accessed September 18, 2013).
122. *Rafael Munguía Ortiz* (2009), online: <http://cpj.org/killed/2009/rafael-munguia-ortiz.php> (accessed September 18, 2013).
123. “Así secuestraron y asesinaron al periodista hondureño Aníbal Barrow” (July 12, 2013), *El Heraldo*, online: <http://www.elheraldo.hn/Secciones-Principales/Al-Frente/Asi-secuestraron-y-asesinaron-al-periodista-hondureno-Anibal-Barrow> (accessed September 18, 2013) [Aníbal Barrow].
124. C-Libre, “Periodista Villatoro fue asesinado con un arma ‘Jericho’ propiedad de la Policía Nacional de Honduras” (August 13, 2013), Alerta 00047-2013.
125. *Ibid*.
126. Interview with Bertha Oliva (July 30, 2013) [Oliva Interview].
127. *Nahúm Palacios Arteaga* (2010), online: <http://cpj.org/killed/2010/nahum-palacios-arteaga.php> (accessed September 18, 2013).
128. Dr. Catalina Botero, Special Rapporteur for Freedom of Expression, Annual Report of the Office of the Special Rapporteur for Freedom of Expression (Washington: OAS Inter-American Commission on Human Rights, 2011), online: <http://www.oas.org/en/iachr/expression/docs/reports/annual/2012%2003%2021%20Annual%20Report%20RELE%202011pirnting.pdf> (accessed September 18, 2013) at 131.
129. “Journalist who supported ousted president becomes 15<sup>th</sup> killed in 18 months” (September 10, 2011), online: <http://en.rsf.org/honduras-journalist-who-supported-ousted-10-09-2011,40964.html> (accessed September 18, 2013) [15<sup>th</sup> killed in 18 months].
130. *Luz Marina Paz Villalobos* (2011), online: <http://cpj.org/killed/2011/luz-marina-paz-villalobos.php> (accessed September 18, 2013).
131. *Joseph Hernández Ochoa* (2010), online: <http://www.cpj.org/killed/2010/joseph-hernandez-ochoa.php> (accessed September 18, 2013).
132. *David Meza* (2010), online: <http://www.cpj.org/killed/2010/david-meza-montesinos.php> (accessed September 18, 2013).
133. “Seventh Honduran journalist killed since March” (June 15, 2010), online: <http://cpj.org/2010/06/seventh-honduran-journalist-killed-since-march.php> (accessed September 18, 2013).
134. *Héctor Francisco Medina Polanco* (2011), online: <http://cpj.org/killed/2011/hector-francisco-medina-polanco.php> (accessed September 18, 2013).
135. See Appendix B.



136. *Ibid.*
137. See e.g. Working Group on Arbitrary Detention, *Report of the Working Group on Arbitrary Detention Addendum: Mission to Honduras* (December 1, 2006), A/HRC/4/40/Add4; Human Rights Committee, *Concluding Observations of the Human Rights Committee: Honduras* (December 13, 2006), CCPR/C/HND/CO/1; Committee against Torture, *Concluding Observations of the Committee against Torture: Honduras* (June 23, 2009), CAT/C/HND/CO/1; Committee on Economic, Social and Cultural Rights, *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Honduras* (May 21, 2001), E/C12/1/Add57; Committee on the Rights of the Child, *Concluding Observations: Honduras* (May 3, 2007), CRC/C/HND/CO/3; Committee on the Elimination of Discrimination against Women, *Concluding Comments of the Committee on the Elimination of Discrimination against Women: Honduras* (August 10, 2007), CEDAW/C/HON/CO/6; Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, *Racism, Racial Discrimination, Xenophobia and All Forms of Discrimination Addendum: Honduras* (March 22, 2005), E/CN4/2005/18/Add5; Working Group of the Universal Periodic Review, *Report of the Working Group of the Universal Periodic Review: Honduras* (January 4, 2011), A/HRC/16/10; and UPR Info, *Mid-Term Implementation Assessment: Honduras* (Geneva: May 29, 2013).
138. Working Group on Enforced or Involuntary Disappearances, *Report of the Working Group on Enforced or Involuntary Disappearances Addendum: Mission to Honduras* (October 26, 2007), A/HRC/7/2/Add1 at para 43.
139. Committee against Torture, *Concluding Observations of the Committee against Torture: Honduras* (June 3, 2009), CAT/C/HND/CO/1 at para 20.
140. UPR Info, *Mid-Term Implementation Assessment: Honduras* (Geneva: May 29, 2013) [UPR MIA] at 140-1.
141. Special Rapporteur on the situation of human rights defenders, *supra* note 47 at para 118.
142. *Ibid* at para 120.
143. Becerra Email, *supra* note 101.
144. Becerra Interview, *supra* note 55.
145. “Aislan a implicados en crimen de Anibal Barrow para garantizar sus vidas” (July 14, 2013), *El Heraldo*, online: <http://www.elheraldo.hn/Secciones-Principales/Sucesos/Aislan-a-implicados-en-crimen-de-Anibal-Barrow-para-garantizar-sus-vidas> (accessed September 18, 2013) and “Cae quinto sospecho de crimen del periodista Anibal Barrow” (September 25, 2013), *Radio America*, online: <http://radioamericahn.net/cae-otro-supuesto-asesino-del-periodista-anibal-barrow/> (accessed October 8, 2013).
146. Anibal Barrow, *supra* note 123.
147. 2012 Annual Report, *supra* note 62 at 122.
148. Interview with Dina Meza [Meza Interview].
149. Alvarado Interview, *supra* note 61.
150. Mission to Honduras, *supra* note 94 at para 89.
151. *Ibid* at para 90.
152. *Ibid.*
153. *Ibid* at para 17.
154. Oliva Interview, *supra* note 126.
155. Country Report 2012, *supra* note 57.
156. *Ibid.*
157. Interview with Martha Savillón (August 1, 2013) [Savillón Interview].
158. *Ibid.*
159. Mike O'Connor, *Committee to Protect Journalists Special Report: Journalist murders spotlight Honduran government failures* (July 2010), online: <http://cpj.org/reports/2010/07/journalist-murders-underscore-honduras-government.php> (accessed September 18, 2013) [Honduran government failures].
160. “SIP se va alarmada por impunidad en Honduras” (May 29, 2013), *La Prensa*, online: <http://www.laprensa.hn/csp/mediapool/sites/LaPrensa/Honduras/Tegucigalpa/story.csp?cid=332893&sid=275&fid=98> (accessed September 18, 2013) [SIP se va alarmada]. “Honduras commissioner’s complaint about continued impunity gets IAPA support” (December 12, 2013), online: <http://www.sipiapa.org/en/honduras-commissioners-complaint-about-continued-impunity-gets-iapas-support/> (accessed January 12, 2014).
161. Mission to Honduras, *supra* note 94 at 10-11.
162. Carlos D. Interview, *supra* note 114. The Honduran police’s failure to investigate is examined in greater detail in Section IV.A.
163. Interview with Rosa Seaman (August 2, 2013) [Seaman Interview].
164. Sergio Bahr Interview, *supra* note 12.
165. *Ibid.*
166. Casco Interview, *supra* note 104.
167. Interview with Miriam Elvir (August 1, 2013) [Elvir Interview].
168. Located within the Special Prosecutor for Human Rights in the Honduran Public Ministry.
169. Seaman Interview, *supra* note 163.
170. *Ibid.*
171. Interview with Edy Tábora (August 1, 2013) [Tábora Interview].
172. CONADEH 2012, *supra* note 66 at 23.
173. *Ibid* at 32-5.
174. *Ibid* at 34.
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213. Carlos D. Interview, *supra* note 114.
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215. *Ibid* at Art 52.
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221. Custodio Interview, *supra* note 103.
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237. Honduran lawmakers pass police corruption law, *supra* note 204.
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239. Casco Interview, *supra* note 104.
240. Anna B. Interview, *supra* note 70.
241. Casco Interview, *supra* note 104.
242. Anna B. Interview, *supra* note 70 and Eduardo Bähr Interview, *supra* note 207.
243. Eduardo Bähr Interview, *supra* note 207.
244. Casco Interview, *supra* note 104.
245. *Ibid*.
246. Orozco Interview, *supra* note 111.
247. Custodio Interview, *supra* note 103.
248. Deras Enamorado Interview, *supra* note 119.
249. Inter-American Commission on Human Rights, *Report of the Inter-American Commission on Human Rights on the Situation of Persons Deprived of Liberty in Honduras* (March 18, 2013), OEA/Ser L/V/II 147, Doc 6 at 23.
250. Tabora Interview, *supra* note 171.
251. Vasquez and Hernández Interview, *supra* note 85.
252. Casco Interview, *supra* note 104.
253. Sergio Bahr Interview, *supra* note 12.
254. Seaman Interview, *supra* note 163.
255. Bustillo Interview, *supra* note 194.
256. *Ibid*.
257. *Ibid*.
258. Seaman Interview, *supra* note 163. In November 2013 Seaman and Tabora were removed as Special Prosecutors for Human Rights Defenders – a move sharply criticised by local rights organizations.
259. Bustillo Interview, *supra* note 194.
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261. *Ibid*.
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264. “SIP reclama a Honduras proteger periodistas al comprobarse el asesinato de Aníbal Barrow” (July 11, 2013), online: <http://www.sipiapa.org/sip-reclama-a-honduras-protoger-periodistas-al-comprobarse-el-asesinato-de-anibal-barrow/> (accessed September 18, 2013).
265. Savillón Interview, *supra* note 157.
266. *Ibid*.
267. Including one representative from each of the following institutions and organizations: the Secretary of State in the Office of Security, the Secretary of State in the Offices of Justice and Human Rights, the Secretary of State in the Office of Foreign Relations, the National Commissioner for Human Rights, the Public Ministry, the Judicial Power, the Office of the *Procuradora General* (Attorney General), the College of Lawyers in Honduras and the College of Journalism in Honduras. There would also be five representatives from human rights organizations from civil society: Proposal for the *Ley de Protección para las y los Defensores de Derechos Humanos, Periodistas, Comunicadores Sociales y Operadores de la Justicia*, La Secretaría de Justicia y Derechos Humanos at Art 17.
268. Proposal for the *Ley de Protección para las y los Defensores de Derechos Humanos, Periodistas, Comunicadores Sociales y Operadores de la Justicia*, La Secretaría de Justicia y Derechos Humanos at Art 16.
269. Oliva Interview, *supra* note 126.
270. Custodio Interview, *supra* note 103.
271. Savillón Interview, *supra* note 157.
272. *Ibid*.
273. There are still serious concerns regarding the efficacy of the proposed bill even if the required budgetary resources are secured. As explained by a member of one international agency, there are potential challenges arising from the complicated nature of the bill’s architecture; he pointed out that the division between the Ministry of Justice and Human Rights and the Ministry of Security is not a useful one, largely due to already existing communication difficulties between the two ministries. The law also fails to establish a detailed overview of how co-ordination between the ministries would work, for example, with respect to the security of information of individuals seeking protection. The plan also fails to address the complicated reality that many journalists and human rights defenders are afraid to publicise threats they have received, since these may have originated from the police or from individuals related to the police. (Carlos D. Interview, *supra* note 114). Consequently, even on paper, the bill does not appear to be an effective response to the problem of violence against journalists.
274. Elvir Interview, *supra* note 167.
275. Oliva Interview, *supra* note 126.
276. Interview with Miguel Angel Vasquez (July 31, 2013) [Angel Vasquez Interview].
277. *Ibid*.
278. Lanza Interview, *supra* note 6.
279. Alvarado interview, *supra* note 61.
280. Molina Interview *supra* note 71; Carlos D. Interview, *supra* note 114; Interview with Dana Ziyasheva (August 12, 2013) [Ziyasheva Interview].
281. Carlos D. Interview, *supra* note 114.
282. Ziyasheva Interview, *supra* note 280.
283. Carlos D. Interview, *supra* note 114.
284. Mission to Honduras, *supra* note 94 at 7.
285. See Appendix A.

286. *Ley Orgánica del Colegio de Periodistas de Honduras*, Decreto No 759, 25 May 1979 at Art 2.
287. Anna B. Interview, *supra* note 70.
288. *Ibid* and Molina Interview, *supra* note 71.
289. Molina Interview, *supra* note 71.
290. *Ibid*.
291. *Ibid*.
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293. International Center for Transitional Justice, *What is Transitional Justice?* (2013), online: <http://ictj.org/about/transitional-justice> (accessed September 18, 2013).
294. *Ibid*.
295. Chandra Lekha Sriram, *Confronting Past Human Rights Violations: Justice vs Peace in Times of Transition* (New York: Frank Cass, 2004) at 8 [Justice vs Peace].
296. *Ibid* at 10-12.
297. *Ibid* at 12.
298. Meza Interview, *supra* note 148.
299. See, e.g., Oliva Interview, *supra* note 126; Lanza Interview, *supra* note 6; Sergio Bahr Interview, *supra* note 12.
300. Ruhl, "Democracy in Distress", *supra* note 27 at 547.
301. *Ibid*.
302. Caroline Bousard, *Crafting democracy: civil society in post-transition Honduras* (Sweden: Lund University, 2003) [Crafting democracy] at 163.
303. Naomi Roht-Arriaza and Lauren Gibson, "The Developing Jurisprudence on Amnesty" (1998) 20.4 *Human Rights Quarterly* 843 [Developing Jurisprudence] at 853.
304. *Ibid*.
305. *Ibid*.
306. Ruhl, "Democracy in Distress", *supra* note 27 at 547-8.
307. Amnesty International, "Disappearances" in *Honduras: A wall of silence and indifference* (Amnesty International, 1992), online: <http://www.amnesty.org/en/library/info/AMR37/002/1992/en> (accessed September 18, 2013) ["Disappearances" in Honduras].
308. *Dirrección Nacional de Investigación Criminal*, the investigative branch of the Public Security Force.
309. "Disappearances" in Honduras, *supra* note 307.
310. *Ibid*.
311. *Ibid*.
312. *Commission of Inquiry: Honduras* 93 (2012), online: <http://www.usip.org/publications/commission-inquiry-honduras-93> (accessed September 18, 2013) [Commission of Inquiry].
313. *Ibid*.
314. *Ibid*.
315. *Ibid*.
316. *Ibid*.
317. "Disappearances" in Honduras, *supra* note 307.
318. *Ibid*.
319. *Ibid*.
320. *Crafting democracy*, *supra* note 302 at 174.
321. J. Mark Ruhl, "Redefining Civil-Military Relations in Honduras" (1996) 38.1 *Journal of Interamerican Studies and World Affairs* 33 [Civil-Military Relations] at 49.
322. *Ibid*.
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324. "Disappearances" in Honduras, *supra* note 307.
325. *Developing Jurisprudence*, *supra* note 303 at 584
326. "Disappearances" in Honduras, *supra* note 307.
327. *Commission of Inquiry*, *supra* note 312.
328. *Ibid*.
329. *Ibid*.
330. "Disappearances" in Honduras, *supra* note 307.
331. *Civil-Military Relations* *supra* note 321 at 53.
332. *Commission of Inquiry*, *supra* note 312.
333. "Disappearances" in Honduras, *supra* note 307.
334. *Justice vs Peace*, *supra* note 295 at 142.
335. Sergio Bahr Interview, *supra* note 12.
336. "Disappearances" in Honduras, *supra* note 307.
337. *Ibid*.
338. *Ibid*.
339. After the Coup, *supra* note 107 at 1.
340. *Ibid* at 11.
341. La Comisión de la Verdad y la Reconciliación, *Hallazgos y recomendaciones: Para que los hechos no se repitan* (July 2011), online: <http://www.oas.org/es/sap/docs/DSDME/2011/CVR/Honduras%20-%20Informe%20CVR%20-%20RECOMENDACIONES.pdf> (accessed January 15, 2014) [CVR Discovery and Recommendations] at 22.
342. Casco Interview, *supra* note 104.
343. *Créase la Comisión de la Verdad y la Reconciliación dotada de independencia funcional, administrativa, técnica y financiera la cual tiene como objetivos esclarecer los hechos ocurridos antes y después del 28 de junio de 2009* (April 30, 2010), Decreto Num 32,200, La Gaceta, Diario Oficial de la República de Honduras, Sección A, PCM-011-2010 at Art 10.
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347. CVR Full Report, *supra* note 344.
348. *Ibid*.
349. HRW World Report 2012, *supra* note 193.
350. CVR Full Report, *supra* note 344 at 309.
351. HRW World Report 2012, *supra* note 193.
352. See CVR Full Report, *supra* note 344 at 312-25.
353. *Ibid* at 327.
354. *Ibid* at 335-68. Note that "overall cases" refers to the fact that certain specific violations may have been suffered by multiple individuals or groups.
355. *Unidad de Seguimiento a las Recomendaciones del Informe de la Comisión de la Reconciliación, Primer informe de estado de cumplimiento de las recomendaciones de la Comisión de la Verdad y la Reconciliación* (Tegucigalpa: Secretaría del Estado en los Despachos de Justicia y Derechos Humanos, 2012) [CVR Update Report] at 17.
356. *Ibid* at 18-19 and Giovanna Tejido Vásquez, Maria José Vera Valdivieso and Pascal Bodemeijer, *Honduras, la defensa de los derechos humanos: una actividad de alto riesgo* (London: Peace Brigades International, 2012) [PBI Report] at 48.
357. These recommendations can be found in the CVR Discovery and Recommendations, *supra* note 341 at 48-9 and those directed at the Honduran government in particular include: conducting effective investigations into crimes against journalists, drafting a law on advertising contracts, eliminating the practice of paying media outlets for favourable coverage, reforming the *Ley de la Comisión Nacional de Telecomunicaciones* (National Telecommunications Commission Law) and prohibiting the practice of state-imposed radio and television channels.
358. CVR Update Report, *supra* note 355 at 17.
359. *Ibid* at 22.
360. Casco Interview, *supra* note 104.
361. *Ibid*.
362. *Comisión de Verdad, Informe de la Comisión de Verdad: La voz más autorizada es la de la víctimas* (Tegucigalpa: Comisión de Verdad, 2012) at 32.
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366. *Ibid* at 230.
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372. "Press Release No. 14/10: IACHR Expresses Concern about Amnesty Decree in Honduras" (February 3, 2010), online: <http://www.cidh.org/Comunicados/English/2010/14-10eng.htm> (accessed September 18, 2013).
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383. Interview with Marcela Castañeda (August 2, 2013) [Castañeda Interview].

384. C-Libre 2012 Report, *supra* note 49 at 28.

385. *Ibid.*

386. Crafting democracy, *supra* note 302 at 163.

387. Lanza Interview, *supra* note 6.

388. *Ibid.*

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391. Interview with Dr Juan Almeyda (July 30, 2013).

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393. Sánchez Interview, *supra* note 181.

394. Article 19, *Honduras: The “media war” and the polarisation of the media* (London: Article 19, 2009) at 8.

395. *World Report – Honduras* (August 2011), online: <http://en.rsf.org/report-honduras,182.html> (accessed September 18, 2013).

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399. Shooting of community radio station’s president, *supra* note 397.

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435. Eduardo Galeano, “Written on a Wall, Spoken in the Streets, Sung in the Countryside,” in *Days and Nights of Love and War*, originally published as *Días y noches de amor y de guerra* (Havana: Casa de las Americas, 1978), translated by Judith Brister.

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437. Email from Gilda Batista and Dina Meza (August 28, 2013) [Batista and Meza Email].

438. *Ibid.*

439. *Ibid.*

440. “Prohíben en Honduras escultura de dios maya por ser ‘diabólica’”, *supra* note 436.

441. Batista and Meza Email, *supra* note 437.

442. Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted October 20, 2005, entered into force March 18, 2007, accessed to by Honduras November 30, 2010, online: <http://unesdoc.unesco.org/images/0014/001429/142919e.pdf> (accessed October 9, 2013) at Art II.

443. Eduardo Bähr Interview, *supra* note 207; Batista and Meza Email, *supra* note 437; and Sánchez Interview, *supra* note 181.

444. Eduardo Bähr Interview, *supra* note 207.

445. *Ibid.*

446. *Ibid.*

447. *Ibid.*

448. *Ibid.*

449. *Ibid.*

450. *Ibid.*

451. *Ibid.*

452. *Ibid.*

453. See e.g. “Gobierno de Honduras atenta contra la cultura y el arte” (June 12, 2013), online: <http://www.clibrehonduras.com/main/noticias/gobierno-de-honduras-atenta-contra-la-cultura-y-el-arte> (accessed October 26, 2013).

454. Interview with Gilda Batista and Dina Meza (July 31, 2013).

455. According to UNESCO, Honduras is currently ranked 89th out of 124 countries in terms of publishing (with 290 books published in 2003 – the last year for which statistics are available – compared with 1,488 in Cuba, 1,315 in Costa Rica, 446 in Guatemala and 250 in El Salvador). Richard Uribe Schroeder,



- Producción Y Comercio Internacional Del Libro En Centro América, Republica Dominicana Y Cuba* (Colombia: CERLALC, 2003), online: [http://www.cerlalc.org/secciones/libro\\_desarrollo/Centro\\_America.pdf](http://www.cerlalc.org/secciones/libro_desarrollo/Centro_America.pdf) (accessed October 25, 2013) at 86.
456. Eduardo Bähr Interview, *supra* note 207.
457. *Ibid.*
458. *Ibid.*
459. *Ibid.*
460. Batista and Meza Email, *supra* note 437.
461. *Ibid.*
462. *Ibid.*
463. *Ibid.*
464. *International Covenant on Civil and Political Rights*, adopted December 16, 1996, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 UNTS. 171, entered into force March 23, 1976, acceded to by Honduras on August 25, 1997 [ICCPR].
465. *American Convention on Human Rights*, O.A.S. Treaty Series No. 36, 1144 U.N.T.S. 123, entered into force July 18, 1978, reprinted in Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V./II82 doc.8 rev.1 at 25 (1992), acceded to by Honduras on September 5, 1977 [American Convention].
466. The United Nations defines accession as “the act whereby a state accepts the offer or the opportunity to become a party to a treaty already negotiated and signed by other states. It has the same legal effect as ratification. Accession usually occurs after the treaty has entered into force. The Secretary-General of the United Nations, in his function as depositary, has also accepted accessions to some conventions before their entry into force. The conditions under which accession may occur and the procedure involved depend on the provisions of the treaty. A treaty might provide for the accession of all other states or for a limited and defined number of states. In the absence of such a provision, accession can only occur where the negotiating states were agreed or subsequently agree on it in the case of the state in question”: United Nations, *Glossary of terms relating to Treaty actions*, online: [http://treaties.un.org/Pages/Overview.aspx?path=overview/glossary/page1\\_en.xml](http://treaties.un.org/Pages/Overview.aspx?path=overview/glossary/page1_en.xml) (accessed October 26, 2013), citing *Vienna Convention on the Law of Treaties* 1969, 1155 UNTS 331, entered into force January 27, 1980 at Arts 2(1)(b) and 15.
467. American Convention, *supra* note 465 at Art 13.
468. *Ibid* at Arts 1 and 2.
469. *Ríos et al v Venezuela*, Preliminary Objections, Merits, Reparations and Costs (January 28, 2009), Inter-Am H R (Ser C) No 194 at para 107; *Perozo et al v Venezuela*, Preliminary Objections, Merits, Reparations and Costs (January 28, 2009), I/A Court H R (Series C) No 195 at para 118.
470. *Ivcher Bronstein Case (Baruch Ivcher Bronstein v Peru)* (February 6, 2001), Inter-Am Ct H R (Ser C) No 74 at para 150.
471. *Héctor Félix Miranda Case (Mexico)* (April 13, 1999), Inter-Am Ct H R, Report No 50/99, Case No 11.739 at para 42; *Victor Manuel Oropeza (Mexico)* (November 19, 1999), Inter-Am Ct H R, Report No 130/99, Case No 11.740 [Victor Manuel Oropeza] at para 46.
472. *Victor Manuel Oropeza*, *supra* note 471 at para 47.
473. OAS, *Inter-American Declaration of Principles on Freedom of Expression*, adopted at the 108th regular session, October 19, 2000 at Principle No. 9.
474. ICCPR, *supra* note 464 at Art 19(2).
475. *Ibid* at Art 2(1).
476. *Ibid* at Art 2(3)(a).
477. *Victor Manuel Oropeza*, *supra* note 471 at para 47.
478. American Convention, *supra* note 465 at Art 4(1).
479. *Case of Ximenes-Lopes (Brazil)* (2006), Inter-Am Ct H R (Ser C) No 149 at para 124.
480. *Case of Zambrano-Vélez et al (Ecuador)* (2007), Inter-Am Ct H R (Ser C) No 166 at para 80.
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482. ICCPR, *supra* note 464 at Art 6(1).
483. Human Rights Committee, *General Comment No 6: The right to life* (April 30, 1982), UN CCPR at para 3.
484. Human Rights Committee, *General Comment No 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant* (26 May 2004), CCPR/C/21/Rev1/Add 13 at para 18.
485. Comité des droits de l’homme, *Communication No 1753/2008* (September 20, 2012), CCPR/C/105/D/1753/2008 at paras 2.1 and 8.10.
486. American Convention, *supra* note 465 at Art 25(1).
487. *Loayza Tamayo Case (Peru)* (1998), Inter-Am Ct H R (Ser C) No 42 at para 169.
488. *González Pérez et al v Mexico* (2001), Inter-Am Ct H R (Ser C) No 53/01.
489. *Velásquez Rodríguez Case (Honduras)* (1988), Inter-Am Ct H R (Ser C) No 4 at para 149.
490. *Ibid* at para 166.
491. *Case of Kawas-Fernández v Honduras* (April 3, 2009), Inter-Am Ct H R (Ser C) No 196 at para 102.
492. *Gelman v Uruguay*, Merits and Reparations (24 February 2011), Inter-Am Ct H R (Ser C) No 221 at para 191.
493. Inter-American Commission on Human Rights, *Rules of Procedure of the Inter-American Commission on Human Rights*, approved by the Commission at its 137th regular period of sessions, held October 28, 2009 to November 13, 2009, modified September 2, 2011 at Art 25 [IACHR Rules of Procedure]. Note that Art 25 was amended by the Inter-American Commission at its 147th Regular Period of Sessions, held March 8 to 22, 2013, online: <http://www.oas.org/en/iachr/mandate/Basics/rulesiachr.asp> (accessed January 12, 2014)
494. *Ibid* at Art 25(1).
495. CIPRODEH, *Informe de cumplimiento de las medidas cautelares y provisionales otorgadas por la Comisión y La Corte Interamericana de Derechos Humanos, a raíz del deterioro de la situación de los derechos humanos como efecto del golpe de estado de 2009 en Honduras* (Tegucigalpa: CIPRODEH, 2013) [CIPRODEH Report] at 21.
496. “1. At any stage of proceedings involving cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court may, on its own motion, order such provisional measures as it deems appropriate. 2. With respect to matters not yet submitted to it, the Court may act at the request of the Commission. 3. In contentious cases before the Court, victims or alleged victims, or their representatives, may submit to it a request for provisional measures, which must be related to the subject matter of the case”: *Rules of Procedure of the Inter-American Court of Human Rights*, approved by the Court during its LXXXV Regular Period of Sessions, held November 16 to 28, 2009 at Art 27(1)-(3).
497. Lanza Interview, *supra* note 6.
498. *Ibid.*
499. *Ibid.*
500. Angel Vasquez Interview, *supra* note 276.
501. *Ibid.*
502. *Ibid.*
503. Vasquez and Hernández Interview, *supra* note 85.
504. *Ibid.*
505. CIPRODEH Report, *supra* note 495 at 25.
506. Castañeda Interview, *supra* note 383.
507. *Ibid.*
508. *Ibid.*
509. *Ibid.*
510. Deras Enamorado Interview, *supra* note 119.
511. CIPRODEH Report, *supra* note 495 at 29.
512. See Section II.A.ii for examples of journalists being harassed and/or attacked by members of the Honduran National Police.
513. “IACHR’s amended Rules of Procedure enter into force today” (August 1, 2013), online: [http://www.oas.org/en/iachr/media\\_center/PReleases/2013/057.asp](http://www.oas.org/en/iachr/media_center/PReleases/2013/057.asp) (accessed September 18, 2013).
514. IACHR Rules of Procedure, *supra* note 493 at Art 25.
515. Anja Seibert-Fohr, “Domestic Implementation of the International Covenant on Civil and Political Rights Pursuant to its article 2 para 2” (2001) 5 Max Planck Yearbook of International Law 399 at 405.
516. Human Rights Committee, *General Comment No 31: Nature of the General Legal Obligation on State Parties to the Covenant* (2004), UN Doc CCPR/C/21/Rev1/Add13 at para 5 (emphasis added).
517. *Ibid* at para 14.
518. *Ibid.*
519. Office of the United Nations High Commissioner for Human Rights (OHCHR) *Basic Facts about the UPR* (No date), online: <http://www.ohchr.org/en/hrbodies/upr/pages/BasicFacts.aspx> (accessed September 18, 2013).
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521. *Ibid* at para 82.98.
522. *Ibid* at para 81.3
523. UPR MIA, *supra* note 140 at 10.
524. See *ibid* at 13-30 for a list of partially implemented recommendations, along with commentary from the Honduran state and several NGOs as to the details of the methods of implementation.
525. Human Rights Committee, *General Comment No 34*, UN HRC, 2011, UN Doc. CCPR/C/GC/34 at 11.
526. Mission to Honduras, *supra* note 94 at 9.
527. Committee to Protect Journalists, *About CPJ* (2013), online: <http://www.cpj.org/about/> (accessed September 18, 2013).
528. CONADEH 2011, *supra* note 75 at 54.
529. Mission to Honduras, *supra* note 94 at 7.
530. PEN International, FAQs (2013), online: <http://www.pen-international.org/faqs/> (accessed September 18, 2013).

531. Dr. Catalina Botero Marino, *Inter-American Legal Framework Regarding the Right to Freedom of Expression* (Washington: Organization of American States, 2010), online: <http://www.oas.org/en/iachr/expression/docs/publications/INTER-AMERICAN%20LEGAL%20FRAMEWORK%20OF%20THE%20RIGHT%20TO%20FREEDOM%20OF%20EXPRESSION%20FINAL%20PORTADA.pdf> (accessed September 18, 2013).
532. C-Libre, “Bernardo Rivera Paz” (no date), online: <http://clibrehonduras.com/main/content/bernardorivera-paz> (accessed January 14, 2014); “Secuestran a Bernardo Rivera Paz, ex diputado del partido Liberal” (March 14, 2009), *Proceso Digital*, online: <http://www.proceso.hn/2009/03/14/Nacionales/Secuestran.a.Bernardo/12006.html> (accessed January 14, 2014).
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534. “Delincuentes ultiman a joven periodista” (April 20, 2009), *El Heraldo*, online: <http://archivo.elheraldo.hn/Sucesos/listado-nota/Ediciones/2009/04/20/Noticias/Delincuentes-ultiman-a-joven-periodista> (accessed January 14, 2014).
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538. “Honduras: a 28 años de cárcel condenan al asesino de Georgino Orellana”, *La Prensa* (September 11, 2012), online: <http://www.laprensa.hn/Secciones-Principales/Sucesos/Honduras-A-28-anos-de-carcel-condenan-al-asesino-de-Georgino-Orellana> (accessed August 7, 2013).
539. “Expolicía cae por muerte de periodista Israel Zelaya Díaz” (March 21, 2012), *La Tribuna*, online: <http://www.latribuna.hn/2012/03/21/expolicia-cae-por-muerte-de-periodista-israel-zelaya-diaz/> (accessed January 14, 2014).
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562. Honduran journalist shot and killed, *supra* note 560.



