

## HONDURAS ACCOMPANIMENT PROJECT – PROAH

### SUMMARY OF HUMAN RIGHTS ISSUES AND EVENTS IN HONDURAS JANUARY 2015

#### VISIT BY UN SECRETARY-GENERAL

Ban Ki-Moon, the UN Secretary-General, visited Honduras on January 14-15. During his visit he [met](#) civil society organizations which raised concerns such as the criminalization of social protest and the moves to grant constitutional status to the PMOP (Public Order Military Police) (see P.9 for update on the latter). They also raised structural issues which were mentioned in Ban Ki-Moon's [speech](#) to the Honduran Congress as obstacles to opportunity - poverty and inequality, violence, insecurity and impunity. In his speech, the Secretary-General issued a 'call to dignity', a key theme of the post-2015 [sustainable development agenda](#), with the expiry of the Millennium Development Goals this year. In the case of Honduras, he felt this call could be answered by greater regional integration, **welcoming the Alliance for Prosperity in the Northern Triangle** (see below). He also stressed that when seeking to address poverty, inequality and insecurity, global and regional efforts must be matched with effective national action to protect life, uphold the rule of law and fight impunity in line with international human rights obligations, and he called on all countries concerned to urgently protect the human rights of migrant children. He announced **the opening of an office of the UN High Commissioner for Human Rights in Honduras 'in the coming months.'** He also pressed Congress to pass the (still-stalled) draft law to Protect Human Rights Defenders, Journalists, Media Workers, and Justice Operators, to work together to protect them, end violence against women and girls, and ensure the rights of indigenous peoples and minority groups. He urged all leaders to ensure that any security reform was driven by the need to respect human rights and uphold rule of law.

#### HUMAN RIGHTS WATCH REPORT 2015

Speaking of which... the [chapter on Honduras](#) is once again highly critical of the policing system, pointing to rampant crime and impunity, and stating that 'The institutions responsible for providing public security continue to prove largely ineffective and remain marred by corruption and abuse, while efforts to reform them have made little progress'. The vulnerability of human rights defenders, particularly journalists and campesino leaders, is highlighted, as well as that of children.

#### FRONT LINE DEFENDERS REPORT 2015

Honduras featured prominently in the Americas chapter of this report, [Human Rights Defenders in the Balance](#), with a mention in every section dealing with the various means of persecution of human rights defenders (HRDs) – killings, physical attacks, stigmatisation etc. Front Line recorded 17 murders of Honduran HRDs from January to November 2014, the second highest number in the world, after Colombia, with 47. If the number of murders are compared to head of population, the murder rate for Honduran HRDs is by far the highest in the Americas – and double that of Colombia. Of the murdered Honduran HRDs listed in the report, the majority – 10 – were defenders of land or environmental rights, most of them community leaders and three of them Lencas. The next highest category was journalists, with 6 murders, and one lawyer, a justice of the peace.

#### ALLIANCE FOR PROSPERITY

On January 29, it was formally [announced](#) that President Obama would request from Congress a 'historic' \$1 billion to fund the Alliance for Prosperity 'to contribute to the evolution of an economically-integrated Central America that is fully democratic, provides greater economic

opportunities to its people, promotes more accountable, transparent, and effective public institutions, and ensures the safety of its citizens'. This was announcement was followed by an [enthusiastic op-ed](#) in the New York Times by the Vice-President, Joe Biden. President Juan Orlando Hernández urged the Honduran people to lobby the US Congress to ensure that the budget for the initiative was approved following President Obama's [formal presentation](#) of the proposal to Congress on February 2. While the Alliance for Prosperity purports to address the root causes of the migration of thousands of unaccompanied children to the US border, there have been further expressions of scepticism that this aim will be achieved.<sup>1</sup> There is criticism that much of it represents a recycling of previous US initiatives in Central America albeit with a bigger budget, with a strong emphasis on improving conditions for foreign investors, and even greater US involvement in security issues, including policing.

## LENCAS

### **Murder**

Front Line Defenders issued an [alert](#) in response to the murder, on January 4, of **Juan Francisco Martínez, an active member of MILPA** (La Paz Lenca Indigenous Independent Movement). His body, which bore marks of torture as well as a number of stab wounds, was found the following day in the village of Tapuyman, Santa Elena municipality, La Paz department. One of his hands was still tied with what appeared to be laces from military boots.

Regarding [possible motives](#) for the killing, his son had been murdered in July 2014, and MILPA and CEHPRODEC (Honduran Center for the Promotion of Community Development), which supports MILPA, do not discount the possibility that Juan Francisco was killed in revenge for the fact there are people in custody for his son's killing. However, Juan Francisco had also been receiving [death threats](#) since August 2014 for his efforts to defend indigenous land in his local area, particularly in a dispute with the Federation of Coffee-Growers (*Central de Cafetaleros*). In his work, he was also active in opposing the hydroelectric project on the River Chinacla in the municipality. In December, Peace Brigades International had issued a [document](#) outlining the series of acts of intimidation suffered by members of MILPA due to their opposition to the project, including death threats and surveillance (for a summary, see P.21 of our [summary for October to December 2014](#)). See also Honduras Resists' [video](#) of MILPA's work opposing such projects.

## HYDROELECTRIC PROJECTS

### **COPINH**

The Honduras National Network of Women Human Rights Defenders (Red Nacional de Defensoras de Derechos Humanos en Honduras) issued [a public statement](#) in support of COPINH, and in particular its coordinator, Berta Cáceres, in response to the increased pressure on its members due to their opposition to hydroelectric projects in Lenca territory – first the DESA dam on the Gualcarque River at Río Blanco, and now the [proposed dam](#) on the Cangel River, at Quebrada Honda, San Pedro de Zacapa, Santa Bárbara department, to be built by Blue Energy, which appears to a Honduran company owned by Fredy Nasser. In response, COPINH organized a Conference in Defense of the Lenca Rivers and Territories in Río Blanco on January 27 and 28. The [declaration](#) following the conference referred to plans to murder leaders of COPINH, including Berta Cáceres, but no further details are available.

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1 See, for example, Dawn Paley in the New Republic [Obama's Central American Rescue Plan Will Only Make Life There Worse](#)

### **Patuca III**

For almost two weeks at the end of January, 200 people from Patuca, Olancho department, [protested](#) outside the headquarters of ENEE (National Electricity Company), demanding their compensation payments. Four years ago, ENEE expropriated the land of 200 families to build the Patuca III, hydroelectric dam, and according to families, they are still owed 400 million lempiras (\$20 million). The dam, which will initially produce 104 megawatts and over 500 megawatts when completed, at a cost of \$350 million, is being constructed by the Chinese company Sinohydro. Work on the project has stalled through lack of finance but is due to [resume](#) in the first quarter of 2015, with loans from Chinese banks.<sup>2</sup>

### **Cuyamel River – Sambo Creek**

OFRANEH (Federation of the Garífuna People of Honduras) has [condemned](#) the proposal to build a dam across the Cuyamel River, arguing that it violates the Sambo Creek Garífuna community's right to prior consultation under ILO Convention 169. The proposed dam, in the department of Atlántida, would have a dual function – to produce 2-4 megawatts of electricity and to provide drinking water for the eastern part of La Ceiba. It appears that the project would receive funding from JICA, the Japanese development agency. OFRANEH is concerned about the impact on the river itself, as according to a report by ECLAC (Economic Commission for Latin America and the Caribbean) – '[La economía del cambio climático en Centroamérica](#)' ('The Economics of Climate Change in Central America'), the regions on the Atlantic coast will suffer a reduction in rainfall. Furthermore, the organization fears that the reduction in the flow of silt from the river as a result of the dam will exacerbate the coastal erosion at Sambo Creek, which has already destroyed houses, with the sea advancing 50 meters in 10 years.

### **GARÍFUNAS**

#### **Shooting in Nueva Armenia**

In the early morning of January 26, [a group of 40 Garífunas were shot at](#) as they were going to work on the land which they are recovering, in Nueva Armenia, in Jutiapa municipality, Atlántida department. One of them, Jesús Flores Satuye, was wounded in the head and arm. (He currently has a case before the Inter-American Commission on Human Rights (IACHR) after being shot in the arm by a naval officer in 2001 while diving in the Cayos Cochinos<sup>3</sup>). Fortunately it appears that the bullet wound to his head was a graze.

The Garífuna population had been displaced from the land in question, Armenia, on the Papatoteca River delta in the 1920s by the Standard Fruit Company (now Dole Food Company), and relocated on the river's western bank, forming Nueva ('New') Armenia. The state concession to Standard Fruit for the land expired in 2000, and it was 'returned' to the municipality of Jutiapa without taking into account the fact that it was the ancestral land of the Armenia Garífuna community. The municipality gradually began granting the land to small groups of campesinos, who cut trees to plant African palm. This process has accelerated in recent months, and in response, the community began an intensive process to recover its territory. As well as for African palm, the land in question has also been used for clandestine air-strips for drug trafficking. Although the community had reported this to the authorities,

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2 See also Telesur article [Hondurans Protest Over Lands Lost in Hydroelectric Project](#), defensoresenlinea [Desalojos, vigilancia e intimidación es la respuesta del gobierno para quienes exigen pago de sus tierras](#) and article by Jack Eidt on the predicted impacts of the dam on the environment and indigenous people of La Moskitia [Honduras: Patuca River Dams Threaten Indigenous Survival](#)

3 [Report No. 93/13](#), Petition 1063-07, Jesús Flores Satuye et al. See also Sarah Cuffe's Truth Out article of May 17, 2014 [Militaryization of the Mesoamerican Barrier Reef Harms Indigenous Communities](#) which features his case.

no action was ever taken. According to one [report](#), the various incursions onto the recovered land are by employees of a local landowner, Alberto René Martínez, working in concert with the local police. As well as this last attack, there have been also been [three occasions](#) when there have been raids to destroy community's property on the recovered land. On August 8, 2014, the community was evicted from the land by the police, who arrested 11 people, and in complicity with the people linked to African palm growers, torched a dozen houses on the land and destroyed their crops. In early October, the police and palm-growers returned and burnt down the houses that remained, and then on January 11, heavily armed men torched the ones that had been re-built.

### **Death threats to OFRANEH leadership in Vallecito**

[On January 19, a group of campesinos issued death threats](#) to Miriam Miranda, the coordinator of OFRANEH and other leading members of the organization. The incident occurred after the members of OFRANEH challenged the campesinos, of La Aurora group, who had burnt a long stretch of land by the sea in Vallecito, Colón. The OFRANEH members were threatened by them even though they were being protected by a soldier at the time. OFRANEH calls them 'so-called' campesinos as they are associated with the drug-trafficking which is rampant in the area.

Although 6 Garífuna cooperatives had gained the titles to Vallecito in 1997, it was only in 2013, after years of legal battles by OFRANEH and the death of Reynaldo Villalobos, a drugs trafficker who had illegally occupied 80% of the land, that they finally regained access to the whole territory. Unfortunately, their victory was short-lived. In May 2014, La Aurora group invaded part of the Garífunas' land and immediately set about rebuilding the [clandestine runway](#) used by Villalobos, destroyed by the army only four months before. It was OFRANEH's discovery of the runway which led to the [temporary abduction](#) of 20 of its members by armed men on July 17, 2014. OFRANEH is calling on the authorities to ensure that their right to the Vallecito territory is respected, and for the Aurora group to be disarmed.

### **WOMEN**

Numerous organizations including [Front Line Defenders](#), [C-Libre](#), [COFADEH](#), women's organizations and [international cooperation agencies](#) based in Honduras, issued alerts on **the case of Gladys Lanza**, Coordinator of the *Movimiento de Mujeres por la Paz Visitación Padilla* (Visitación Padilla Women's Peace Movement). She will be sentenced on March 6, following her conviction on January 28 on charges of defamation and slander of Juan Carlos Reyes, the Executive Director of the NGO FUNDEVI (Foundation for Development of Urban and Rural Social Housing). The charges against Gladys Lanza relate to her public advocacy in support of FUNDEVI's former head of human resources, Lesbia Pacheco, who claimed in 2010 to have been made redundant after being subjected to an extended period of sexual harassment by Reyes. Visitación Padilla organised a peaceful demonstration outside the FUNDEVI offices, posted placards and issued press releases in relation to the case and Lesbia Pacheco was successful at first in her case claiming sexual harassment, but the ruling was overturned upon appeal. During the proceedings, there were [alleged irregularities](#), such as a falsified document produced by the Labor Ministry wrongly stating that Lesbia Pacheco had not produced proof of sexual harassment. Reyes is the husband of Gabriela Núñez, member of Congress for the Liberal Party and former Minister of Finance under Roberto Micheletti's presidency.

Under Honduran law Gladys Lanza faces a possible sentence of 16 to 32 months' imprisonment (presumably commutable by payment of a fine). The [numerous women's organizations](#) that supported her during the trial and others have expressed concern at the implications of the verdict for the activities of women's movements, as well as for other human rights defenders and the right to freedom of expression more generally.

## **POLITICAL ACTIVISTS**

### **Attack on bus carrying FNRP-LIBRE activists**

FNRP-LIBRE activists [reported](#) that their bus was shot at and the driver injured as they were returning to San Pedro Sula from the protests in Tegucigalpa on the first anniversary of Juan Orlando Hernández's presidency, on January 27. Unidentified men shot at the driver from a moving car as the bus was passing through Amuprolago near Yojoa Lake at 10.10 pm. He received slight injuries in his eye from glass fragments, but fortunately managed to keep control of the bus. If he had failed to do so, it could have been fatal as the bus was passing a ravine at the time. The activists are convinced that this was a deliberate attempt to cause a crash – the assailants did not try to stop the bus, indicating that it was not an attempted robbery.

### **Attack on Vía Campesina offices**

In the early hours of the morning of Sunday January 25, [unidentified men fired at the Vía Campesina offices](#) in Tegucigalpa. Fortunately nobody was there at the time. They fired high-caliber weapons at the outside walls and the gates to the building, creating numerous holes, and over two dozen bullet casings were found. For the Vía Campesina, it brought back memories of 2009 when, during the coup, its offices were broken into and vandalized. Nobody has ever been brought to justice for the crime. The organization believes the motives for this latest incident to be its activism on land reform and its declared opposition to the coup and to the Public Order Military Police (PMOP). It held the government responsible for the attack and called for a thorough investigation by the Public Prosecution Service.

### **Protests against toll increases in San Pedro Sula**

January was marked by the entry into force of a 100% increase in road toll rates imposed by San Pedro Sula municipal corporation, which was met with a number of demonstrations. Ruy Díaz, a retired teacher and former LIBRE congressional candidate for the department of Cortés, was arrested by the police on January 2 while protesting peacefully. On January 13, a group of about 250 people walked from La Democracia bridge in El Progreso, Yoro, to the toll booths in San Pedro Sula, covering 18 km. The next day, ERIC and MADJ organized a demonstration in front of the town hall in San Pedro Sula. PROAH accompanied the organizations during the rally. There were [further protests](#) at the end of the month. According to Ramón Barrios, a lawyer, lack of toll revenue should be addressed by tightening up on collection procedures, as an audit last year showed that half of what was collected in tolls in San Pedro Sula ended up in the hands of private individuals. A number of organizations and private residents lodged appeals against the toll increase with the municipal council by the deadline of January 13.

## **LAWYERS**

According to the Honduran Bar Association (CAH), [15 lawyers received death threats](#) in just the first three weeks of January. The CAH was pressing for the creation of an office to deal with these type of threats and to provide immediate solutions, and had requested meetings with the Director of Public Prosecutions, Oscar Chinchilla, to press him to deal with various reports of threats filed by lawyers. In 2014, there had been 45 complaints of threats of lawyers in the whole of the year.

## JOURNALISTS

### Temporary exile

On January 26, Ely Vallejo, a correspondent for Channel 36 (Canal 36) in San Pedro Sula, was forced to [leave the country](#) temporarily as a result of death threats and surveillance by a motorcyclist. The intimidation began on January 7 after the journalist asked President Juan Orlando Hernández, at the launch of an infrastructure project, about alleged corruption concerning a house that Hilda Hernández, Minister of Communications and Strategy and the President's sister, was having built. A man behind him at the time asked him whether filming was going OK - Ely Vallejo believes that a device was used to distort the signal, as in the end the event was not recorded. This same man then followed on a motorbike when the journalist took a taxi immediately afterwards. Ely Vallejo also received threats by social media.

### Death threats and intimidation

#### *Channel 36*

The intimidation of Ely Vallejo has occurred against a background of [more general persecution](#) of Channel 36, which provoked its director, Esdras Amado López, to take the station off the air on January 13. This followed an anonymous phone call which said that “there was going to be bloodshed at Channel 36”, made during a broadcast about alleged irregularities committed by Mauricio Oliva, the President of Congress, in the context of the IHSS (Honduran Social Security Board) corruption scandal. A few days before, olive green cars had been repeatedly circling the TV station. Esdras Amado López also alleges that President Hernández is behind the recent cancellation of advertising contracts by three companies, and that his sister, Hilda Hernández, Minister of Communications and Strategy, had stated that the TV station was 'going to eat shit' during the current presidential term.

#### *Globo TV - César Silva*

On January 24, César Silva, a correspondent for Globo TV, received a [death threat](#) from Lieutenant Colonel Víctor Mario Ávila Galeano, head of security for Mauricio Oliva, the President of Congress, who said that if he carried on broadcasting videos of soldiers eating dogs he would end up 'gagged and dead in a ditch'. The incident occurred outside the Congress building when the journalist asked Ávila why he was not being allowed into the chamber for the debate on the constitutional status of the PMOP (see P.9). The week before, Silva had broadcast an army training video on his program which showed a soldier being forced to eat a dog.

### LGBTI

According to the Honduran lesbian organisation [Las Catrachas](#), there were 26 [murders](#) of LGBTI people (11 gay, 3 lesbian, 12 transsexual) in 2014. This is a reduction in the previous year's figure of 35, but still higher than the figure for the entire 15-year period prior to the coup, when there were 20 murders from 1994 to 2008 (an annual average of 1.3 murders). The figures are based on reports in the media.

## LAND DISPUTES: BAJO AGUAN

### Meeting on precautionary measures

A [meeting](#) was held in early January between the authorities and leaders of campesino movements in the Bajo Aguán to discuss implementation of the precautionary measures<sup>4</sup> granted by the IACHR to 123 of them in May 2014, in response to the range of abuses these movements had suffered since 2010 as a result of land disputes. One of the main difficulties was that the beneficiaries did not trust the police and the army who would be responsible for providing protection, as they were also the ones who had been responsible for attacks on them.<sup>5</sup> They pressed for an entity such as the CONADEH (National Human Rights Commissioner) to act as a liaison point in matters of security and also asked to be issued with cards identifying them as beneficiaries of precautionary measures. In addition, they pressed for investigations into the human rights violations committed in the region, and for an independent commission to investigate the root causes of the conflict.

### Chabelo Morales

Padre Melo has produced an excellent [article](#) on the case of José Isabel Morales (Chabelo), wrongfully imprisoned since 2008 for the murder of a member of a family which has been involved in a murderous land dispute with the Guadalupe Carney community for years. It also provides excellent background on the situation in the region. There is currently an [appeal](#) lodged with the Supreme Court on Chabelo's case on which a decision has been awaited since July 2014.

### Panamá

[Cristian Alberto Martínez Pérez](#), a 19-year-old campesino from the community of Panamá, and an active member of the MCRGC (Gregorio Chavez Refounding Campesino Movement), disappeared on the night of January 29 and was found alive three days later in an orchard on the edge of the Paso Aguán farm, which the community borders. The farm is occupied by Miguel Facussé's Dinant Corporation, with which the campesinos have been involved in a longstanding land dispute. Cristian said that, as he was passing on his bike, he was forced to enter Paso Aguán by an armed security guard, and was held captive in a vehicle where he was beaten and interrogated by a Dinant security guard and a man in military dress before being released. There had been great fears for his safety, as the bodies of a number of campesinos involved in the land dispute with Dinant have been found on the farm – those of [Gregorio Chávez](#), Ramón Lobo and José Antonio López Lara, the latter [exhumed](#) a year after his disappearance, in April 2012. Francisco Pascual remains disappeared. Dinant had [publicly denied](#) any involvement in Cristian's disappearance and issued a [press release](#) welcoming the fact that he had been found unharmed. OPDHA (Aguán Permanent Human Rights Observatory) [stated](#) that on January 27, members of campesino organizations, including the MCRGC, had been photographed and threatened by soldiers.

## LAND DISPUTES: COMAYAGUA

In late January, La Voz de los de Abajo [visited](#) the community of *Camino al Futuro* (Path towards the Future) in Las Mederas, San Jeronimo municipality, Comayagua department, the victims of a brutal attempt to drive them off their land in late December by men in military clothing wearing ski masks and firing live ammunition. Their houses and their crops of corn, rice and beans were set on fire, and they were forced to hide in the mountains. This latest incident appears to be associated with a

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4 IACHR precautionary measures PM 50/14 - Campesino Leaders of Bajo Aguán, Honduras  
<http://www.oas.org/en/iachr/decisions/precautionary.asp> [Resolution](#) in Spanish only

5 See, for example, the article by COFADEH [Secuelas de la crueldad contra campesinos en el Aguán](#)

campaign of intimidation by the Maradiaga family, local landowners, which is claiming that it has title to 140 acres of the land, despite that fact that, according to the community, it is currently designated by INA as forest land and therefore any title would currently be illegal. The campesino group has been occupying the land for 6 years, and was in negotiations with the Institute of Forest Conservation (ICF) and the INA to obtain the titles to it. The CNTC (National Farmworkers Federation) is supporting the members of the community, most of whom have returned and are determined to rebuild and continue their struggle for the land.

## **MINING**

Sandra Cuffe has produced a useful [article](#) on the increasing number of municipalities which have declared themselves **free of mining**, an increasing trend since mid-2013 with the adoption of the new Mining Law and the notable increase in concessions – she estimates the figure at 10 so far, out of 238 municipalities.

Meanwhile, Agapito Rodríguez, the director of INHGEOMIN (Honduran Geology and Mines Institute), has [announced](#) that 2015 is a **'very encouraging year for mining'**. As at January 2, he had received 500 applications for concessions of which 31 had been approved for exploration, and said that the INHGEOMIN had 'freed up' 250,000 hectares for mining. It is currently [receiving](#) 20 applications a month. COMICOIN (Council on Mining and the Extractive Industry, Trade and Investment) has [announced](#) a major trade fair on mining in San Pedro Sula in August, which it hopes will attract over 400 companies from all over the world.

It was [announced](#) that a **mining park** would be established in El Corpus, Choluteca, under the management of INHGEOMIN and COALIANZA (Comission for the Promotion of Public-Private Alliances). The aim is to generate 4,000 jobs and ensure that artisanal mining in the area is better regulated. Cooperatives of miners will be established, which will be partners in the enterprise, along with the state, COALIANZA and private business, including [Glen Eagle Resources](#), a Canadian mining company, which will run a gold processing plant. Construction on the park, 1,684 hectares around Culculmeca, will begin in April. [Eight miners](#) died at the Cuculmeca mine in July 2014 after the entrance collapsed – 6-10 artisanal miners die each year nationally. Following the tragedy, the government closed the mine and it was guarded by the military to prevent the miners entering, which caused outrage among the locals who are dependent on mining, particularly when, in September, soldiers were [filmed](#) torturing two miners who had entered the site.

## **MURDERS**

According to a [study](#) by Mexican organization [Citizen Council for Public Security and Criminal Justice](#)<sup>6</sup>, for the fourth consecutive year, San Pedro Sula was the world's most violent city (with 300,000 or more inhabitants) with a murder rate of 171.20 per 100,000 citizens overall in 2014, far outstripping its nearest 'rivals' - Caracas and Acapulco, with a rate of 115.98 and 104.16 homicides per 100,000 residents, respectively. Central District (Tegucigalpa and Comayagua combined) came fifth, with 77.65 murders per 100,000 residents.

An article by [InsightCrime](#) suggests at least a partial explanation for the situation in San Pedro Sula. There is a sizeable presence of both [MS13](#) and Barrio 18 in the city which have roughly the same number of members there, resulting in continual turf wars as they vie for [territorial control](#).

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6 *Consejo Ciudadano para la Seguridad Pública y la Justicia Penal*

## POLICING

### Police

#### *Disappearance*

COFADEH has [criticized](#) the promotion to Deputy Commissioner of Johab Ely Merlo Medina which was announced in Congress on January 14, along with the promotions of 30 other police officers. He has been reported to the Public Prosecution Service for his alleged role in the disappearance of the campesino Jorge Antonio Guzmán Torres on November 4, 2014. COFADEH issued a writ of Habeas Corpus in early December for the campesino, who was seriously injured and allegedly taken away by officers of the Preventive Police and of the DNIC, the police's investigation arm. The incident occurred during an operation to carry out an undercover raid in Brisas del Cerrito, a settlement of 20 houses, in the city of Yoro. COFADEH is concerned at the lack of progress in establishing the whereabouts of Jorge Guzmán as well as at the quality of checks undertaken during police promotion processes.

#### *Illegal detention and unlawful entry*

On January 16, six policemen were found guilty of illegal detention and unlawful entry. The [crime](#) was committed on August 6, 2011 in the López Arellano neighborhood of Choloma, Cortés department, when the policemen burst into a fundraising event held by the local community council at a house and arbitrarily detained five minors on charges of disorderly behavior (*escándalo público*). This was after having conducted a search of the premises without a warrant or any explanation. The policemen, two of whom are retired, could face prison sentences of 3-6 years.

### Military Police

#### *Murder of young man*

The family of Heriberto Flores Ramos, aged 19, have [reported](#) that he was recently murdered by officers of the PMOP (Public Order Military Police) in Tegucigalpa. He was out drinking with some friends near the Loarque neighborhood. The PMOP allegedly tied him up and took him away in a private car, tortured him, shot him several times in the head and left his corpse near a marble factory in the southern outskirts of the city. The victim's family have said that they will seek justice for his murder. As of January 28, the PMOP had not commented on the case.

#### *Constitutional status*

The move by Juan Orlando Hernández to secure constitutional status for the PMOP dominated the news in December and January. In the end, **the proposal was [defeated](#) in Congress on January 24**, as it was 17 votes short of 86 votes required. It had been [opposed](#) by opposition parties as the establishment of the PMOP, in August 2013, had been originally conceived as a temporary measure for the duration of the purge of the National Police, predicted to take five years. Once the PMOP had been given constitutional status, it would have been extremely difficult to reverse the process, requiring a two thirds majority in Congress two years in a row. Opponents argued that the result would have been to create a permanent militarized police force parallel to the civilian national one. **There was a highly-charged political atmosphere in the run-up to the vote**, with the President [accusing](#) those opposed to the proposal of either doing so for purely ideological reasons or having links to organized crime. Minutes after the measure's rejection, **Hernandez presented the legislature with an [executive decree to hold a plebiscite on the issue](#)**, set to take place during the next general elections, in November 2017. The [Honduras Culture and Politics](#) blogspot [reports](#) that this new bill contains major - and disturbing - new provisions. In Article 274, the proposed constitutional changes include letting towns,

villages, and ZEDEs request that the PMOP, or other parts of the armed forces provide them with a public security service, while those to Article 329 include granting the Executive branch **powers to declare ZEDEs and other regions 'special security zones' whose security is provided by the PMOP**. There are currently no such provisions either in the ZEDE authorization law nor in previous proposals concerning the PMOP. This new proposal was [studied by a congressional committee](#) and it was [announced](#) on February 9, the deadline for a decision on whether to accept it for debate by Congress, that it would not be presented until signatures in favor had been gained from 2% of the electorate – one of three possible means of calling a plebiscite.

## **Military**

### ***Ebed Yanes trial***

**Only one of three soldiers was found guilty** of the murder of Ebed Yanes, when the [verdict](#) was handed down on 20 January, with the other two escaping any punishment at all. Ebed Yanes, aged 15 year, was riding a motorbike when he failed to stop at a military checkpoint in the early hours of the morning on May 27, 2012, in a suburb of Tegucigalpa. Soldiers then drove after him in patrol vehicle and shot him repeatedly. Sergeant Eleazar Abimael Rodríguez Martínez, the one found guilty, had been the only one charged with homicide by the Public Prosecution Service because forensics only managed to find a match to one of the bullet cases found at the scene, and it happened to be to his gun. As a result, the court was unable to find the other two, a second lieutenant, Josué Sierra, the head of the patrol, and a corporal, guilty of this crime even though the [verdict](#) stated that it had been proven that they also fired at Ebed, and that they were therefore co-perpetrators. They were part of a [US-vetted unit](#) in charge of the US-donated vehicle.

All of them had been charged with perverting the course of justice (*encubrimiento*), abuse of authority and dereliction of the duties of a public official but were found not guilty for the seemingly bizarre reason that they had been involved in an act in which it was understandable that they would not want to incriminate themselves. Having left the scene of the crime, Josué Sierra returned to remove bullet casings and throw them away, and told the other members of the patrol (7 in total) not to talk about the crime. At the trial, he apologized to Ebed's parents and sister, and said that the members of the patrol had been trained for war and had not been prepared for policing duties. The judges concurred in this, but also stated that, precisely because of their fire-arms training, they would or should have been aware of the potentially serious consequences of firing at a moving vehicle.

The Public Prosecution Service is considering whether to appeal the verdict. **Ebed's parents expressed disappointment at the judgment, which they regard as yet another example of impunity**. They have vowed to take the case to international human rights bodies if they do not get satisfaction in the domestic courts.

The proceedings against the soldiers have been dogged with delays and obstacles (see, for example, P.30 of our [summary of October to December 2014](#)). It is only because of the persistence of Ebed's parents and COFADEH that the case has made any progress at all. Their perseverance also resulted in [charges](#) being brought in April 2013 against seven high-ranking officers for perverting the course of justice. The accusations against these officers, three of whom are colonels, include switching the weapons used in the killing and telling the soldiers involved to deny that they were at the scene at the time. Finally, in February, they were acquitted, a judgment which COFADEH will appeal. (More details of the decision, as well as of the sentence handed down to Sergeant Rodríguez, will be available in the February summary). PROAH has been accompanying COFADEH in the case.

### ***Shooting of fishermen***

COFADEH [reported](#) that José Arnaldo Amaya, a navy sub-lieutenant, will appear before a public trial in September for the shooting of two young fishermen on Yojoa Lake, Cortés department, on April 6, 2013. The two victims are Wilmer Gerardo Sabillón, married with a daughter, who has suffered permanent damage to his arm, and Julio César Pineda, who was also wounded in his arm, but less seriously. The naval officer is charged with attempted murder. The victims were in the lake harpooning fish when they saw a naval boat. The two left the area in their boat, as the naval police confiscate the fishermen's equipment and sometimes even destroy their boats. Two naval policemen appeared on the shore and told them to approach the bank. The fishermen refused as they were frightened and because they did not want their equipment to be confiscated. One of the naval police said that he would kill them and shot and wounded them. The naval policemen took the fishermen to Wilmer Sabillón's home without offering them any medical attention. In the end, it was their families who took them to hospital.

### **YOUTH DETENTION CENTERS**

FUSINA (National Interagency Security Force) [raided](#) the three major juvenile detention centers in Honduras - El Carmen in San Pedro Sula, and Renaciendo<sup>7</sup> and Sagrado Corazón (the girls' detention center) in Támara near Tegucigalpa. The action was taken in response to **constant rioting** in Renaciendo by gang members, and the escape of over 30 of them on January 9, 28 of whom were recaptured. At this center, there is a gang war between members of Mara 18 and Los Chirizos, and drugs, knives and guns were found, the latter used to attack the FUSINA agents during the raid in which two people were injured.

The FUSINA's search at Renaciendo also revealed a **clandestine cemetery**, where it was [reported](#) on January 13 that at least four bodies (later the number was reduced to two) had been found burnt and dismembered, it is believed by members of Mara 18. At the time it was assumed that the bodies had been buried 4 to 6 days before, and were of inmates who had been reported as having escaped. On January 17, 42 inmates were [moved](#) to the COBRA barracks, while Renaciendo was made secure. The center has 170 inmates in total, of which 100 are believed to belong to gangs.

The situation is yet another **disturbing example of the state's lack of control of juvenile detention centers**. The [annual report for 2014](#) by CONAPREV (National Committee for the Prevention of Cruel, Inhuman and Degrading Treatment) highlighted a number of cases. On May 30, 2014, the director of Renaciendo was arrested for torture. Investigations revealed that he allowed the youths in his charge to torture and ill-treat each other, and he encouraged fighting among them. On July 22, girls held at the Sagrado Corazón detention center escaped because of attacks by the youths from Renaciendo nearby Renaciendo Center, and they feared for their safety.

The most notorious case last year was at El Carmen detention center in San Pedro Sula where, on May 4, 2014, five adolescents, apparently members of the Mara 18 gang, were [shot dead](#) with high-caliber guns. Three minors thought to be from Mara MS were arrested in connection with the killings, in which grenades were also used. They had been able to enter via the main gate, and had keys to the cells. CONAPREV had repeatedly asked the authorities to improve perimeter security at the center because it is in an area controlled by Mara MS.

A high-level commission was [set up](#) on January 16 to deal with the crisis, consisting of representatives of the Ministry of Security, the Public Prosecution Service's Children's Unit, the Prison Service, DINAF (Directorate for Children, Adolescents and the Family), and CONADEH. The latter two expressed concern about the lack of rehabilitation facilities at the centers, as well as youths guilty of serious crimes mixing with those detained for minor offenses and youths held on remand ([68%](#) of the

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<sup>7</sup> Sometimes referred to as 'Renacimiento'

total) with those who have been sentenced. As CONAPREV pointed out in its [annual report](#), segregation does exist, but on the basis of declared membership of the different gangs. This means that some inmates who were not members of a gang before being placed in juvenile detention end up joining one for their own safety.

Proyecto de Acompañamiento internacional en Honduras (PROAH)  
<http://proah.wordpress.com>

Honduras Accompaniment Project  
<http://hondurasaccompanimentproject.wordpress.com>

Friendship Office of the Americas  
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