



January 2011

country summary

Honduras

President Porfirio Lobo took office in January 2010, seven months after a military coup ousted democratically elected President Manuel Zelaya. The Lobo administration created a truth commission to look into the events surrounding Zelaya's ouster. But Honduras is failing to hold accountable those responsible for the widespread human rights violations committed by the de facto government installed after the coup. At this writing no one has been held criminally responsible for these abuses.

Other continuing human rights concerns include lack of judicial independence and violence and threats against journalists, human rights defenders, political activists, and transgender people.

Lack of Accountability for Post-Coup Abuses

Following the military coup, the de facto government suspended key civil liberties, including freedoms of the press and assembly. In the ensuing days the military occupied opposition media outlets, temporarily shutting down their transmissions. Police and military personnel responded to generally peaceful demonstrations with excessive force. This pattern of the disproportionate use of force led to several deaths, scores of injuries, and thousands of arbitrary detentions.

The human rights unit in the Attorney General's Office is investigating approximately 200 cases of alleged abuses committed by security officials since the coup, many of which involve multiple victims. At this writing, it has filed charges in 20 cases. In eight, the defendants were acquitted, leaving many acts committed by security forces after the coup unaccounted for. Most of the others remain pending before the courts, some of them stalled because the defendants are at large.

The human rights unit's progress on these cases has been hindered by its limited resources and by the government's failure to allocate funds to the existing witness protection program. The unit must rely on an investigative police force institutionally tied to the Ministry of Security, an arrangement that could affect the impartiality and thoroughness of the investigations.

Security forces have obstructed investigations of abuses committed after the coup. Under the de facto government, military and police personnel systematically refused to cooperate with investigators. They failed to turn over firearms for ballistics tests, to respond to information requests to identify officers accused of committing abuses, and to grant access to military installations. The situation has improved somewhat under Lobo, but the prior lack of cooperation has had a lasting impact on the investigations.

In October, the Honduran Congress approved an increased budget for the unit only for 2011.

Judicial Independence

Immediately after the 2009 coup the Supreme Court held that the replacement of Zelaya was a legitimate "constitutional succession of power." The court subsequently failed to resolve in a timely manner appeals challenging the constitutionality of measures by the de facto government that undermined basic rights. It waited until the de facto government revoked the measures and ruled that the appeals were then moot.

The Supreme Court has absolute power to appoint and remove judges, and the court has used this power to advance a politically partisan agenda, seriously damaging the reputation of the judiciary. The court can fire judges applying vague definitions of "fault," such as carrying out "activities that are incompatible with the honor of the position or that somehow affect its dignity." There is no provision to appeal the removals before an independent body.

In May 2010 the Court fired four judges who opposed the coup. One judge had presented an appeal in favor of Zelaya, two others were present in anti-coup demonstrations, and another said in an academic conference that there had been a coup. While the court argued it was firing them because judges may not get involved in politics, it applied a clear double-standard, failing to sanction judges who supported the coup.

Attacks on Journalists, Human Rights Defenders, and Political Activists

2010 also saw a series of attacks on and threats against journalists, human rights defenders, and members of the political opposition. For example, in February Julio Benitez, a member of the opposition who had received numerous threatening phone calls warning him to abandon his participation in opposition groups, was shot by men on a motorcycle while on his way home. He died in the hospital shortly afterwards. In March gunmen opened fire on Nahúm Palacios, who directed TV Channel 5 of Aguan, while he was driving his car. He died at the scene. Palacios had covered several politically sensitive issues, including anti-coup demonstrations, corruption, drug trafficking, and agrarian conflicts.

In April Father Ismael Moreno, a Jesuit priest and human rights advocate, received a text message threatening to kill the family of an opposition member who had been raped by police officers. Father Moreno had been helping the woman and her family leave Honduras. In June Eliodoro Cáceres Benitez, a political activist, received three death threats by phone, stating that members of organized crime would kill him and his family. Days later, his son went missing and remains missing at this writing.

On September 15, police and military members attacked the offices of Radio Uno, which had been critical of the coup. They threw tear gas bombs at the radio station's offices and at the people inside, broke windows in the building, damaged equipment, and seriously injured one person.

Violence against Transgender Persons

Bias-motivated attacks on transgender people are common in Honduras. At least 19 transgender persons have been killed in public places in Honduras since 2004; many more have been injured in beatings, stabbings, or shootings.

These attacks are rarely followed by rigorous investigations let alone criminal convictions. In a welcome change, a court in September 2010 sentenced an off-duty police officer to 10-13 years for stabbing a female sex worker 17 times, the first time since 2003 an officer has been convicted for a crime against a transgender person.

Key International Actors

Influential allies and neighbors, as well as multilateral institutions—including the European Union, Latin American governments, the Organization of American States (OAS), and United Nations General Assembly—immediately condemned the coup d'etat that ousted Zelaya. The United States also condemned the coup, but waited several weeks before imposing key sanctions (including freezing the visas of key officials) to pressure the de facto government to restore Zelaya to office. Most governments gradually lifted the measures and sanctions after Lobo took office, but Honduras' membership to the OAS remains suspended.

The Inter-American Commission on Human Rights has played a critical role in Honduras since the coup, producing comprehensive reports documenting abuses, including killings, threats, and attacks on journalists.

The UN has also sought to promote human rights in the country. In August the UN appointed a human rights officer in Honduras. In September the Lobo administration requested the

creation of a UN commission to fight impunity in the country, which has yet to be established. In November several countries expressed concern about the human rights situation in Honduras during the UN Human Rights Council's Universal Periodic Review of the country.