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Introduction

CIVICUS: World Alliance for Citizen Participation and Bufete Justicia para los Pueblos (BJP) provide the following information with respect to the human rights situation in Honduras to the United Nations (UN) Human Rights Committee in advance of its third periodic review of Honduras' obligations under the International Covenant on Civil and Political Rights (ICCPR) at the Committee's 141th session.

In this document, CIVICUS and BJP set out their main concerns regarding the implementation of the ICCPR by Honduras, focusing on civic space issues, and specifically the rights to freedoms of expression (Article 19), peaceful assembly (Article 21) and association (Article 22). In particular, this submission provides information on issues addressed in paragraphs 3 (public emergencies) and 22, 23 and 24 (freedom of expression) of the List of Issues adopted by the Committee for the review of Honduras.

Key concerns

- We are alarmed by killings, harassment, threats and smear campaign against journalists.
- We are concerned about infiltration, monitoring, surveillance and attacks against human rights defenders (HRDs) during peaceful demonstrations.
- We are deeply concerned by pervasive violence against HRDs and civil society groups. Despite national protection mechanisms being adopted, the lack of adequate protection measures has in practice led to state and non-state actors continuing to perpetrate abuses with impunity.

Context

Civic space in Honduras is characterised by undue restrictions linked to structural challenges and institutional practices, a situation exacerbated by the prolonged state of emergency. On 24 November 2022, President Xiomara Castro declared a state of emergency in several regions of Honduras to address gang violence. Executive Decree (PCM 20-2022), which entered into force on 6

December 2022 and has been renewed every 45 days since, suspends constitutional guarantees, including of freedoms of association and assembly.¹

This decree also suspends the rights to personal liberty and freedom of movement, among other fundamental rights. In addition, it grants power to the police, in collaboration with the military police, to carry out arrests and raids without warrants.² Supposedly temporary, the state of emergency remains in effect, and is currently scheduled to expire on 4 July 2024.³

In March 2024, the UN High Commissioner for Human Rights (OHCHR) expressed concern about the militarisation of public security, the disproportionate use of force and the prolonged duration of the state of emergency without justification and adequate judicial controls. The OHCHR also highlighted alleged human rights violations committed in the implementation of the state of emergency.⁴

According to Contra Corriente, an independent digital media outlet, the National Human Rights Ombudsman's Office of Honduras (CONADEH) issued a report that 2,147 complaints of abuse of authority, incrimination with false evidence, death threats, inhumane and cruel treatment, forced disappearances, theft and murder were filed against state security forces since December 2022 in relation to the state of emergency.⁵

CONADEH further revealed that since the state of emergency began, state security forces have allegedly been involved in 39 extrajudicial executions, 14 enforced displacements, 10 enforced disappearances and two femicides. CONADEH's findings showed that most accusations of human rights violations against girls, adolescents and women were made against the Police Directorate against Maras, Gangs and Organised Crime (DIPAMPCO). Most petitioners have asked CONADEH for help finding relatives who have been arrested during raids but whose whereabouts are unknown.⁶

DIPAMPCO has been repeatedly denounced for abusing its power under the state of emergency. However, there has been a notable lack of effective investigations and inadequate protection for victims.

The state of emergency has been used as a justification for repressive security actions. For instance, DIPAMPCO has used the state of emergency as an excuse to repeatedly harass the peasant farming and fishing community of Tulito in Choluteca, a recuperated territory, carrying out raids at all hours of the night without warrants, leaving the community in a permanent state of distress. In April 2024, according to testimonies received by BJP and documents reviewed by lawyers in the Court of Letter of Choluteca (Exp. 876-2017), DIPAMPCO arrived in the community twice, arresting two women. A total of 30 are now facing 'usurpation' charges, including older women. This is one example of how DIPAMPCO has used the state of emergency to criminalise HRDs.⁷

¹ 'A violent beginning of the year for Honduras' human rights defenders', CIVICUS Monitor, 6 March 2023, <https://monitor.civicus.org/explore/a-violent-beginning-of-the-year-for-honduras-human-rights-defenders>.

² 'Honduras: glass half full', CIVICUS Lens, 27 January 2024, <https://lens.civicus.org/honduras-glass-half-full>.

³ Executive Decree (PCM 13-2024), Official Gazette 36,538, 20 May 2024.

⁴ 'Situation of human rights in Honduras', OHCHR, 1 March 2024, https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session55/advance-versions/A_HRC_55_22-Unofficial-translation-English.docx.

⁵ 'El uniforme del crimen en el estado de excepción de Honduras', Contra Corriente, 21 March 2024, <https://contracorriente.red/2024/03/21/el-uniforme-del-crimen-en-el-estado-de-excepcion-de-honduras>.

⁶ Contra Corriente, 21 March 2024, op. cit.

⁷ Testimony taken by BJP staff attorney on 15 May 2024. Information confirmed after BJP staff reviewed the case file Exp. 876-2017 at the Court of Letters in Choluteca on the same date.

Freedom of Expression (Article 19)

Freedom of expression and opinion is guaranteed under Article 72 of the Constitution of Honduras, which states that ‘expression of thought shall be free, and be expressed through any means of dissemination, without prior censorship. Those who abuse this right, and those who by direct or indirect methods restrict or limit the communication and circulation of and opinions shall be liable under the law’.⁸ Articles 73 and 74 of the Constitution also enshrine freedom of expression and press freedom. The exercise of this right is also regulated by the Law on Freedom of Expression (Decree 6-1958).⁹

However, Article 75 of the Constitution also establishes that ‘the law regulating the expression of thought may establish prior censorship to protect the ethical and cultural values of society, as well as the rights of persons, and particularly of children, adolescents and youth’. Additionally, the Criminal Code limits freedom of expression through its stipulations on ‘crimes against honour’, covering slander and libel under Articles 229 to 231. In particular, Article 230 establishes punishment with fines and imprisonment for cases of slander committed ‘with publicity’, that is, through any means of dissemination, whether through a gathering of people, conventional media or social networks.¹⁰

In 2015, the Law on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators was enacted. Its Article 1 recognises ‘the right of everyone, individually or collectively, to promote and seek the promotion and protection of human rights and fundamental freedoms’.¹¹ The following year, an Executive Agreement (59-2016) created the National Protection System.¹²

However, despite these legal protections, journalists work in a hostile environment without sufficient guarantees they can practise their profession freely and safely.¹³ In a 2024 report following a visit by the Inter-American Commission on Human Rights (IACHR), the IACHR Special Rapporteur for Freedom of Expression warned that Honduras faces significant challenges regarding freedom of expression, including ongoing violence against journalists and persistent impunity for crimes against

⁸ Political Constitution of Honduras, 1982, [https://www.oas.org/ext/Portals/33/adam/Content/RsU8CsGIXU29uci6sllzCw/Text/ConstituciondeLaRepublica\(ActualizadaNoviembre2021\).pdf](https://www.oas.org/ext/Portals/33/adam/Content/RsU8CsGIXU29uci6sllzCw/Text/ConstituciondeLaRepublica(ActualizadaNoviembre2021).pdf).

⁹ Law on Freedom of Expression (Decree 6-1958), 1958, <https://www.observacom.org/honduras-ley-de-emision-del-pensamiento-decreto-6-1958>.

¹⁰ Criminal Code, enacted in May 2017 (Decree No. 130-2017) and amended July 2023 (Decree No. 43-2023), <https://www.tsc.gob.hn/biblioteca/index.php/codigos/830-codigo-penal-2019>.

¹¹ Law on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators (Decree 35-2015), 2015, https://www.tsc.gob.hn/web/leyes/Ley_Proteccion_defensores_der_humanos_periodistas_op_just.pdf.

¹² General Regulations of the Statute for the Defense of Human Rights Defenders, Journalists, Social Communicators, and Legal Operators, 2016, <https://www.tsc.gob.hn/biblioteca/index.php/reglamentos/675-reglamento-general-de-la-ley-de-proteccion-para-las-y-los-defensores-de-derechos-humanos-periodistas-comunicadores-sociales-y-operadores-de-justicia>.

¹³ ‘IACHR Presents Preliminary Observations Following On-Site Visit to Honduras’, IACHR, 28 April 2023, https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2023/080.asp.

the press, as well as the criminalisation of journalistic work through the continued use of criminal defamation and slander laws.¹⁴

In the overall observations by the UN Special Rapporteur on Freedom of Opinion and Expression, who visited the country in October 2023, it was noted that a highly polarised political environment ‘erodes trust in the integrity of information and diminishes tolerance for dissent and plurality of views. The risks to freedom of expression are high in such an environment’.¹⁵ In addition, the Special Rapporteur asserted that the National Protection System for Human Rights Defenders, Journalists, Social Communications and Justice Operators has critical deficiencies in funding, staffing, expertise, coordination and accountability.¹⁶

Killings of journalists

Journalists have been targeted for exposing human rights abuses, particularly when reporting on corruption, organised crime, public security, migration and agricultural and mining conflicts. In 2023, the Committee for Free Expression (Comité por la Libre Expresión, C-Libre), a Honduran press freedom organisation, recorded the highest number of incidents since 2018, indicating a persistent pattern of violence, predominantly perpetrated by non-state actors and unidentified people.¹⁷

Of 137 incidents documented by C-Libre in 2023, there were 77 instances of physical attacks and harassment, 30 cases of stigmatisation, 11 instances of denial of access to information, six cases of internet restrictions, five instances of judicial harassment, five cases of arbitrary detentions and three killings of journalists.¹⁸ According to C-Libre, these incidents were associated with reporting on organised crime and corruption.

On 21 December 2023, unknown people shot dead journalist Francisco Javier Ramírez while he was on his way home in the city of Danlí, El Paraíso department, southeastern Honduras, despite the fact that he was accompanied by a police officer assigned to him as part of the Protection Mechanism for Human Rights Defenders and Journalists due to an armed attack in May 2023. López, who worked as a reporter for Canal 24 in Danlí, covered police and judicial issues, among other matters of public interest.¹⁹

¹⁴ ‘Informe Situación de Derechos Humanos en Honduras’, IACHR, 20 March 2024, <https://www.oas.org/es/cidh/informes/pdfs/2024/informe-honduras.pdf#page=289>.

¹⁵ ‘Statement by Irene Khan, UN Special Rapporteur on Freedom of Opinion and Expression (UN Special Rapporteur), Visit to Honduras, 16-27 October 2023’, <https://www.ohchr.org/en/press-releases/2023/10/honduras-national-protection-mechanism-must-address-violence-smear-campaigns>.

¹⁶ Ibid.

¹⁷ According to data from C-Libre, 80 alerts were recorded in 2018, 131 in 2019, 117 in 2020, 66 in 2021, and 120 in 2022. See ‘La prensa Latinoamericana bajo ataque: violencia, impunidad y exilio. Informe sombra sobre libertad de prensa en América Latina’, Voces del Sur, 2024, https://clibrehonduras.com/wp-content/uploads/2024/05/VDS_Informe-Sombra-2023.pdf#page=51; Voces del Sur, 2023, <https://vocesdelsurunidas.org/wp-content/uploads/2022/09/INFORME-SOMBRA-2021.pdf#page=107>; Voces del Sur, 2022, <https://vocesdelsurunidas.org/wp-content/uploads/2021/07/Reporte-Sombra-2020-ESPAÑOL-1.pdf#page=36>; Voces del Sur, 2021, <https://vocesdelsurunidas.org/wp-content/uploads/2021/07/Reporte-Sombra-2020-ESPAN%CC%83OL-1.pdf#page=63>.

¹⁸ Red de Voces del Sur, 2024, op. cit.

¹⁹ ‘Ongoing attacks on journalists and HRDs spark concern, CIVICUS Monitor, 8 January 2024, <https://monitor.civicus.org/explore/ongoing-attacks-on-journalists-and-hrds-spark-concern>.

On May 2022 in the south of Honduras, camera operator Ricardo Ávila, who worked for Metro TV, was shot in the head and died a few days later. The police said they were investigating the crime as a potential robbery, despite the fact that the assailant did not take any of Ávila's belongings, including his motorcycle, mobile phone or the money that he had with him. According to media reports, Ávila was covering social movements in Choluteca and protests against controversial economic development zones, known as Employment and Economic Development Zones (Zonas de Empleo y Desarrollo Económico, ZEDEs), and Metro TV is the only local outlet to cover these protests.²⁰

On 19 December 2020, radio journalist Pedro Canelas was shot and killed in the southern city of Dulce Nombre de Culmí, Olancho department. As reported by the Committee to Protect Journalists, an unidentified person on a motorcycle approached Canelas' car while he was parked outside a convenience store and shot him. Canelas was taken to a local hospital where he died hours later. Canelas owned Radio Bambi, a radio station where he also worked as a news presenter covering local politics and social issues.²¹

Between 2001 and May 2024, CONADEH recorded the killings of 100 people associated with the media, including journalists, broadcasters, photographers, operators, camerapersons and media owners.²² Impunity for such cases exceeds 90 per cent, indicating that, in general, perpetrators do not face any legal consequences or punishment.²³

Threats and smear campaigns

Threats and vilification campaigns against independent journalists persist, indicating ongoing challenges to press freedom. On 22 March 2023, journalist Natalia Reynoth of the TELEVIDA HD TV station announced publicly that she had received threatening messages. According to Reynoth, these messages were linked to her investigative reporting on false diplomas issued by the Department of Education in Choluteca, which has appeared in news programmes.²⁴

On 29 March 2022, El Heraldo newspaper reported that a member of their investigative team, journalist Yony David Bustillo Centeno, had received death threats and was subjected to an online smear campaign. The harassment against Bustillo Centeno began after he investigated alleged corruption and a lack of transparency in purchases by the Honduran Fire Department.²⁵

On 30 August 2021, community radio stations affiliated with Asociación de Medios Comunitarias de Honduras (AMCH) said that the regulatory body, the National Telecommunications Commission, had attempted to shut down their operations. In a statement, AMCH said the regulating body had denied

²⁰ 'Honduras: CSOs say more effort is needed to guarantee safety of human rights defenders and journalists', CIVICUS Monitor, 20 July 2022, <https://monitor.civicus.org/explore/honduras-civil-society-organisations-say-more-effort-needed-guarantee-safety-human-rights-defenders-and-journalists>.

²¹ 'Justice for Keyla: nursing student's suspected homicide sparks outrage in Honduras', CIVICUS Monitor, 22 February 2022, <https://monitor.civicus.org/explore/justice-keyla-nursing-students-suspected-homicide-police-custody-sparks-outrage-honduras>.

²² '123 presentaron quejas ante el CONADEH: Periodistas conmemoran su día bajo el riesgo de ser víctimas de desplazamiento por violencia', CONADEH, 24 May 2024, <https://conadeh.hn/?p=3021>.

²³ 'No más impunidad: Exhorta a las autoridades encargadas de la seguridad esclarecer muerte de comunicador', CONADEH, 22 December 2023, <https://conadeh.hn/?p=2284>.

²⁴ 'Land rights defenders evicted and persecuted', CIVICUS Monitor, 21 April 2023, <https://monitor.civicus.org/explore/land-rights-defenders-evicted-and-persecuted>.

²⁵ 'Honduras: Lenca and Garífuna leaders killed within two days', CIVICUS Monitor, 18 May 2022, <https://monitor.civicus.org/explore/honduras-lenca-and-garifuna-leaders-killed-within-two-days>.

licensing to community radio stations run by Indigenous peoples, claiming that the radio spectrum was saturated. However, the same body has provided licences to other media outlets. AMCH also highlighted the case of Radio Azacualpa, run by Lenca women, which has reportedly faced closure threats.²⁶

On 1 August 2023, the Mayor of Choluteca sent a letter to journalist Wendy Funes, founder of online newspaper Investigative Reporters (Reporteros de Investigación), accusing her of having committed a criminal offence in relation to a report she published on 27 July 2023 alleging that public officials were involved in the trafficking of undocumented migrants in southern Honduras. On 31 July 2023, Investigative Reporters experienced a cyber-attack that took down the report.²⁷

In another case, in August 2023, people believed to be connected to the Mayor of Choluteca allegedly threatened and launched a smear campaign against journalist and lawyer Selvin Jonás Euceda Ordoñez. Euceda reported to C-Libre that unknown people stole private content from his phone and shared it on social media to discredit his work as a journalist. He also stated he received audio threats warning him against continuing to 'bother' the Mayor of Choluteca.²⁸

The Human Rights Committee should recommend that the Honduras government:

- Effectively prevent and combat acts of killings, harassment, intimidation and violence against journalists and ensure they are free to carry out their work without fear of violence or reprisals.
- Conduct prompt, effective and impartial investigations into allegations of violence against journalists to ensure perpetrators are brought to justice and punished and victims receive appropriate reparation.
- Strengthen the National Protection System for journalists and media workers to ensure its effective functioning.
- Reform or repeal defamation legislation in the Criminal Code in conformity with Article 19 of the ICCPR.

Freedom of Peaceful Assembly (Article 21)

The right to peaceful assembly is guaranteed in Article 78 of the Honduran Constitution, on the condition that it 'does not contravene public order and good customs'.²⁹ Article 79 stipulates that peaceful assemblies do not require authorisation and states that 'everyone has the right to meet with others peacefully and unarmed, in a public meeting or an informal gathering, in connection with their common interest of any nature'.³⁰

²⁶ 'Honduras among the most dangerous countries in the world for environmental defenders', CIVICUS Monitor, 4 October 2021, <https://monitor.civicus.org/explore/honduras-among-most-dangerous-countries-world-environmental-defenders>.

²⁷ 'Killing of activists and violence against social leaders and Garifuna members continue across Honduras', CIVICUS Monitor, 30 September 2023, <https://monitor.civicus.org/explore/killing-of-activists-and-violence-against-social-leaders-and-garifuna-members-continue-across-honduras>.

²⁸ CIVICUS Monitor, 30 September 2023, op. cit.

²⁹ Political Constitution of Honduras, op. cit.

³⁰ Ibid.

However, in some cases, authorities have failed to uphold the right to freedom of peaceful assembly. Additionally, as mentioned above, the state of emergency, enacted since December 2022, has effectively suspended this fundamental freedom in some areas of Honduras.

Intimidation and targeting of HRDs in the context of peaceful protests

During peaceful protests, there continue to be concerns about infiltration, monitoring and surveillance of HRDs from Indigenous communities by non-state actors. On 8 May 2024, an unidentified man, believed to be connected with the hydroelectric company PROGELSA, intimidated protesters by taking pictures while they were demonstrating their support for the Lenca Indigenous Council of Reitoca leaders Wilmer Otoniel Alonzo Herrera and José Orlando, along with their legal team, as they attended a hearing in a court in Tegucigalpa, the capital city.³¹ Similarly, two years earlier, on 14 January 2022, Guapinol Camp for Freedom and Justice members received threats from an unknown man, while peacefully demonstrating outside of the Tocoa courthouse.³²

Garífuna people's protests have met with repressive tactics from authorities. On 12 April 2024, the Black Fraternal Organisation of Honduras (OFRANEH) organised a large peaceful march in Tegucigalpa to demand that the state restore their territory in accordance with three Inter-American Court on Human Rights (IACtHR) rulings.³³ Upon reaching the Presidential House, the Honour Guard members of the presidential guard threatened OFRANEH coordinator Miriam Miranda with a firearm. The authorities also physically assaulted other HRDs and prevented the march from entering the house. In addition, public officials took photographs of HRDs throughout the protest.³⁴

On 9 August 2022, the International Day of Indigenous Peoples, around 300 Indigenous and Garífuna protesters joined a march in Tegucigalpa toward the headquarters of the Public Prosecutor's Office, organised by OFRANEH. They demanded action to locate young Garífuna men who were forcibly disappeared in Triunfo de la Cruz in July 2020 (see also freedom of association below). During the demonstration, some protesters peacefully entered the facilities of the Public Prosecutor's Office and stayed for around two hours. They asked to meet with a public institution representative but were refused.³⁵

³¹ A few weeks earlier, on 18th April 2024, the Lenca Indigenous council members were convicted and sentenced to nine months in prison for 'disturbance of property rights' of the hydroelectric company PROGELSA. See 'Alerta: Intimidaciones y criminalización continuada en el Caso Reitoca', BJP, 8 May 2024, <https://www.bufetejusticiaparalospueblos.org/comunicados-de-prensa-y-alertas/alerta-intimidaciones-y-criminalizacin-continuada-en-el-caso-reitoca>.

³² 'New acts of surveillance, harassment and threats against people accompanying and supporting defenders of Guapinol', Front Line Defenders, 26 January 2022, <https://www.frontlinedefenders.org/en/case/new-acts-surveillance-harassment-and-threats-against-people-accompanying-and-supporting>.

³³ Case of the Community Garífuna of San Juan and its members v. Honduras (2023), Case of the Community Garífuna Triunfo de la Cruz and its members v. Honduras (2015), and Case of the Garífuna Punta Piedra Community and its members v. Honduras (2015).

³⁴ '[Alerta Defensoras] HONDURAS / Militares amenazan con armas de fuego a Miriam Miranda y agreden a defensoras de la OFRANEH durante movilización frente a Casa Presidencial', IM-Defensoras, 15 April 2024, <https://im-defensoras.org/2024/04/alerta-defensoras-honduras-militares-amenazan-con-armas-de-fuego-a-miriam-miranda-y-agreden-a-defensoras-de-la-ofraneh-durante-movilizacion-frente-a-casa-presidencial>.

³⁵ 'Honduras: HRDs criminalised while changes to protection system spark concern', CIVICUS Monitor, 22 September 2022, <https://monitor.civicus.org/explore/honduras-hrds-criminalised-while-changes-protection-system-spark-concern>.

In response, on 17 August 2022, the Public Prosecutor's Office announced it had filed a criminal investigation against OFRANEH coordinator Miriam Miranda and human rights lawyer Edy Tábora, a co-founder of BJP and member of the Garífuna Investigation and Search Committee for the Disappeared (SUNLA), a civil society committee working on the Triunfo de la Cruz case. Miranda and Tábora were accused of 'disturbance of the public order' and 'unlawful deprivation of liberty' under the Criminal Code, which can bring prison sentences of up to three and seven years respectively.³⁶

The Human Rights Committee should recommend that the Honduras government:

- Uphold freedom of peaceful assembly and ensure protection from interference by non-state actors.
- Ensure that all allegations of violence in the context of peaceful assemblies are investigated promptly, thoroughly and impartially, that those responsible are brought to justice and, if found guilty, punished with appropriate sanctions, and that victims obtain full reparation.
- Adopt best practices on freedom of peaceful assembly, as established in the General Comment No. 37 on the right to peaceful assembly adopted by the UN Human Rights Committee in 2020.
- Strengthen training to law enforcement officials on the right to peaceful assembly, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.

Freedom of Association (Article 22)

National framework for the protection of HRDs

Freedom of association is guaranteed under Article 78 of the Constitution as long as its exercise 'does not contravene public order and good customs'.³⁷ As mentioned above, in 2015, the Law on the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators was enacted. However, there continue to be critical deficiencies in the Mechanism for the Protection of Human Rights Defenders, Journalists and Judicial Operators.

BJP, the Municipal Committee in Defence of Common and Public Assets of Tocoa's legal representatives have reported that the Honduran state has failed to comply with the precautionary measures granted by the IACHR in October 2023.³⁸ According to the legal representatives, Honduras' General Counsel failed to officially inform the responsible agencies for over seven months, citing confusion despite repeated advisories from those granted precautionary measures. This reflects a

³⁶ 'Honduras: la criminalización de personas defensoras de los derechos del pueblo Garífuna (comunicación conjunta)', Mandatos de la Relatora Especial sobre la situación de los defensores de derechos humanos y del Grupo de Trabajo sobre las Desapariciones Forzadas o Involuntarias (Ref. AL HND 2/2022), 6 October 2022, <https://srdefenders.org/information/honduras-la-criminalizacion-de-personas-defensoras-de-los-derechos-del-pueblo-garifuna-comunicacion-conjunta>.

³⁷ Political Constitution of Honduras, op. cit.

³⁸ On 5 October 2023, the IACHR granted precautionary measures to the Municipal Committee for the Defence of the Common and Public Goods of Tocoa to protect the rights to life and personal integrity of those members, and to ensure they can continue carrying out their activities in defence of human rights without being subjected to threats, intimidation, harassment, and acts of violence. See 'Precautionary Measure No. 137-23 Identified members of the Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa et al. regarding Honduras', IACHR, 5 October 2023, https://www.oas.org/en/iachr/decisions/mc/2023/res_55-23_mc_137-23%C2%A0_hn_en.pdf.

significant lack of coordination between state bodies responsible for assessing risk and implementing the measures required.³⁹

Moreover, BJP detailed that the National Mechanism for Protection staff frequently delay or postpone meetings, fail to respond to official communications and urgent requests and demonstrate a lack of professionalism and basic understanding of the Mechanism's governing law. This frustrates beneficiaries and heightens their sense of insecurity.⁴⁰

Killings of HRDs

Honduras is one of the deadliest countries in the world to be a HRD, as exemplified by the case of the renowned defender Berta Cáceres, killed in 2016. HRDs in Honduras, particularly land rights and environmental defenders, have been subjected to violence, killings, intimidation and judicial harassment, perpetrated by state and non-state actors with almost complete impunity. According to the OHCHR, in 2023 at least 13 HRDs were killed and one trans woman LGBTQI+ defender disappeared. This is the second-highest number of killings since 2015, only surpassed in 2019.⁴¹

On 15 June 2023, water defender Óscar Oquelí Domínguez was killed in the community of Guapinol. Oquelí was the brother of environmentalist Aly Domínguez, who had resisted a mining project and been killed five months earlier, together with environmental defender Jairo Bonilla. Oquelí's murder occurred just a few days after the Inversiones Los Pinares mining company announced the suspension of its operations and the dismissal of 700 employees. The Guapinol community and other communities of Tocoa have faced continued threats, intimidation and criminalisation for peacefully questioning the legality of a mining project in the Carlos Escaleras National Park.⁴²

On 23 September 2023, Pech Indigenous community leader Juana María Martínez, a local leader of entrepreneurship projects, was killed along with her companion in the Olancho Department, eastern Honduras. A day later, unknown people shot and killed peasant leader José David Fortín in Trujillo, Colón Department, northern Honduras. Fortín was the secretary general of the Campesino Agropecuaria Cooperative Tarros Limited and a member of the board of the community and local emergency committees, which a few years before provided support to the public during floods in Trujillo. In July 2023, Fortín reported threats against him to the Prosecutor's Office, but these were disregarded.⁴³

According to human rights organisations, Fortín's murder is part of a series of systematic attacks believed to be perpetrated by people linked to extractive projects and agroindustry, aimed at dispossessing land and intimidating people taking collective action in the Bajo Aguán region. There have been active land and environmental conflicts in Bajo Aguán for many years and it is considered one of the deadliest regions in Honduras. Despite the agreement signed between the government, organisation Plataforma Agraria and Platform of Popular Organisations of the Aguán (COPA) in

³⁹ Information provided by BJP.

⁴⁰ Ibid.

⁴¹ OHCHR, 1 March 2024, op cit.

⁴² CIVICUS Monitor, 30 September 2023, op. cit.

⁴³ Ibid.

February 2022, which seeks a lasting solution to violence against peasant communities, this region has been particularly affected by violence.⁴⁴

Persecution of OFRANEH

According to the OHCHR,⁴⁵ two out of every 10 victims of attacks against HRDs are members of the Garífuna community.⁴⁶ Following two IACtHR rulings in favour of the Garífuna people in 2015,⁴⁷ threats have increased against Afro-Indigenous land defenders by non-state actors with ties to organised crime.⁴⁸ To date, the state of Honduras has failed to implement adequate measures to protect and prevent harm to Garífuna land defenders and community leaders who have led the legitimate struggle to recuperate their ancestral territories.⁴⁹

In this context, several attacks have been reported against Garífuna defenders. In July 2019, four Garífuna defenders – Alberth Centeno Tomas, Suami Mejía García, Gerardo Rochez Cáliz and Milton Martínez Álvarez – were forcibly disappeared from the community of Triunfo de la Cruz by men wearing police uniforms. One of the disappeared, Alberth Centeno Tomas, served as President of the Triunfo de la Cruz Community Board and played a pivotal role in international legal cases led by OFRANEH.⁵⁰

Authorities have failed to conduct a thorough investigation into these disappearances. Further, despite appeals from the victims' families and OFRANEH to participate in legal proceedings by incorporating SUNLA as a legal entity under 'private accusation', the Public Prosecutor's Office has ignored these requests. In August 2022, OFRANEH lodged a writ of amparo with the Supreme Court, highlighting the Attorney General's neglect of duty in responding to the request and reaffirming SUNLA's constitutional right to be included in the proceedings. Almost two years later, there has been no response.⁵¹

In November 2022, six Garífuna defenders – Dorotea Eliza Arzú López, Melisa Fabiola Martínez Reyes, Augusto Moises Dolmo Hill, Keyder Tichando Gonzalez, Abat Efrayn Sánchez Gómez, Abat Efrayn Sánchez Gómez and Richard Armando Marinez Valerio – were detained during a violent and illegal eviction to reclaim ancestral lands in Punta Gorda, department of Roatán, in the Bay Islands of Honduras. Punta Gorda has spiritual and cultural significance for the Garífuna people, as it was the

⁴⁴ Ibid

⁴⁵ OHCHR, 1 March 2024, op cit.

⁴⁶ [The Garífuna Peoples are a culture and a distinct ethnic group, originated as a syncretism between indigenous and African people, who have asserted their rights in Honduras as indigenous Peoples', IACtHR, Case of the Garífuna Punta Piedra Community and its members v. Honduras. Preliminary Objections, Merits, Reparations and Costs. Judgment of 8 October 2015 (Series C No. 304).

⁴⁷ On 8 October 2015, the IACtHR issued a judgment holding the state of Honduras internationally responsible for violating the right to collective property to the detriment of the Garífuna Community of Triunfo de la Cruz and Punta Piedra. The State failed to delimit and demarcate the lands in favour of the Community and did not title, delimit, and demarcate the territories recognised as traditional lands.

⁴⁸ 'Timeline of attacks against OFRANEH', Human Rights and Business Award, 28 November 2023, <https://www.humanrightsandbusinessaward.org/award-recipient/ofraneh>.

⁴⁹ 'The Garífuna in Honduras: A History of Pillage and Dispossession', Yanis Iqbal, in Hampton Institute, 5 August 2020, <https://www.hamptonthink.org/read/the-garifuna-in-honduras-a-history-of-pillage-and-dispossession>.

⁵⁰ 'Honduras: Further information: Indigenous activists still missing, Amnesty International, 7 January 2021, <https://www.amnesty.org/en/documents/amr37/4222/2021/en>.

⁵¹ Information provided by BJP.

first place they landed as a people in Central America after their forced displacement from the island of Saint Vincent in 1797. It is part of the Garífuna people's heritage.⁵²

Threats and attacks against OFRANEH members have continued. On 19 September 2023, at least four unknown men were detected near the home of Miriam Miranda, OFRANEH's national coordinator. The men, armed with assault rifles, fled when Miranda's security team asked them to identify themselves. The men stated that they would return soon to 'finish the deal'.⁵³ A week later, on 25 September 2023, three armed men attacked Norma Lino and other OFRANEH members in Puerta Castilla, Garífuna territory. The attackers reportedly shot indiscriminately and wounded Lino and her colleagues, one of them a minor. The wounded people went to the hospital to receive medical attention and then went to the National Police of Trujillo to file a complaint. The police said the complaint would not proceed for attempted murder but for threats, even though there are previous episodes with the same perpetrator.⁵⁴

Criminalisation of HRDs in the context of forced land evictions

Criminalisation is a tactic employed by accusing HRDs of the crime of 'usurpation' to justify evictions. In 2023, according to the OHCHR, at least 37 evictions, primarily targeting peasant associations and agricultural cooperatives, were documented.⁵⁵ Some incidents involved violence, including firearm injuries to three cooperative members, one by the National Police.⁵⁶

Authorities have begun criminal proceedings against evicted people, many under the pretext of 'preventive eviction' outlined in Decree 93-2021.⁵⁷ In some of these criminal proceedings, the state carried out violent evictions using the normative argument established in Article 227 of the Penal Code (Decree 144-83) and Article 13 of the Code of Criminal Procedure under the principle of 'neutralisation of the effects of the crime'.⁵⁸

On 25 June 2020, a new Criminal Code (Decree 130-2017) came into force, substantially modifying the traditional offence of usurpation and the crime of 'usurpation of water'. This Criminal Code was changed on 7 October 2021 through Decree 93-2021. Articles 378 and 613 were amended, and Article 378-A was added. Decree 93-2021 also changed the Criminal Procedural Code: Article 54 was amended and Articles 26-B and 224-A were added. These changes aimed to aggravate the offence of usurpation and facilitate evictions from the territories.⁵⁹

⁵² 'Preliminary report on the judicial process of the Garífuna defenders of Punta Gorda in Honduras', Red Nacional de Defensoras de Derechos Humanos en Honduras, 25 November 2022, <https://redefensorashn.red/informe-preliminar-del-proceso-judicial-de-las-defensoras-y-los-defensores-garifunas-de-punta-gorda-en-honduras>.

⁵³ CIVICUS Monitor, 30 September 2023, op. cit.

⁵⁴ CIVICUS Monitor, 30 September 2023, op. cit.

⁵⁵ OHCHR, 1 March 2024, op cit.

⁵⁶ 'Honduras: Forced evictions of Indigenous, black and peasant communities', 189 Period of Sessions, IACHR, 28 February 2024, <https://www.youtube.com/watch?v=qpfwBQeReQE>.

⁵⁷ OHCHR, 1 March 2024, op cit.

⁵⁸ Information provided by BJP.

⁵⁹ The 'preventive eviction' figure, introduced through Decree 93-2021, enables the practice of preventive and immediate evictions in contravention of international human rights obligations. See 'OACNUDH expresa preocupación por el desalojo de personas de la Empresa Campesina Agua Blanca Sur, efectuado en El Progreso, Yoro', OHCHR in Honduras, 17 November 2023, <https://oacnudh.hn/17-de-noviembre-de-2023-oacnudh-expresa-preocupacion-por-el-desalojo-de-personas-de-la-empresa-campesina-agua-blanca-sur-efectuado-en-el->

The UN Special Rapporteur on Freedom of Opinion and Expression, Irene Khan, raised concerns about the use of the offence of usurpation to criminalise land rights defenders, peasants and Garifuna community members. She noted that Article 378 lacks a requirement for 'intent' to appropriate land, allowing its misuse against those defending their land rights. This disproportionately impacts Indigenous peoples, Afro-Hondurans and peasants.⁶⁰

Eviction occurs when other parties claim rights to Indigenous, Black and Campesino land even without showing the successive tract of land ownership. Dozens of HRDs have been accused of usurpation for peaceful defence against large-scale projects that have not consulted with affected communities. Guapinol,⁶¹ Jilamito,⁶² Pajuiles,⁶³ Patuca and Reitoca⁶⁴ people are involved in some of the most documented cases. In general, evictions are undertaken by state security forces, generally the National Police, as well as the Public Prosecutor's Office and local Judges who use violence and intimidation to displace people, including physical abuse of women and children and the destruction of homes and crops by heavy machinery.⁶⁵

Charges of the crime of usurpation have also been applied against Indigenous peoples merely for occupying their ancestral land. Among the cases documented by BJP are those in El Cacao, Potrerillos, Rio Bonito and Tierras del Padre, all involving Lenca People. Instances involving the Garifuna people include Cristales community, Guadalupe, Punta Gorda and Rio Negro, while for the Agalteca tribe of the Tolupán People, such cases have been observed in the Agalteca community.⁶⁶

Impunity

In the case of the renowned Indigenous Lenca Rights activist Berta Cáceres,⁶⁷ her family and the Council of Popular and Indigenous Organizations of Honduras informed that the Supreme Court has maliciously delayed issuing the definitive sentences against the eight men convicted of her murder.⁶⁸

[progreso-
yoro/#:~:text=La%20informaci%C3%B3n%20recibida%20por%20la,obligaciones%20internacionales%20de%20derechos%20humanos.](#)

⁶⁰ UN Special Rapporteur, op. cit.

⁶¹ 'Honduras: Trial of the Guapinol defenders and harassment against their families', Protect Defenders EU, 15 December 2015, <https://protectdefenders.eu/honduras-trial-of-the-guapinol-defenders-and-harassment-against-their-families>.

⁶² 'Honduras: Denouncing threats, murders and criminalization, NGOs write to the U.S. Treasury Secretary in opposition to its funding of the Jilamito Hydroelectric Project', Business and Human Rights Resource Centre, 23 April 2021, <https://www.business-humanrights.org/es/latest-news/honduras-denouncing-threats-murders-and-criminalization-ngos-write-to-the-us-treasury-secretary-in-opposition-to-its-funding-of-the-jilamito-hydroelectric-project>.

⁶³ 'Illegal Evictions and Detentions in Pajuiles, Honduras: The US Embassy's Inadequate Response', Solidarity Collective, 29 July 2017, <https://www.solidaritycollective.org/post/illegal-evictions-and-detentions-in-pajuiles-honduras-the-us-embassy-s-inadequate-response>.

⁶⁴ 'Statement at the end of visit to Honduras by the United Nations', Working Group on Business and Human Rights, 28 August 2019, <https://www.ohchr.org/en/statements/2019/08/statement-end-visit-honduras-united-nations>.

⁶⁵ Information provided by BJP.

⁶⁶ Ibid.

⁶⁷ Council of Popular and Indigenous Organizations of Honduras, <https://copinh.org>.

⁶⁸ 'Honduras: Organizaciones recuerdan legado humanista de Berta Cáceres entre reclamos de justicia en 8vo aniversario de su asesinato', Misión Observación Calificada Causa Berta Cáceres, 1 March 2024,

The Public Prosecutor has also failed to make inroads into the investigation and prosecution of all of the masterminds of the crime, one of whom remains at large despite there being an arrest warrant.⁶⁹ Meanwhile, the National Energy Company and the Ministry of the Environment have not annulled the dam concession Berta Caceres was campaigning to stop at the time of her murder, despite a 2024 ruling that showed the required licences were granted through acts of corruption.⁷⁰

The Human Rights Committee should recommend that the Honduras government:

- Effectively prevent and combat acts of killings, harassment, intimidation and violence against HRDs.
- Conduct prompt, effective and impartial investigations into allegations of violence against HRDs to ensure perpetrators are brought to justice and punished and victims receive appropriate reparation.
- Strengthen the National Protection System for HRDs to ensure its effective functioning.
- Approve a protocol to investigate complaints of usurpation when they are filed by non-state actors and are related to ancestral lands of Indigenous peoples or agrarian land, through a process that guarantees the full participation and free, prior and informed consent of affected Indigenous and Garífuna communities.
- Adhere to the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazu Agreement).

<https://www.observacionbertacaceres.org/post/honduras-organizaciones-recuerdan-legado-humanista-de-berta-c%C3%A1ceres-entre-reclamos-de-justicia-en-8>.

⁶⁹ IACHR, 28 February 2024, op. cit.

⁷⁰ 'MP logra condena contra tres involucrados en el caso "Fraude sobre el Gualcarque"', Ministerio Público de la República de Honduras, 3 May 2024, <https://www.mp.hn/publicaciones/mp-logra-condena-contra-tres-involucrados-en-el-caso-fraude-sobre-el-gualcarque>.