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High Representative of the European Union for Foreign Affairs and Security Policy  
**Member States of the European Union**

Brussels, 5 October 2010

### **The European Union must respond to the human rights situation in Honduras**

The civil society networks ALOP, APRODEV, CIDSE, CIFCA, FIAN International, Grupo SUR and OXFAM would like to express their concern regarding the low profile of Honduras in the agenda of the European Union. The human rights situation in Honduras continues to be extremely serious and the country is far from attaining a state of normality. In the context of the Universal Periodic Review of Honduras at the United Nations Human Rights Council on 4 November 2010, we would like to draw your attention to a number of serious concerns regarding the human rights situation in Honduras, and urge the EU to take concrete actions to improve the situation.

Since the coup d'état on 28 June 2009 and the taking office of the Government of Porfirio "Lobo" Soza there has been an increase in threats, harassment and killings of human rights defenders, social leaders, journalists and members of the National Popular Resistance.<sup>1</sup> Since March of this year, ten killings of journalists and social communicators have occurred and to date none of these crimes have been fully investigated nor have the perpetrators been brought to justice. The serious situation faced by journalists in Honduras has led the international NGO "Reporters without Borders" to classify Honduras as one of the most dangerous countries in the world for journalists.<sup>2</sup> Furthermore, violent repression, including arbitrary detention of opposition protestors, has continued.<sup>3</sup>

The State of Honduras has failed to implement the precautionary measures ordered by the Inter-American Commission of Human Rights (IACHR) and which are aimed at protecting the life and physical integrity of persons at risk. In several cases, people who have been awarded precautionary measures have been the victims of attacks, including the journalist Nahúm Palacios who was killed on 14 March 2010.<sup>4</sup>

<sup>1</sup> The Committee of Relatives of the Detained and Disappeared (El Comité de los familiares de los detenidos desaparecidos en Honduras- COFADEH) has documented more than 1000 human rights violations in the period 30 January 2010 to 31 August 2010, including 23 killings. In the same period, the InterAmerican Commission of Human Rights (IACHR) ordered the granting of precautionary measures to 128 individuals and 19 organisations. 28 people have been exiled because of political reasons and 150 exiles have not been able to return (COFADEH: Situación de los derechos humanos en Honduras, 30 August 2010).

<sup>2</sup> Reporters without Borders: <http://en.rsf.org/honduras.html>. The Special Rapporteur for Freedom of Expression of the IACHR has also expressed concern regarding attacks against the media and journalists in Honduras: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=820&IID=2>, 20 September 2010

<sup>3</sup> Between 30 January 2010 and 31 July 2010, there were 293 arbitrary detentions (COFADEH, 2010)

<sup>4</sup> Organisation of American States: Report of the OAS high-level Commission of the Situation in Honduras, July 30

Impunity continues to be one of the most serious problems in Honduras. So far, not one trial in relation to human rights violations committed after the coup d'état has taken place, including the well known case of the killing of LGBT human rights defender Walter Trochez, who was murdered on 13 December 2009.<sup>5</sup> The institutions responsible for ensuring that victims of human rights violations have access to effective resources have openly acted in contravention of their mandates, demonstrating their lack of independence and politicisation.<sup>6</sup> In the case of the agrarian conflict in Bajo Aguán, 11 people have been killed since the beginning of 2010 and to date no serious investigations into these killings have been carried out.<sup>7</sup>

Actions such as the awarding of an amnesty<sup>8</sup> and the naming of Roberto Micheletti as life-time deputy<sup>9</sup> weakens the legitimacy of state institutions such as the Supreme Court of Justice and the Office of the Public Prosecutor.<sup>10</sup> According to the Inter-American Commission for Human Rights:

“The widespread impunity that attends human rights violations is due in part to the Supreme Court’s decisions, which undermine the rule of law. Apart from the questionable role that the Supreme Court played during the *coup d’état*, since then it has acquitted the military accused of participating in the *coup* but has dismissed judges and magistrates that endeavored to avert the *coup* by democratic means.”<sup>11</sup>

It is also concerning that Honduran society has become increasingly militarised as a consequence of the coup d'état. High ranking current and former military officials, who have been accused because of their involvement in the coup, occupy high level positions in public bodies under the current government. For example General Romeo Vásquez Velásquez is director of the national telecommunications company HONDUTEL.<sup>12</sup>

The Government of Honduras has taken some measures in relation to human rights including the creation of an advisory Minister for Human Rights. However, as observed by the IACHR, with the current structure it is practically impossible that this Minister can have a significant impact on the protection of human rights.<sup>13</sup>

A Secretary for Human Rights and Justice has also been created, and was approved by the Honduran Congress on 28 September 2010. Despite being concerned by the role played by the current Human Rights Ombudsman Ramon Custodio Lopez, we believe that the creation of this new Secretariat may compete with the existing National Human Rights Ombudsman (CONADEH) which is an independent entity from the State. We are also concerned that due to a lack of resources, this new Secretariat will not be funded sufficiently. We believe that instead of creating new institutions the Government of Lobo Sosa should take action to re-establish the legitimacy of existing institutions, such as CONADEH.

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2010: <http://www.oas.org/documents/press/AGSC00258S04.doc> and Amnesty International: *Honduras: Submission to the United Nations Universal Periodic Review*, April 2010 <http://www.amnesty.org/en/library/info/AMR37/005/2010/en>

<sup>5</sup> Amnesty International, April 2010 & IACHR: *Preliminary Observations of the IACHR on its visit to Honduras 15 to 18 May 2010*, June 2010: <http://www.cidh.org/countryrep/Honduras10eng/Honduras10TOC.eng.htm>,

<sup>6</sup> CEJIL: *Insumo en el EPU de Honduras*. 2010; *The Report of the Office of the UN High Commissioner for Human Rights on the violations of human rights in Honduras since the coup d'état on 28 June 2009* (paras 67&68) underlines the fragility of the institutions in Honduras responsible for human rights protection.

<sup>7</sup> FIAN International et al: *Honduras: no mas violencia contra los grupos campesinos del Bajo Aguan*, 14 april 2010, FIAN Honduras, *Denuncia sobre asesinatos de campesinos*, 11 September 2010.

<sup>8</sup> Congreso Nacional de Honduras, Decreto No. 02-2010, 26 January 2010. The decree awarded amnesty for political actions committed during the period 1 January 2008 until 27 January 2010.

<sup>9</sup> The Honduran Congress named Micheletti life-time deputy on 13 January 2010.

<sup>10</sup> CEJIL, 2010.

<sup>11</sup> IACHR, June 2010, para 95.

<sup>12</sup> IACHR, June 2010.

<sup>13</sup> IACHR, June 2010.

The Government of Honduras has also installed a “Truth and Reconciliation Commission” but this Commission has a series of limitations that compromise the seriousness of its functioning and the results that it can obtain. The Commission’s mandate excludes an obligation to investigate human rights violations, and as it was created by a Presidential Decree rather than legislation it does not have legislative authority and is not binding on the Judicial and Legislative Powers, many of whom cooperated with the coup d’état and if found responsible, should be subject to recommendations by the Commission. Furthermore, the Commission is also weakened by the fact that it is not recognised by large sectors of Honduran society due to the lack of participation of victims and civil society in its definition and installment. For this reason, the Human Rights Platform in Honduras has created an independent Truth Commission that has as its principal objective to investigate human rights violations.

In the context of the foregoing, we are profoundly concerned that the EU, despite the coup d’état and the current situation in Honduras, has not changed its development cooperation policy towards Honduras. It is especially alarming that the EU has continued its support to the Programme of Support to the Security Sector (PASS) with planned support of 44 million euros. The principal actors in this programme are the Security Secretariat, the Supreme Court of Justice and the Office of the Public Prosecutor and the main priority is to strengthen the investigative capacity of the Police.<sup>14</sup> These institutions are not carrying out their functions with regard to the identification of those responsible for human rights violations. This is confirmed by the request by President Lobo to the UN for the installation of an International Commission Against Impunity in Honduras. We consider that the necessary conditions for the effective use of European Union funds do not exist and it is essential that there are significant improvements in the human rights situation and impunity for the viability of the programme. Otherwise, the EU runs the risk of further strengthening institutions responsible for human rights violations.

We welcome the recent adoption of the “*Local Strategy for the Implementation of the EU Guidelines on Human Rights Defenders in Honduras*”. We also consider it positive that the EU delegation in Honduras has approved funds via the Stability Instrument to respond to the situation of human rights violations. In order for these measures to contribute to the strengthening of respect for human rights and the reduction in the polarisation of Honduran civil society it is essential that there is a wide participation of civil society and members of the Resistance, as they are an important political force with their bases in broad social movements. In this context, it is important to emphasise that the dialogue between civil society and the UNDP, who will implement the Project, has been weakened since the coup d’état.

In the light of the foregoing, the undersigned civil society networks urge the European Union to:

- 1. Condition the Programme of Support to the Security Sector (PASS)** upon the implementation of concrete actions by the State of Honduras to guarantee respect and protection for human rights and protection for human rights defenders, including:
  - The investigation and bringing to justice of all those responsible for human rights violations, and ensuring reparations for victims.
  - The adoption of measures to end threats and harassment of human rights defenders, journalists, judges and members of the Resistance, as well as the establishing of mechanisms to effectively implement the precautionary measures granted by the IACHR.

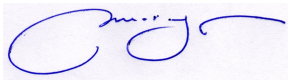
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<sup>14</sup> European Commission: Mid Term Review of the Country Strategy for 2007-2013- Honduras.  
[http://www.eas.europa.eu/honduras/docs/2010\\_midterm\\_honduras\\_annex\\_en.pdf](http://www.eas.europa.eu/honduras/docs/2010_midterm_honduras_annex_en.pdf)

2. **Support the work of human rights organisations in Honduras** in order to ensure that they can carry out their important work in the protection and promotion of human rights. The European Union should guarantee:

- The wide participation of civil society, including human rights organisations, the Resistance and social movements, in the definition of focuses and strategies within the Stability Instrument project
- Increased financial support to human rights organisations in Honduras
- The necessary resources for the effective implementation of the local strategy for the EU guidelines for Human Rights Defenders in Honduras
- Recognition and support for the Independent Truth Commission, as well as supporting the dissemination of its reports.

Yours Sincerely,



Miguel Santibañez  
President  
ALOP



Rob van Drimmelen  
Secretary General  
APRODEV



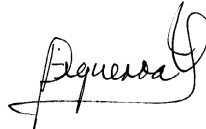
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CC:

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Members of the European Parliament: Sub Committee on Human Rights, Development Committee, Delegation for Relations with Central America.