

## **A PERSPECTIVE FROM HONDURAS' CIVIL SOCIETY TRUTH COMMISSION:**

**Speaking notes for a presentation to the March 9, 2011, Hearing on Honduras Convened by the Standing Committee on Foreign Affairs, House of Commons, Canada**

**Craig Scott**

Good afternoon, honourable Members of Parliament. My name is Craig Scott and I am a Professor of Law at Osgoode Hall Law School and also Director of the Nathanson Centre on Transnational Human Rights, Crime and Security of York University in Toronto. I am also one of nine commissioners on the non-governmental Comisión de Verdad (CV), or Truth Commission, established by the civil-society Plataforma de Derechos Humanos and inaugurated eight months ago in Honduras on June 28, 2010, which was the first anniversary of the 2009 coup d'état in that country. (See Appendix 1 for the list of commissioners and a brief note on their qualifications, at page 12.) I should indicate before proceeding further that I speak in my own capacity as a Commissioner, but nothing I say should be taken as speaking for the Commission as such – although it is equally important to note that I believe my main messages are shared by my colleagues on the Commission.

You will be aware that the 2009 coup resulted in the activation of the 2001 treaty known as the Inter-American Democratic Charter, a treaty in which Canada was heavily involved in bringing into being. This activation led within a week of the coup to Honduras's suspension from the right to participate in the OAS. The United Nations General Assembly also acted swiftly as well by adopting by consensus – that is, without opposition from any member of the UN – a strongly worded condemnatory resolution, the first two paragraphs of which read as follows:

1. Condemns the coup d'état in the Republic of Honduras that has interrupted the democratic and constitutional order and the legitimate exercise of power in Honduras, and resulted in the removal of the democratically elected President of that country, Mr. José Manuel Zelaya Rosales;
2. Demands the immediate and unconditional restoration of the legitimate and Constitutional Government of the President of the Republic of Honduras, Mr. José Manuel

Zelaya Rosales, and of the legally constituted authority in Honduras, so that he may fulfil the mandate for which he was democratically elected by the Honduran people;

Please note that I have earlier asked to have circulated to the Standing Committee a 10-page translation into English and French of extracts that I selected from a 60-page report recently prepared for the Dutch development NGO called HIVOS. Its title is *Impunity in Honduras After the Coup d'État of June 28, 2009: Guidelines for Approaching the Subject*. I circulate it with HIVOS' permission. The analysis in that paper can be viewed as providing some of the working hypotheses that our Commission is investigating.<sup>1</sup>

I have four main purposes in the remaining minutes:

- 1) Explain briefly how the civil society Truth Commission, or CV, on which I have the privilege to sit with commissioners of far higher stature than myself, came to be, our mandate, what our method of work is, and our projected schedule to report.
- 2) Say something about the seriousness of the current human rights situation.
- 3) Comment on what I consider to be the complementarity of roles of the our civil-society Truth Commission and the official, governmental Truth and Reconciliation Commission (Comisión de la Verdad y de Reconciliación or CVR) appointed by the current holder of the Presidency, Pepe Lobo, who assumed office in January 2010. It is worth stating my key point now: this complementarity suggests strongly that there is great value if Hondurans, the OAS, Canada and Canadians, and other states have the benefit of the reports of *both* commissions in order to allow more informed, more inclusive, and more productive national and international deliberations on ways forward for Honduras.

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<sup>1</sup> I also take the liberty to mention an article that is in press and that will be published in two weeks in a journal of the Asian Human Rights Commission called *ETHICS IN ACTION*. The paper is called "The Transnationalization of Truth: A Meditation on Sri Lanka and Honduras" and will appear online at [www.ethicsinaction.asia](http://www.ethicsinaction.asia) as well as in its print version. A working paper can be found at <http://ssrn.com/abstract=1759072>, but note that the final *ETHICS IN ACTION* paper has a number of additions to the Honduras section.

4) Note some key questions that both Commissions will need to analyse from the perspective of the rule of law.

I will not speak to every point in the present I have in front of me and that I have circulated to you, due to time limitations for the presentation, and will thus leave parts of the text to speak for themselves.

### **1-The civil-society Truth Commission (Comisión de Verdad, or CV)**

After the coup, diplomatic negotiations and international pressures led to in fall 2009 to two accords, which set out a range of required courses of action for various actors to implement. It is too long a story to outline here but the majority of these courses of action were not implemented. But one course of action was followed though with after Porfirio (Pepe) Lobo assumed office as the holder of the Presidency. By executive decree, he established the just-mentioned Truth and Reconciliation Commission (Comisión de la Verdad y de Reconciliación, or CVR), which began its work in May 2010.<sup>2</sup> Its mandate is to “clarify the facts that occurred before and after June 28, 2009, in order to identify the acts that led to the crisis situation and to make proposals to the Honduran people in order to avoid the repeat of such acts in the future.” It was to have reported in approximately eight months, thus by around January 2011, but its Chair confirmed three days ago that mid-May is now the likely date. As you will likely know, the official CVR is constituted by five members, three foreigners and two Hondurans. They include a former Canadian Ambassador to the US, Michael Kergin, and, as Chair, Eduardo Stein, a former vice-president of Guatemala.

It is fair to say that deep mutual distrust within a polarized society is a defining feature of Honduras at present. Thus, it is perhaps unsurprising that the Plataforma de Derechos Humanos – of which Bertha Oliva’s organization, COFADEH, is one of six members – decided to constitute its own commission. The overarching orientation within the mandate constituting the this civil-society Truth Commission is summed by the sentence that appears in it: “*Sin verdad ni justicia no será posible la reconciliación de la familia hondureña.*” (Without either truth or justice, reconciliation of the Honduran

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<sup>2</sup> The CVR’s website is <http://www.cvr.hn>.

family will not be possible). More briefly, the Commission's motto within its communications to the public is *Sin verdad no hay justicia* (No justice without truth).

Generally put, the civil-society Commission has the mandate to investigate, document and analyze the nature and dimensions of that coup as well as the climate of human rights violations following the coup until the present. Necessary for coming to grips with these two fields of focus – the coup and the human rights situation in Honduras – is an understanding of the multiple dimensions of the fragile and compromised state of the rule of law in Honduras. A crucial part of our report will be recommendations on accountability of state and individual actors, on necessary structural and institutional reforms, and on desirable action from international institutions. As Appendix 2 (page 13) to these speaking notes, I have added my rough translation into English of the eight objectives within the Commission's mandate, which can be found in Spanish on the Commission's website at [www.comisiondeverdadhonduras.org](http://www.comisiondeverdadhonduras.org). The Commissioners will be assessing and starting revisions on the first complete draft of our report at the end of June, which will lead to a series of refinements and any necessary further research and analysis throughout the summer – leading finally, we expect, to release of the report in October in Spanish and in English.

The civil-society Commission is headed by an Executive Secretary, Mr. Tom Loudon of the United States; the Commissioners felt it was important that the Executive Secretary not be a Honduran for the sake of that person's security. It has, as you can imagine, been a challenge to begin a civil-society Commission with no access to state funding from a standing start. The official CVR started with a budget of 3.5 to 4 million dollars, some of which has been provided by Canada. This is in contrast to our budget for which, to fully deliver on our workplan, we need to generate enough funds for something over \$700,000. Raising of funds of that amount is of course not easy. The Commissioners are all doing their work pro bono, so that helps. And the solidarity of civil society organizations mostly from Europe and also from Canada and the US has been crucial to date. Recently, the first pledge from a government has been confirmed. Germany will provide significant project funding for one or more aspects of our work.

Based in a headquarters established in Tegucigalpa in early fall, a team of staff members works with a number of consultants and advisers on a research agenda that has essentially four prongs:

1<sup>st</sup> prong) a contextualized historical and sociological study of the political, economic and social processes, structures and actors within which the coup and the human rights situation need to be situated for full understanding; this study includes how such processes and structures interact with and produce features of the legal system;

2<sup>nd</sup> prong) a study of the nature of the coup, of the actors involved in the coup and of how and why the coup came about, both in factual terms and in terms of the legal justifications that have been offered by a range of actors within the coalition of actors involved in the coup;

3<sup>rd</sup> prong) a study of the human rights situation in Honduras involving systematic collection and evaluation of data, analysis of the relevant legal frameworks for assessing whether human rights violations have occurred (both in terms of specific incidents and patterns), and an application of the relevant legal norms to the data (with a special onus on the Commission to understand how acts and omissions generate responsibility for individuals and not only for the state); and

4<sup>th</sup> prong) analysis of options for recommendations to be put forward with attention to learning from accumulated comparative and international experience with remedying systemic and deep-rooted rule of law deficits, with individual accountability for human rights violations and with achieving justice for conflict-ridden societies .

The just-mentioned third prong of research – into human rights violations – includes a massive effort to assess and verify human rights data gathered by a variety of human rights organizations as part of their own mandates and also taking testimony from two categories of persons: persons alleging violations who have not had their account recorded yet by other organizations and persons who have already told their stories but where the information provided has gaps that need to be filled. Apart from its headquarters, the Commission has opened two other offices in both of Honduras' two major cities, San Pedro Sula and – yesterday, March 8 – in Tegucigalpa. In addition, fanning out across the country to take testimony in locales other than San Pedro and Tegucigalpa are teams of a half-dozen persons (each team including trained interviewers and psychologists as well as non-Honduran accompaniers to provide some security). A multitude of methods of public communication have let Hondurans know about these information-gathering efforts and how they can contact the Commission to arrange for their confidential testimony to be given, securely, to the Commission.

## **2-The Human Rights Situation**

Since the coup, a wide range of credible and authoritative institutions have issued reports on what is viewed as a serious deterioration in the human rights situation in Honduras since the coup, including from the Inter-American Commission on Human Rights, the UNHCHR and the International Commission of Jurists (ICJ). It is very important to know that such reports have by no means focused only on the six months between the coup and the holding of elections in November 2009. For example, the IACHR sent a field mission last May 2010, four months after Porfirio Lobo was inaugurated as President, and issued a highly critical report; and an interim report from the ICJ just this past December focuses on the serious problems with the rule of the law and the organization of impunity in Honduras. Although specifics and extent still require much more work from our Commission, it is impossible not to conclude that the situation in Honduras is one of human rights peril since the time of the coup – and this taking into account that Honduras was not a human rights paradise before the coup. More surprisingly for external observers, since the immediate post-coup regime headed up by Roberto Michelletti ceded to that of Porfirio Lobo after the November 2009 elections, the situation may not be getting better and indeed may be getting worse in important respects. Some examples are as follows:

- ongoing and indeed escalating threats to and attacks on human rights defenders and journalists;
- adoption of a seriously abuse-prone Anti-Terrorism Law that adds to other elements of the legal system as a means to suppress the peaceful social movement that arose to resist the coup (known as La Resistencia in its social manifestation and the Frente Hondureña de Resistencia Popular in its increasingly institutionalized dimension);
- violent suppression of an agrarian justice movements in an area of the country known as the Bajo Aguan;
- the use of the brief window since the November 2009 elections to enact a range of ‘economic reform’ laws that fit within a model of economic ‘liberalization’ that facilitates more not less control of resources and economic power in the hands of the already very powerful Honduran economic elites as well as transnational companies;

- heightened vulnerability of, including assassinations within, some long victimized communities such as the transsexual community, with an added element of gay men who assume a leadership role in their community and in Resistencia; and
- the solidifying, if not the deepening, of the structures of impunity from accountability for human rights violations within the current judicial, investigation and prosecutorial system.

I attach as Appendix 3 (page 14) to this presentation two Urgent Action alerts that COFADEH (the organization of which today's witness Bertha Oliva is Director) released on March 7, 2011. These two cases – for Leo Valladares and Trinidad Sánchez -- are emblematic examples of frequent occurrences. In terms of ubiquity of this kind of conduct involving surveillance and various forms of threats, members of the Standing Committee should also know that for a concentrated period last November and December (2010), a range of such practices occurred in relation to staff of the Commission in Tegucigalpa. I have been in touch with Canada's Ambassador to Costa Rica with responsibility for Honduras (Cameron MacKay) and asked for Canada's support should an even more serious event occur or should the accumulation of surveillance and threats become debilitating. Ambassador MacKay – and the former Ambassador before him, Mr Neil Reeder -- has responded with concern and asked to be alerted immediately of a serious event in order that he may consider what representations Canada might be able to take – alone or with other countries -- to the appropriate persons within the Honduran state. The potential for support from Canada's diplomatic corps is certainly welcome.

### **3-Complementarity of the civil society CV and the official CVR**

At the outset, I indicated I wanted to speak to the complementarity of the work of the two commissions, our civil society CV and the governmental CVR. To repeat what I said in the introduction, there is great value if Hondurans, the OAS, Canada and Canadians, and other states have the benefit of the reports of *both* commissions in order to allow broader, more informed, and more inclusive national and international deliberations on ways forward for Honduras.

I am inclined to think about the relationship between the official CVR and the civil society CV (which at the moment is an entirely virtual one as the commissions have not met) in terms of keeping each other honest. I do not mean 'honest' in the literal sense but in the more figurative

sense, according to which the presence of another institution with complementary and to some extent overlapping mandates keeps each institution on its toes in the sense that a markedly superior performance from the other institution – for example, in the form of a more persuasive report – will ‘show up’ one’s own institution. The result will, I hope, be a fuller truth, including as may be produced by discussion and debate about any differences in findings, interpretations, recommendations or emphasis between the two reports. In the most simplified sense, as I have said more than once to the media in Canada or Honduras, “more truth is better than less.” In a more complex sense, though, it is my expectation that it will not only be a matter of quantity (more truth)– although that will certainly be the case on the pure factual findings side of things – as a quality thing (deeper truth): the presence of the CVR and the CV means the quality of what each produces should be higher than if the other did not exist as its shadow.

Within this way of thinking, it is very important to be aware of the different mandates and different emphases of the two commissions. The official CVR has been asked to focus on a “crisis” associated with June 28, 2009 – a “crisis” that is not characterized as a coup in the mandate text – and its investigations are to stop with the end of the de facto Presidency of Roberto Michelletti and not extend into the regime of the current holder of the Presidency, Porfirio Lobo (which began when Lobo was inaugurated in late January 2010). Also, the human rights situation in Honduras is not specified in the President’s mandate as a focus of the official CVR, and the term “human rights” receives only an indirect mention in the mandate. For that reason, on several occasions, the CVR’s chair, Mr Stein, has had to make public statements seeking to alleviate concerns that, because of the wording of the CVR mandate, the CVR is not going to look seriously at human rights violations since the coup. Stein has emphasized that human rights violations are part of the CVR’s inquiry – albeit, to emphasize again, only up to the start of the Lobo Presidency and thus with no coverage of the period since February 2010 to present.

There is also the important reality of access of the two commissions to different actors and different sources of evidence. The official CVR has – at least, by its mandate it has – full access to all executive branch documentation (subject to an important condition: at the time of the report, it may not reveal state-sensitive information and is required to provide copies of corresponding documents to the OAS for safeguarding before those documents can be made public in 10 years). Although the CVR does not have legally mandated access to Congress, as the mandate is created by

way of an executive decree, it is reasonable to assume that the CVR will be granted more access than our CV to members of Congress as well as members of the Supreme Court, members of the military, the Attorney General and so on.

In contrast, the civil-society CV has much more extensive and higher quality access to information on the human rights situation in the country, both because of documentation that human rights NGOs, including members of the Plataforma, are assisting us with and because we have adopted an approach to documenting the situation through individual witness testimony. I am not aware which members of the former Zelaya cabinet has spoken with the CVR, but the CV has been granted access to some witnesses that we very much doubt have also been willing to speak to the CVR.

Apart from the above reasons for thinking of more and better truth as a result of the efforts of the two commissions, we also cannot forget prudential and strategic concerns. Honduras is a highly polarized society with immense distrust, including distrust of many Hondurans of the official CVR and obvious distrust of other sectors of our civil society CV. There are thus political legitimacy consequences if the Honduran government (President and Congress) moves ahead based solely on a CVR report. As such, to move ahead of having both reports is not just to lose the benefit of more knowledge and a healthier basis for debate and deliberation: it is also to risk (indeed, practically invite) exacerbation versus amelioration of fractures in Honduras. This would hardly be a recipe for the reconciliation that appears in the CVR's mandate and its very title. Such prudential considerations also apply to external actors considering how to engage Honduras including whether to 'reward' President Lobo for what appear to be positive moves; such moves include establishing the CVR, calling for an anti-impunity institution modelled on one set by the UN and Guatemala, setting up a Human Rights Ministry, and sending signals to the development assistance world that poverty and social cohesion are some sort of priority of his government). The OAS, for example, is viewed by many in Honduras as having sided with justice and the rule of law, even if pressure was ineffective in carrying out the OAS' own calls for the Micheletti regime to stand down and allow Zelaya to return to the presidency. If the OAS were to now act in a way that is received as an abandonment of its support for democracy and human rights, on the basis only of the CVR report, that authority and respect will take a huge hit from many in the country. Canada also has to consider the context in which it takes initiatives, including the planned free trade agreement between Canada and Honduras.

#### **4-The Future of the Rule of Law in and for Honduras**

Each commission has its work cut out for it with respect to understanding the multiple ways in which the compromised state of the rule of law in Honduras – about which the HIVOS paper gives a good, if still not full, overview – is central to the problems of Honduras and in which transformation of that situation is central to any meaningful way forward for Honduras. I have no time in these remarks to elaborate but allow me to note simply six areas that will certainly figure in our report and that I imagine will also be analyzed in the CVR’s report:

1. the role and responsibility of the Supreme Court both with respect to the coup and with respect to *de facto* impunity from legal accountability that many actors enjoy in Honduras;
2. the role of an administrative court that played a key role in ruling on the legality of former President Zelaya’s two efforts to consult Hondurans on the question of a Constituent Assembly, which rulings set the scene for the Attorney General to lay various criminal charges against former President Zelaya;
3. the role of actors within the legal system that are supposed to be independent of the three powers such as the Ministerio Publico (Public Ministry that is headed by the Fiscal General, who we would call the Attorney General) and the Human Rights Commissioner known as CONADEH;
4. the adequacy of the present 1982 Constitution from the perspective of the aspirations of a huge number of Hondurans (the circulated HIVOS report notes some 1.5 million signatures by persons of voting age on a petition in fall 2010 calling for a Constituent Assembly that would overhaul the current Constitution) and pitfalls in the Constitution that block both social change and some kinds of changes to the constitution itself;
5. the intertwining of law, political philosophy and social mobilization as relevant perspectives on the question of whether and how a new Constituent Assembly should be part of the way forward for the country; and
6. the forms of international institutional involvement that are both needed and acceptable (when considered within a broader perspective of Hondurans as a people controlling their own destiny), including whether an experiment with a hybrid institution (partly international and partly national) in operation in Guatemala (known as the International Commission against Impunity in Guatemala; Spanish acronym, CICIG) can serve as one institutional

reform to be layered onto other necessary changes within Honduras legal system; essentially this includes whether the creation of a CICIG-like entity can be responsibly supported without *prior* radical reform to and within key institutions in Honduras such as the Supreme Court, the Ministerio Público and CONADEH.

## **5.- Final Remarks**

Many Hondurans and many informed external observers, including in the diplomatic corps, see the situation in Honduras as dire – or, indeed, as one leading diplomat expressed it to me, as at the point of social and state collapse. The reasons are multiple and interconnected. They include: a climate of serious human rights violations including of economic, social and cultural rights; a highly problematic rule of law situation; murderous crime including as a result of the infestation of narcotics traffickers moving southward from Mexico and Guatemala and as a result of 10s of 1000s of youths who are organized into gangs known as *maras* and who appear to live in a universe of utter despair for their futures; a history of militarization and paramilitary activity that is now resurgent; longstanding extensive involvement of the United States including of the military and intelligence services of the US; of many Hondurans’ deep distrust and resentment of the current political, economic and legal order; and the country’s polarization between, on the one hand, social movements grounded in aspirations for meaningful participation in government and for prioritization of social justice and, on the other hand, two political parties with a history of controlling politics as well as being controlled by and acting on behalf of powerful economic and military elites. Canadians and MPs have an intersocietal responsibility to take this context into full account in seeking to influence the policies of the Government of Canada as itself an influential political and economic actor in Honduras.

These are my remarks. I welcome any questions from members of the Standing Committee.

## **Appendix 1**

In terms of membership, the Comisión de Verdad is made up of nine commissioners, two Hondurans and seven foreigners. Individual profiles can be found, in Spanish, on the Comisión de Verdad website at the URLs below:

**Sister Elsie Monje**, Chair (Ecuador) <http://www.comisiondeverdadhonduras.org/node/11> -- Executive Director, Frente Ecuatoriano de Derechos Humanos (FEDHU); recent Chair of Ecuador's national Truth Commission on human rights violations of the 1980s; nominated by 1000 women in 2006 for the Nobel Peace Prize

**Helen Umaña** (Honduras) <http://www.comisiondeverdadhonduras.org/node/10> -- national cultural figure, professor of literature, and Laureate of Honduras' National Prize for Literature

**Father Fausto Milla** (Honduras) <http://www.comisiondeverdadhonduras.org/node/9> -- Catholic priest with parish in Santa Rosa de Copán; nationally renowned human rights defender in Honduras; refugee in Mexico from 1982-85 after being targeted for assassination

**Nora Cortiñas** (Argentina) <http://www.comisiondeverdadhonduras.org/node/6> -- Social psychologist and Co-founder of the Mothers of the Plaza de Mayo Movement founded in 1977; lost her son to 'disappearance' during military rule in Argentina; Honourary Doctorate from the Université Libre de Bruxelles in 2000

**Adolfo Perez Esquivel** (Argentina) <http://www.comisiondeverdadhonduras.org/node/39> -- Nobel Peace Prize Laureate, 1980

**Francisco Aguilar** (Costa Rica) <http://www.comisiondeverdadhonduras.org/node/9> -- recent Ambassador of Costa Rica to the Netherlands; Member and President (1995-97), of the UN Human Rights Committee

**Mirna Perla** (El Salvador) <http://www.comisiondeverdadhonduras.org/node/12> -- Justice of the Supreme Court of El Salvador; survivor of massacre in 1975 and lost her husband to assassination in 1987; General Coordinator and Vice President, CODEHUCA (Comisión para la Defensa de los Derechos Humanos en Centroamérica), 1988-1992

**Luis Carlos Nieto** (Spain) <http://www.comisiondeverdadhonduras.org/node/7> -- Judge (elevated to Magistrate) with specialization in youth justice; leading member of Judges for Democracy (Jueces para la Democracia); multiple field missions for Federación Internacional de Derechos Humanos (FIDH)

**Craig Scott** (Canada) <http://www.comisiondeverdadhonduras.org/node/8> -- Professor of Law, Osgoode Hall Law School, and Director, Nathanson Centre on Transnational Human Rights, Crime and Security, York University, Toronto

## Appendix 2

The Comisión de Verdad's mandate consists of eight objectives. The following is my rough and provisional translation from the Spanish document:

- The CV shall investigate and establish the human rights violations that were occasioned by the coup of June 28, 2009, and those that have continued to be perpetrated until the end of the CV's mandate, identifying, where possible, the persons responsible.
- The CV shall investigate and establish patterns of aggression and of the persecution to which human rights defenders and social leaders who promote structural change have been subjected, identifying the persons responsible.
- The CV shall assess the consequences of impunity and of the structures of repression that continue to operate in the country since the 1980s, and identify the mechanisms of impunity for past crimes that have permitted previous human rights violators to revive their activities within the setting of the coup.
- The CV shall identify the antecedents of the coup, the structural, institutional, economic and historical causes of the coup, and the actors that promoted and justified the coup; in this context, the CV shall analyze and identify, *inter alia*, foreign interests that appeased and supported the coup.
- The CV shall make proposals for victims to be able to assert their right to the truth, to justice and to remedies. The CV shall formulate recommendations that permit remedies for the victims, establishing measures, both individual and collective, for non-repetition, for restoration of rights, for redress, for rehabilitation and for compensation.
- The CV shall identify each state institution's role in and linkage to the coup and human rights violations, whether by acts or by omissions. The CV shall thereupon make recommendations for removal from state institutions of all those persons who promoted or participated in the coup and who permitted or participated in human rights violations. The CV shall identify the corresponding civil and criminal responsibility.
- The CV shall write a report containing all of the preceding elements, which report will be presented to the Honduran people and to state institutions, in order that they may take up the recommendations, and the CV shall then distribute the report widely within the international community, in particular to the United Nations, the OAS, the European Union, and the International Criminal Court.
- A standing international body shall then be established to monitor, observe, take action, and provide the necessary advice to ensure compliance with the recommendations of the Truth Commission.

## **Appendix 3 – Two Emblematic Urgent Actions Released by COFADEH on March 7, 2011**

### **I. Leo Valladares Lanza**

#### **Committee of Relatives of the Detained and Disappeared of Honduras (COFADEH)**

#### **URGENT ACTION:**

#### **Human Rights Defender in Danger**

With great concern, the Committee of Relatives of the Detained and Disappeared of Honduras (COFADEH) informs the national and international community of acts of harassment, persecution, and psychological aggression against Mr. Leo Valladares Lanza, the former Human Rights Commissioner of Honduras and the current director of the Association for Participatory Citizenship (ACI Participa).

The 21 of February, 2011 at 3:15pm, a taxi arrived at a private meeting Mr. Leo Valladares Lanza had with the Special Prosecutor for Children Nora Urbina. This same taxi had for some time been parking outside of Mr. Valladares' home, and followed him to the café where he was meeting with the Special Prosecutor and parked outside, where the driver made several calls on his cellphone. The situation was so alarming that neighbours informed the Valladares family of what was happening, and the Special Prosecutor requested an escort for him to return home.

On March 1<sup>st</sup>, the same taxi parked outside of the Valladares home, but this time was accompanied by another vehicle. The family called the police, who arrived and summoned the drivers of the vehicles in question. Following their inquiries, the police recommended to the family that they leave for a time and take additional security precautions.

Since the second week of February, unknown individuals have called the Valladares residence numerous times asking for “Rodrigo,” referring to José Rodrigo Valladares Pineda, Mr. Valladares' young son who was murdered January 25, 2009 and whose death remains in impunity. After asking for him, the caller laughed menacingly. There has also been an unknown motorcycle making rounds near the residence and accelerating its motor in front of the house to such an extent that it activates the house alarm.

The above mentioned events occurred after Mr. Valladares participated as a speaker during a television program regarding the repositioning of the Armed Forces, the resurgence of militarism in post coup d'état Honduras, and the incorporation of the military in the structures of the Executive Powers of the State.

#### **Background:**

In his role as national Human Rights Commissioner, during his first year in office Mr. Leo Valladares Lanza presented a preliminary report on Disappeared Detainees. During the second year of his term, he presented a report on arbitrary and summary executions and another regarding the state of freedom of expression in Honduras. During his final term in office, unknown assailants violently entered his home, beat his son Rodrigo and his wife Daysi Pineda, and apparently stole a vehicle which was abandoned two blocks from the house.

**We request that the national and international community urge the Honduran State to:**

- initiate an independent, impartial, and exhaustive investigation into the threats against Mr. Leo Valladares, that they make public the results of the investigation, and that the responsible parties appear in court;
- take immediate measures to provide effective and appropriate protection to Mr. Leo Valladares according to his wishes;
- carry out its responsibility to guarantee human rights defenders their right to carry out their work without unjust restriction and without fear of reprisal, as is established in the UN Declaration on Human Rights Defenders as well as the resolutions of the OAS.

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## II. Trinidad Sánchez Argueta

### Committee of Relatives of the Detained and Disappeared of Honduras

#### COFADEH

#### Urgent Action:

#### **Human Rights Defender Threatened and Given Ultimatum**

The Committee of Relatives of the Detained and Disappeared of Honduras (COFADEH) expresses its grave concern for the continued attacks against Human Rights Defender Trinidad Sánchez Argueta, Executive Director of the Network for Alternative Community Trade (Red COMAL) based in the city of Siguatepeque in the central department of Comayagua, at 149Km from the capital city of Tegucigalpa.

On the 25th of February, 2011, at 8:13pm, José Trinidad Sánchez received a text message on his cellphone with the following text: "*Trinidad WE KNOW WHERE YOU ARE YOU LIVE IN EL PORBENIR your days are limited so enjoy what you have robbed from Comal as of today count down your days you are being watched you dog.*"

This is not the first act against Trinidad or the members of his family. In August, 2010, his 25-year-old son Jorge Luis, who was studying in the high school "Republic of Cuba" in the department of Santa Bárbara was detained and subject to mistreatment by agents of the Preventative Police who accused him of being Cuban. After hitting his head against a wall, handcuffing him and throwing him against the sidewalk, they expelled him from the department and ordered him not to return.

In May 2010, an armed man dressed in black and carrying a number of instruments hiking/mountaineering violently entered Trinidad's home at 2:45am, threatened and removed the family members from their beds, pointed the firearm at them intimidatingly for several minutes, then took a camera and a computer monitor and left.

On November 28, 2009 at 1:40pm, a group of 50 individuals including uniformed police officers, police in civilian clothing, and military personnel violently entered the offices of Red COMAL located in the village of 3 de septiembre in the municipality of Siguatepeque and forced the watchman to open gate to the main building. Once inside, the individuals proceeded to break open the locks on the doors of various offices, including those of the School of Solidarity Economy Training Center.

The contingent, commanded by police captain Freddy Lagos Sánchez, supposedly acting as Executing Judge of a search warrant (authorized by Public Attorney Elizabeth Orellana Rodríguez), proceeded to remove work documents and computer equipment from the offices. Months later, due to pressure from human rights organizations, the Public Attorney returned the apprehended items.

COFADEH is deeply concerned by the situation faced by TRINIDAD SANCHEZ, especially in light of the pattern of systemic attacks against human rights defenders and social activists, particularly with respect to serious incidents registered in the last few months of home invasions, criminal attacks, and illegal entry into offices of human rights organizations. In the last two months three offices have been attacked and one human rights defender has had to leave the country due to reiterated death threats and continued persecution.

COFADEH requests that the national and international community urge the Honduran State to implement the necessary measures and mechanisms to effectively guarantee and protect the life and integrity of JOSE TRINIDAD SANCHEZ. The State must equally guarantee the Right to Defend Human Rights, as stated and universally recognized by the UN Universal Declaration on Human Rights Defenders, ratified in 1998, and the 1999 and 2000 resolutions in the OAS on human rights defenders in the Americas.

Tegucigalpa, March 7, 2011