



Aide-Mémoire

XIIIrd Session of the UN Human Rights Council
March 2010

Human Rights and *coup d'état* in Honduras

Request to the Human Rights Council to adopt a new resolution on Honduras

Since the coup d'état of June 28, 2009 that drastically altered the constitutional order of the country, a grave situation for human rights and for restrictions to democratic liberties in Honduras has presented itself. The difficulties and obstacles for the access to justice are evident and the freedoms of the press have been drastically limited.

FIAN International, along with the other human rights organizations were part of an international observation mission on human rights that took place in Honduras from 17 to 26 July 2009. Diakonie and FIAN have been severely concerned about the situation of their partners in Honduras. FIAN has participated in the International Observatory on Human Rights in Honduras, a joint initiative with the International Federation of Human Rights (FIDH), the Center for Justice and International Law (CEJIL), the Copenhagen Initiative for Central America and Mexico (CIFCA), and the Inter-American Platform for Human Rights, Democracy and Development (PIDHDD).

During its XII session, the Human Rights Council adopted on 1st of October 2009 the resolution A/HRC/12/L.31 on the Situation of human rights in Honduras since the coup d'état on 28 June 2009. In the resolution the Human Rights Council "

"1. Strongly condemns the human rights violations occurring as a consequence of the coup d'état of 28 June 2009, and in particular following the return of President José Manuel Zelaya Rosales on 21 September 2009; 2. Calls for the immediate end to all human rights violations in Honduras and for the unconditional respect for all human rights and fundamental freedoms, as well as the restoration of democracy and the rule of law; 3. Calls on all actors and institutions to refrain from violence and to respect human rights and fundamental freedoms; 4. Expresses its support for regional and subregional efforts made to restore the democratic and constitutional order and the rule of law in Honduras; 5. Requests the United Nations High Commissioner for Human Rights to present a comprehensive report on the violations of human rights in Honduras since the

coup d'état, and to submit a preliminary report to the General Assembly at the main part of its sixty-fourth session and to the Council at its thirteenth session."

The Inter-American Commission on Human Rights (IACHR) adopted on 30th of December 2009 the Report "Honduras: Human Rights and the coup d'état" (OEA/Ser.L/V/II. Doc. 55). Among the Conclusions of the Report are the following:

551. During its visit, the IACHR was able to confirm that since the *coup d'état* in Honduras, serious violations of the human rights of its inhabitants have occurred, including deaths, an arbitrary declaration of a state of emergency, suppression of public demonstrations through disproportionate use of force, criminalization of public protest, arbitrary detentions of thousands of persons, cruel, inhuman and degrading treatment and grossly inadequate conditions of detention, militarization of Honduran territory, a surge in the incidents of racial discrimination, violations of women's rights, serious and arbitrary restrictions on the right to freedom of expression, and grave violations of political rights. The IACHR also established that the judicial remedies were ineffective in protecting human rights.

552. As a consequence of the disproportionate use of force by the security forces to suppress public demonstrations, at least seven people were killed. According to the information received, there is no indication that the internal investigations have made any significant headway in terms of identifying and punishing those responsible.

553. The security forces conducted thousands of unlawful and arbitrary detentions, without an order from a competent authority. The detainees were not brought before a judge to review the lawfulness of their detention, were not told of the reasons for their detention and were not read their rights. Furthermore, many were held incommunicado. The majority of the detainees were released in under 24 hours, but no record was ever made of their detention, a fact that in many cases made execution of the writs of *habeas corpus* difficult and provided an opportunity for violations of the detainees' physical, mental and moral integrity, especially sexual abuse of women.

554. The materiel and strategies that the Army, the Police, and the Cobra Special Strike Force deployed revealed a disproportionate use of force. This, combined with the conditions under which the persons were detained, meant that thousands of them were subjected to inhuman, cruel and degrading treatment and even torture. In this context, the aggression took a much heavier toll on women, who in many cases were victims of sexual violence. Other minority groups, like the Garifuna, members of the gay community and foreign nationals were subjected to discriminatory practices.

555. The IACHR confirmed serious violations of political rights, such as the right to participate in political life and the right to serve in public office. Ministers, governors, members of Congress and mayors were targets of reprisals, threats, acts of violence, budgetary cuts and military occupation of their offices. Also, *de facto* and *de jure* restrictions were imposed on the activities of the political parties, groups and leaders of the opposition to the *de facto* government. The family of President Zelaya reported the harassment and smear campaign being waged against everyone in the family.

556. The state of emergency illegitimately decreed in the country was used as a justification for the control mechanisms that the *de facto* authorities introduced and that the security forces put into practice. The IACHR repeats that no *de facto* government has legitimacy *ab initio* to declare a state of emergency. Furthermore, under Article 27 of the American Convention, the scope of the suspensions must be that strictly necessary to relieve the emergency situation, and this implies limiting the scope of time and space, and the rights that are suspended.

557. The IACHR also confirmed that dissonant or critical opinions were prohibited and the security forces were authorized to search and confiscate broadcasting and transmission equipment when, in the opinion of the *de facto* authorities, the media were engaging in behavior prohibited under existing laws. These measures are an egregious, arbitrary, unnecessary and disproportionate restriction, in violation of international law, of the right of every Honduran to express himself or herself freely and to receive information from a plurality and diversity of sources. The IACHR repeats that any restriction on the right to freedom of expression, even in a state of emergency, must be adopted by a legitimate government and be proportionate and strictly necessary to protect the democratic institutions of government.

558. The violations of the rights to life, humane treatment, freedom of assembly and association, personal liberty, judicial guarantees, freedom of expression, political rights, the rights of women and the rights of minority groups were exacerbated by the absence of democratic institutions capable of processing complaints, investigating facts, punishing those responsible and making reparations to the victims. Those sectors of Honduran society that condemn the *coup d'état* told the Commission of their fear of reprisals on the part of security agents and their mistrust of institutions that did not energetically condemn the interruption of the democratic order and have not responded to public outcries.”

Diakonie and FIAN call on the Council to:

- Assess the human rights situation in Honduras under Item 4 of the Agenda: Human rights situations that require the Council's attention;
- Adopt a resolution which a) condemns human rights violations in the aftermath of the coup d'état in Honduras; b) calls for a thorough and comprehensive investigation and consequent persecution of human rights violations to ensure justice for the victims of the repression; c) rejects all attempts of the Honduran Congress, Supreme Court and Government to establish amnesty or impunity for the political crimes and human rights violations committed since the coup d'état; d) requests from the UN High Commissioner of Human Rights, the concerned Special Procedures and the community of states to contribute to the protection of the persons affected by the repression, political persecution and to the effective investigation of human rights violations committed since June 28, 2009.
- Explore further steps to strengthen the work of the UNHCHR in Honduras.