



# HONDURAS

## JOURNALISM IN THE SHADOW OF IMPUNITY

*“When we allow impunity for human rights violations, we see the crimes of the past translated into the crimes of the future.”*

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Bertha Oliva, Co-ordinator of the Committee of  
Relatives of the Detained and Disappeared in Honduras

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*“Oh, how power loves silence.  
Citizens listening quietly to the wisdom of authority.  
Punishment meted out not to the policemen or soldiers  
or party members or founders or officials but to  
citizens who forget the golden rule of silence.”*

– John Ralston Saul, President of PEN International<sup>1</sup>

## LIST OF ACRONYMS

APH	<i>Asociación de Prensa Hondureña</i> (Honduran Press Association)
CDV	<i>Comisión de Verdad</i> (Truth Commission)
CEDOH	<i>Centro de Documentación de Honduras</i> (Documentation Centre of Honduras)
CIDH	<i>Comisión InterInstitucional de Derechos Humanos</i> (Inter-Institutional Commission of Human Rights)
CIPRODEH	<i>Centro de Investigación y Promoción de los Derechos Humanos</i> (Centre for the Investigation and Promotion of Human Rights)
COFADEH	<i>Comité de Familiares de Detenidos Desaparecidos en Honduras</i> (Committee of Relatives of the Detained and Disappeared in Honduras)
COPINH	<i>Consejo Cívico de Organizaciones Populares e Indígenas de Honduras</i> (Civic Council of Popular and Indigenous Organizations of Honduras)
CONADEH	<i>Comisionado Nacional de los Derechos Humanos</i> (National Commissioner for Human Rights)
CONATEL	<i>Comisión Nacional de Telecomunicaciones</i> (National Telecommunications Commission)
CPH	<i>Colegio de Periodistas de Honduras</i> (Association of Journalists of Honduras)
CPJ	Committee to Protect Journalists
CPTRT	<i>Centro de Prevención, Tratamiento y Rehabilitación de Víctimas de la Tortura y sus Familiares</i> (Centre for the Prevention, Treatment and Rehabilitation of Torture Victims and their Families)
CRSP	<i>Comisión de Reforma de la Seguridad Pública</i> (Public Security Reform Commission)
CVR	<i>Comisión de Verdad y Reconciliación</i> (Truth and Reconciliation Commission)
DIECP	<i>Dirección de Investigación y Evaluación de la Carrera Policial</i> (Department of Investigation and Evaluation of the Police Service)
DLCN	<i>Dirección de Lucha contra el Narcotráfico</i> (Commission for the Fight Against Narcotrafficking)
DTO	Drug trafficking organization
FARP	<i>Frente Amplio de Resistencia Popular</i> (Broad Front for Popular Resistance)

FNRP	<i>Frente Nacional de Resistencia Popular</i> (National Front of Popular Resistance)
FESCO	<i>Fiscalía Especial Contra el Crimen Organizado</i> (Special Prosecutor Against Organised Crime)
HONDUTEL	<i>Empresa Hondureña de Telecomunicaciones</i> (Honduran Telecommunications Company)
HRW	Human Rights Watch
IACHR	Inter-American Commission on Human Rights
ICCPR	International Covenant on Civil and Political Rights
LIBRE	<i>Libertad y Refundación</i> (Liberty and Refoundation Party)
MIA	Mid-term Implementation Assessment
NGO	Non-governmental organization
OAS	Organization of American States
PLH	<i>Partido Liberal de Honduras</i> (Liberal Party of Honduras)
PNH	<i>Partido Nacional de Honduras</i> (National Party of Honduras)
SIP-IAPA	<i>Sociedad Interamericana de Prensa</i> (Inter-American Press Association)
SITINPRESS	<i>Sindicato de Trabajadores de la Industria de la Prensa y Similares</i> (Syndicate of Press Workers and Other Similar Industries)
UN	United Nations
UNAH	<i>Universidad Nacional Autónoma de Honduras</i> (National Autonomous University of Honduras)
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNODC	United Nations Office on Drugs and Crime
UPR	Universal Periodic Review

## INTRODUCTION

Violence against journalists is not new to the Americas, nor is impunity, its customary bedfellow; but few observers could have foreseen the deluge of threats, attacks and targeted killings that has swept through Honduras during the last five years. In February 2009, PEN International launched a year-long campaign to “highlight the persecution of writers and journalists and the issue of impunity in the region.” During *Freedom to Write in the Americas*, 29 PEN Centres undertook advocacy for writers and journalists in Cuba, Mexico and Venezuela and monitored cases in Peru, Colombia, and Nicaragua. These countries were chosen because of the “volume of attacks and severity of persecution against writers.” At the time, there was little reason to take note of Honduras.

In 2010 PEN Canada and the International Human Rights Program at the University of Toronto, Faculty of Law began a study of journalists caught in the crossfire of former Mexican President Felipe Calderón’s war on drugs. When *Corruption, Impunity, Silence: The War on Mexico’s Journalists* was published in June 2011, reporting from certain parts of Mexico had become “as deadly an undertaking as living in a war zone.” Sadly, that description could now serve for parts of Honduras. This report was intended to complement *Corruption, Impunity, Silence*, specifically to provide an analysis of a situation in which a culture of impunity seemed to be emerging. Instead, our research showed that impunity had been entrenched in Honduras for at least a generation; what had changed was the level of violence against journalists.

## EXECUTIVE SUMMARY

This report examines the surge in violence directed against journalists following the ouster of President José Manuel Zelaya in June 2009. Since then at least 32 Honduran journalists have been killed and many more continue to work in a climate of fear and self-censorship. Reporters who cover corruption and organized crime are routinely targeted for their work and attacked or killed with almost complete impunity.

The sources of the violence against journalists are varied. Transnational drug cartels have infiltrated the country so effectively that the present crisis in Honduras cannot be understood in isolation from its Central American neighbours. That said, it is also clear that the absence of reliable institutions has allowed the violence to escalate far more rapidly than many anticipated. Much of the violence is produced by the state itself, perhaps most significantly by a corrupt police force. In a special report on police criminality in Honduras, the Tegucigalpa-based Violence Observatory (*Observatorio de Violencia*) found that between January 2011 and November 2012 police officers killed 149 civilians, approximately six per month.

The taint of corruption and a culture of impunity have undermined trust among state agencies and public confidence in key institutions. Public distrust of the police is so great that crimes are rarely reported. Moreover, due to widespread corruption and inefficiency among the force, only an estimated 20 per cent of crime is reported, and of that less than four per cent gets investigated. According to the State’s own statistics, less than one per cent of all crime in Honduras is subject to a police investigation.

Procedural flaws are evident throughout the system. Police often say an investigation is underway when there is none; the office of the Special Prosecutor for Human Rights (*Fiscalía Especial de Derechos Humanos*) does not have the jurisdiction to try those responsible for the murders of journalists, and lacks resources to conduct even the



most basic investigations into other human rights violations. On the other hand, while some legal initiatives are under-resourced, there is also a proliferation of competing agencies that notionally address the same problem. This has created a situation in which institutional responsibility has been so widely diffused that no one is ultimately accountable for the high level of impunity.

With current levels of funding, the office of the Special Prosecutor for Human Rights, which was nominally responsible for over 7,000 investigations in 2012, can only investigate a small percentage of these cases each year. While the office continues to operate with a serious shortage of funds, the Honduran state is able to argue that it has made progress in addressing human rights violations through the establishment of a Special Prosecutor for Human Rights.

Given these crises, this report finds that the Honduran judiciary faces significant challenges in establishing an independent legal culture capable of ensuring accountability for human rights abuses. Furthermore, legal mechanisms to protect journalists are needlessly complicated and often confusing. Even international mechanisms such as the precautionary measures issued by the Inter-American Commission of Human Rights (IACHR) are poorly understood by local police and, at least as currently implemented, offer little real protection.

Deep divisions among the journalists themselves hinder the fight against impunity. A striking absence of camaraderie within the profession has impaired its ability to collaborate effectively in protesting violence against journalists and in promoting protection mechanisms. Mutual suspicion is evident in many journalists' scepticism towards the official Association of Journalists of Honduras (*Colegio de Periodistas de Honduras* – CPH) – an institution that has noticeably failed in its legislative mandate to “promote solidarity and mutual assistance among the media.” This failure has meant that there is no united front pressing for greater accountability and an end to the violence.

The coup that unseated President Zelaya in 2009 brought these problems into the spotlight, but the roots of the crisis lie further back in Honduras' history, notably in its failure during the demilitarization process that began in the 1980s to hold those who had committed serious human rights violations accountable for their actions. A legacy of failed reforms left the state incapable of dealing with rights violations that took place during and after the 2009 coup. As a result, the recent wave of murderous violence has been met with a familiar mixture of inadequate resources, bureaucratic ineptitude, blame-shifting and denial.

The coup interrupted the demilitarization of Honduras. One human rights worker we interviewed spoke of the return of a security-state mindset in which peaceful dissent is often met with reflexive violence. Others noted that the re-emergence of the security state had been justified – as in Colombia and Mexico – as an antidote to pervasive corruption and organized crime. But the real lesson to be drawn from the use of force to compensate for the failures of transitional justice is that state actors no longer need to fear being held to account for their actions. As Bertha Oliva, co-ordinator of the Committee of Relatives of the Detained and Disappeared in Honduras (*Comité de Familiares de Detenidos Desaparecidos en Honduras* – COFADEH) put it: “When we allow impunity for human rights violations, we see the crimes of the past translated into the crimes of the future.”

## KEY FINDINGS

- Freedom of expression in Honduras has suffered serious restrictions since the 2009 coup and violence against journalists remains high, with almost complete impunity for perpetrators.
- Overall violence against the media has disproportionately targeted print journalists. An analysis by the Committee for Free Expression (*Comité por la Libre Expresión* – C-Libre) of 136 recorded cases of aggression against journalists from January to December 2012 indicates that 60 per cent involved individuals engaged in print journalism. However, most of the lethal violence – which has claimed the lives of 38 journalists since 2003 – has been directed at television and radio journalists.
- Current protection mechanisms offer journalists little security; even “precautionary measures” issued by the Inter-American Commission on Human Rights (IACHR) are poorly understood by the police, poorly implemented, if at all, and therefore generally ineffective.
- Threats and attacks on journalists are rarely investigated and hardly ever punished. At best – according to the State’s own figures – only eight of the 22 murders of media workers have been prosecuted. Convictions have been obtained in only two cases.
- Due to inadequate investigative work, little official information is available on the perpetrators of violence against journalists. Neither the extent to which such investigations have been conducted nor any meaningful results have ever been made public.
- Corruption hampers the institutional capacity of the criminal justice system – from the judiciary and lawyers to the security forces. Corruption is a substantial barrier to obtaining justice for journalists who have been victims of violent crime.
- Corruption within the police force remains high, despite decades of “purification.” The current “police purge” has been confined to the lower echelons. Those higher up the hierarchy have little to fear from the process. Importantly, the process itself has been criticized for being insufficiently rights-respecting.
- Honduras’ two official human rights institutions – the National Commissioner for Human Rights (*Comisionado Nacional de los Derechos Humanos* – CONADEH) and the Ministry of Justice and Human Rights (*Secretaría de Justicia y Derechos Humanos*) have failed to co-ordinate their work; this places further strain on the scarce resources available for human rights work.
- The office of the Special Prosecutor for Human Rights is critically underfunded. With only 16 prosecutors and nine investigatory analysts at its disposal it cannot address its caseload effectively. In 2012 the Office was responsible for investigating 7,000 files.
- Excluding murders of journalists from the Special Prosecutor’s jurisdiction reinforces the notion that journalists are simply victims of generalized violence.
- Violence against journalists often silences coverage of topics such as corruption, drug trafficking and impunity. In addition, economic elites have established unwritten limits as to what can be investigated by major news agencies. Consequently, sensitive issues are under-reported by the mainstream Honduran press.
- New legislation – such as the government’s Bill for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators – is not enough to address the problem unless it is accompanied by the necessary resources and political will needed for effective implementation.

- Faced with widespread institutional failures, Honduran non-governmental organizations (NGOs) have stepped in to provide protection that should be provided by the state. When a journalist is threatened, he or she is more likely to report the threat to an NGO such as COFADEH than to the police.
- Polarization and the lack of solidarity among journalists in Honduras contribute to impunity, as there is a lack of a united voice demanding accountability and measures to reduce violence.
- A long history of state-sanctioned violence and serious corruption among the security forces has produced a common perception among journalists and human rights defenders that state agents are one of the primary sources of targeted violence and human rights violations.
- The failure to hold accountable those responsible for human rights violations during the 1980s created a climate of pervasive impunity in Honduras. The lesson taken away from this by those who seek to commit human rights abuses and to suppress freedom of expression through violence is that their actions are likely to go unpunished.
- The serious challenges posed to freedom of expression go beyond violence against journalists. The lack of institutional support for the arts and humanities, or other activities that foster a culture of reading and critical thinking, are inseparable from the country's wider crises with freedom of expression.

## RECOMMENDATIONS

### To the Government of Honduras

1. Ensure that all members of the media are afforded the full protection of the law and that an autonomous body explicitly protects their independence.
2. Establish appropriate investigative bodies and protocols for crimes committed against journalists, with adequate resourcing, and ensure that all crimes against journalists are fully investigated, prioritising any links with their professional duties.
3. Empower the Special Prosecutor for Human Rights to investigate and prosecute the murders of journalists and human rights defenders.
4. Ensure that the office of the Special Prosecutor for Human Rights receives sufficient financial, human and technical resources to carry out its work.
5. Ensure that any new legal mechanisms intended to improve journalist security come into effect with adequate financial, human and technical resources, as well as political will, in order to guarantee effective implementation.
6. Make public the status of the official investigations into journalist murders and all other violence committed against journalists.
7. Improve the implementation of Inter-American Commission on Human Rights (IACHR) precautionary measures for journalists and human rights defenders by providing training to all police and other state agents responsible for their implementation, increasing the human and financial resources available for doing so, and creating a judicial instrument that will review their effectiveness.

8. Minimize the potential for, or appearance of, political interference with the judiciary by establishing transparent procedures for the appointment, sanctioning, and removal of judges and judicial employees.
9. Widen the internal vetting of the National Police, while ensuring the rights of those involved are respected, and accelerate the process so that corruption at all levels is rooted out in a timely manner.
10. Ensure that institutions responsible for promoting and protecting the rights of journalists and human rights defenders, including CONADEH and the Ministry of Justice and Human Rights, are in regular communication and co-ordinate their work.
11. Reaffirm the close relationship between freedom of expression and cultural diversity by ensuring that cultural spaces like the National Library, Casa Morazán and the National School of Fine Arts receive adequate funding and are allowed to operate autonomously.
12. Reduce the deployment of military forces for law enforcement and domestic security purposes.

#### **To the Honduran Media**

1. Take all necessary steps to foster solidarity across different sectors of the media – journalists, community broadcasters, media owners – and ensure that mutual concerns such as security are addressed in a co-ordinated manner.
2. Lobby for the creation of an autonomous body that explicitly protects the independence of the media in Honduras.
3. Provide training and support for investigative journalism.
4. Lobby media owners to ensure the safety of their employees, and explicitly guarantee the freedom to conduct investigative reporting into sensitive topics.

#### **To the International Community**

1. Take all necessary steps to urge the government of Honduras to implement the recommendations above, including raising these issues via the UN's Universal Periodic Review of Honduras in 2014-15.
2. Ensure that funding for projects in Honduras – whether security-related, social or cultural – takes into consideration the above recommendations and is made conditional on independent auditing to ensure their independence and effectiveness.

#### **To the IACHR**

1. Require periodic reports from the government of Honduras on the status of all persons and institutions protected by precautionary measures, with a view to assessing how effectively they have been implemented.