

Report regarding Freedom of Expression 2010 in Honduras¹

1. The June 2009 *coup d'état* set off a series of massive human rights violations; the right to freedom of thought and expression was not spared.² Although Mr. Porfirio Lobo Sosa was sworn in as President of the Republic of Honduras on January 27, 2010, the danger to social communicators, journalists and human rights defenders persisted. Particularly troubling to the Commission were the number of journalists murdered in 2010; the threats, aggression and harassment perpetrated against journalists and the media; and the fact that these crimes continue to go unpunished, which has a widespread chilling effect on citizen's exercise of their freedom of expression, on their right to access information, and on the strength and vitality of public discourse.

a. Journalists murdered

2. In 2010, at least eight journalists were murdered in Honduras.

3. On March 1, 2010, Joseph Hernández Ochoa, a journalist with Channel 51 in Tegucigalpa, was shot to death. His companion, journalist Karol Cabrera, sustained injuries but survived. According to the information received, on the night of March 1, the automobile in which journalists Hernández Ochoa from Channel 51 and Cabrera from Radio Cadena Voces and State Channel 8 were traveling was attacked by a number of individuals wielding firearms. Reports indicate that Mr. Hernández Ochoa was shot to death, while Cabrera sustained three bullet wounds, but recovered. According to accounts in the local press, Cabrera –who reported having received threats on several occasions- had police protection at home and was the target of the assailants.³

4. David Meza Montesinos, 51, was murdered on March 11, 2010; at the time he was a journalist with Radio América and Radio El Patio in the city of La Ceiba. He was killed at around 17:30, near his home in the coastal city of La Ceiba, located two hundred

¹ This section corresponds to the section on freedom of expression in Honduras in Chapter IV, Volume I, of the IACHR 2010 Annual Report. This section was assigned to the Office of the Special Rapporteur for Freedom of Expression. The section includes information received until December 1, 2010. However, it is paramount to take into account the murder of journalist Henry Suazo on December 20, 2010, in the town of La Masica, departament of Atlantida. According to information available to this Office, two unknown individuals fired shots at journalist Henry Suazo as he was leaving his home. The journalist was a reporter for the HRN radio station and worked for a local TV station. Suazo had apparently denounced on the radio in days prior that he had received a death threat via a text message sent to his phone. With the death of Henry Suazo, the number of journalists murdered in Honduras in 2010 rises to nine. IACHR. *Office of the Special Rapporteur Condemns Murder of Journalist in Honduras*. Available at: <http://www.cidh.oas.org/relatoria/showarticle.asp?artID=830&IID=1>; Committee to Protect Journalists (CPJ). December 30, 2010. *Honduran journalist gunned down in front of his home*. Available at: <http://www.cpj.org/2010/12/honduran-journalist-gunned-down-in-front-of-home.php>; El Heraldo. December 28, 2010. *Another journalist murdered in the north of Honduras*. Available at: <http://www.elheraldo.hn/Ediciones/2010/12/28/Noticias/Asesinan-otro-periodista-al-norte-de-Honduras>

² IACHR. *Honduras: Human Rights and the Coup d'État*. OEA/Ser.L/V/II. Doc. 55. December 30, 2009.

³ IACHR, Press release No. 24-10: *Office of the Special Rapporteur for Freedom of Expression Condemns Murder of Journalist in Honduras*. Committee to Protect Journalists. March 5, 2010, "*Journalist Killed, Another Wounded in Honduras Shooting*". International Press Institute. March 15, 2010. "*Second Honduran journalist killed in two weeks*".

kilometers north of Tegucigalpa, the capital of the country. The journalist was attacked from a passing vehicle as he was walking down a street in La Ceiba.⁴

5. On March 14, 2010, journalist Nahúm Palacios was murdered in the city of Tocoa; Palacios had been news director for Television Channel 5 in Aguán. The IACHR had requested that the State adopt precautionary measures for him. According to the information received, Nahúm Palacios was murdered by two unknown assailants who attacked with AK-47 automatics on the night of Sunday, March 14, as Palacios was returning to his home in the Los Pinos neighborhood of the city of Tocoa, some 400 kilometers north of Tegucigalpa. The journalist sustained 30 bullet wounds, and the car in which he was driving was shot 42 times. The two persons with him were injured. After the June 28, 2009 *coup d'état*, Nahúm Palacios covered the demonstrations organized by the resistance and publicly criticized the *coup*. According to the information the Commission has received, on June 30, 2009, a military operation was carried out in which the channel's operating equipment was confiscated; Palacios' residence was searched, his children held at gunpoint and his vehicle confiscated. On July 24, 2009, the Commission granted precautionary measures for Nahúm Palacios and requested that the necessary measures be taken to protect his life and personal integrity. According to the information received, the Honduran authorities did not take these measures.⁵

6. On March 26, 2010, José Bayardo Mairena and Manuel Juárez, journalists for R.Z. Television Channel 4 and Radio Excelsior, were murdered as they were driving down a highway in the vicinity of the city of Juticalpa, in the department of Olancho. According to the reports received, Mairena and Juárez were on road near the city of Juticalpa, when they were taken over by another vehicle; those inside the second vehicle fired off several bursts of machine gun fire. Sources that the Office of the Special Rapporteur consulted indicated that Mairena had recently done newspaper reports on the land dispute and organized crime in Honduras.⁶

7. On April 20, 2010, Jorge Alberto "Georgino" Orellana, a journalist with the *Televisión de Honduras* channel, was murdered in the city of San Pedro Sula.⁷ According to the information received, Orellana was shot on Tuesday, April 20, at night, minutes after leaving the offices of channel Televisión de Honduras, where he was the anchor of an opinion program dealing with current issues. The journalist died shortly thereafter from the bullet wounds he had sustained.

⁴ CODEH. June 19, 2010, Entry on [Davir Meza Montesinos](#); Committee to Protect Journalists. March 12, 2010. "[Honduran Radio Reporter Gunned Down](#),"; Diario La Tribuna. March 11, 2010. "[Matan al periodista David Meza](#)" [Journalist David Meza killed].

⁵ IACHR, Press Release No. 31/10: [IACHR Deplores Murder of Journalist in Honduras](#). Committee to Protect Journalists, March 14, 2010, [article on Nahúm Palacios Arteaga](#). IFEX, March 16, 2010. "[Third Honduran Journalist Gunned Down in Two Weeks](#)".

⁶ IACHR, Press Release No. R39-10: [Special Rapporteurship Condemns Murder of Honduran Journalists](#); El Heraldo. "[Asesinan a dos periodistas al oriente de Honduras](#)" [Two journalists murdered in eastern Honduras], March 26, 2010; La Prensa. "[Asesinan a 2 periodistas hondureños en Olancho](#)" [Two Honduran journalists killed in Olancho], March 26, 2010; AMARC. "[Con la muerte de otros dos periodistas son ya cinco los profesionales de la prensa asesinados en Honduras en marzo](#)" [The death of two more journalists brings the number of journalists murdered in Honduras in March to 5], April 9, 2010.

⁷ IACHR, Press Release No. R45-10: [Special Rapporteurship Concerned about the Latest Murder of Journalist in Honduras](#); Committee to Protect Journalists. TV Host Slain. "[6th Honduran Journalist killed since March](#)"; BBC Mundo. "[Asesinado otro periodista en Honduras](#)". [Another journalist killed in Honduras], April 21, 2010.

8. On July 14, Luis Arturo Mondragón Morazán, director of Channel 19 and of the news program “Teleprensa”, was killed in El Paraíso, which is in the eastern part of the country. According to the information received, Mondragón was shot four times as he was leaving the offices of Channel 19. In his program, the journalist covered such issues as corruption, crime and environmental problems. He died at the scene, having succumbed to the bullet wounds he sustained.⁸

9. Israel Zelaya Díaz was murdered on August 24, 2010. He was a journalist with Radio Internacional in the city of San Pedro Sula, Honduras. According to the information received, Israel Zelaya was found shot to death in a sugarcane field. His personal belongings had not been stolen. Three months earlier, a fire had done damage to his home; the cause of the blaze was never established. The Office of the Special Rapporteur for Freedom of Expression learned that Zelaya was working on a local news program on Radio Internacional in San Pedro Sula, and routinely complained about public interest matters.⁹

10. Henry Suazo, a correspondent for radio HRN in La Ceiba department and a journalist for a local television station, was killed on December 28, 2010, as he was leaving his home in La Masica. According to the information received, two days earlier the journalist had received a death threat delivered by a text message sent to his cell phone.¹⁰

11. The Secretariat of Security filed a report with the National Congress on May 5, in which it updated the status of the investigations into these murders.¹¹ The report was confidential and its contents were not revealed. Authorities at the Secretariat of Security argued that revealing the content of the report could obstruct the investigations.¹² In May 2010, the Vice Minister of Security, Armando Calidonio, told the Commission that “thus far, the deaths of the journalists appear to be unrelated to the practice of their profession.”¹³ However, both the Office of the Special Prosecutor for Human Rights and nongovernmental organizations that are monitoring the progress made into the investigations of these crimes stated that in some cases, there are credible theories that link the crimes to the victims’ practice of journalism. Those nongovernmental organizations maintained that no headway had been made in the investigations and were of the view that the authorities were not interested in solving the murders.¹⁴ The Office of the Special Prosecutor for Human Rights

⁸ IACHR, Press Release No. R62-10: [Office of the Special Rapporteur Expresses Concern at Latest Murder of Journalist in Honduras](#). UNESCO. July 1, 2010. [“UNESCO Director-General condemns murder of TV journalist Luis Arturo Mondragón Morazán”](#). C-Libre IFEX. June 16, 2010. [“Another Journalist Killed”](#).

⁹ IACHR, Press release No. R85-10. [Special Rapporteur for Freedom of Expression Condemns Latest Murder of Journalist in Honduras](#). Committee to Protect Journalists. [Article on Israel Zelaya Díaz](#). La Tribuna. August 25, 2010. [“Matan a periodista Israel Zelaya Díaz”](#) [Journalist Israel Zelaya Díaz murdered].

¹⁰ IACHR, Press Release No. R125-10. Office of the Special Rapporteur for Freedom of Expression Condemns Murder of Journalist in Honduras. December 29, 2010. [“Asesinan otro periodista al norte de Honduras”](#) [Another journalist murdered in northern Honduras] Diario El Heraldo, December 28, 2010.

¹¹ The report was requested by deputy Augusto Cruz Asensio, when the violence against journalists spiked in 2010.

¹² Diario La Tribuna. May 6, 2010. [“En secretividad investigación sobre asesinatos de periodistas”](#) [Investigation into murders of journalists cloaked in secrecy].

¹³ Diario La Tribuna. April 22, 2010. [“Capturan a implicado en la muerte de periodista”](#) [Suspect taken into custody and charged in journalist’s death].

¹⁴ Information received at the IACHR’s meeting with communicators on May 16, 2010, in Tegucigalpa, Honduras.

blamed the shortcomings in the investigations on the fact that “the police were ill-equipped to conduct investigations.”¹⁵

12. At the public hearing the Commission held on October 25, 2010 on the *Situation of the Right to Freedom of Expression in Honduras*, the State’s representatives asserted that progress has been made in the investigations into the crimes committed against journalists, and indicated that none of the journalists murdered in 2010 was killed for practicing his craft; the State’s contention was that these were common crimes.¹⁶ However, like the officials the Commission interviewed during its official visit in May, the State’s representatives did not offer any evidence to support their claim.¹⁷

13. In its observations on the IACHR’s 2010 Annual Report, the State pointed out the following: “The preliminary investigations have established that the murders were the work of a common criminal or criminals; it has not yet found anything to suggest that the motive for the crime was the opinions expressed by the journalists or that agents of the State were in any way involved. For that reason, the cases are being investigated by the Office of the Prosecutor for Common Crimes and not by the Special Prosecutor for Human Rights. In two of the cases, the investigations have concluded, the corresponding criminal indictments have been filed, and the suspects in those two cases are in custody pending trial. In another two cases, the investigations have concluded and the Public Prosecutor’s Office is expected to present them shortly.”¹⁸ It should pointed out that the State did not mention which cases had moved forward and did not provide any evidence to support its claims.

14. The nongovernmental organization C-Libre reported that someone was convicted of the murder of Georgino Orellana; however, suspicions that the crime was politically motivated persist. It also indicated that someone was reportedly in custody for the murder of David Meza, but said that no significant progress had been made in the case.¹⁹

15. As the Commission maintained after its May 2010 visit, it is imperative that the State urgently undertake investigations, run by independent, specialized bodies that follow special investigative procedures that can reliably establish whether the crimes are related to the practice of the victims’ profession and that can enable the prosecution and conviction of those responsible for the crimes. The State must also adopt permanent protective mechanisms to ensure the lives and personal safety of media workers who are at risk. Allowing the perpetrators of these crimes to go unpunished not only offends the victims’ next of kin but affects society as a whole as well, as it instills fear and a tendency

¹⁵ Meeting with the Office of the Special Prosecutor for Human Rights, May 15, 2010, Tegucigalpa, Honduras.

¹⁶ The representatives of the Honduran State said that the alleged murderer of Georgino Orellana is locked up and that robbery had been the motive for the crime. They also reported that two persons are in custody for the murder of David Meza Montesinos, that the crime was related to organized crime and that “significant headway” had been made in the investigation of the murder of Nahúm Palacios. See IACHR, public hearing on [*“Situation of Freedom of Expression in Honduras”*](#) held on October 25, 2010, during the Commission’s 140th regular session.

¹⁷ See IACHR, public hearing on [*“Situation of Freedom of Expression in Honduras”*](#) held on October 25, 2010, during the Commission’s 140th regular session.

¹⁸ In Observations of the State of Honduras on the Draft “General Report on the Situation of Human Rights in Honduras,” Memorandum No. SP-A-13-2011 of February 18, 2011, p. 7.

¹⁹ E-mail of November 23, 2010 (in the files of the Office of the Special Rapporteur).

toward self-censorship, as various journalists and social communicators have observed in the meetings held with the IACHR during its visit to Honduras in May 2010.²⁰

16. Principle 9 of the IACHR's Declaration of Principles on Freedom of Expression reads as follows: "The murder, kidnapping, intimidation of and/or threats to social communicators, as well as the material destruction of communications media violate the fundamental rights of individuals and strongly restrict freedom of expression. It is the duty of the state to prevent and investigate such occurrences, to punish their perpetrators and to ensure that victims receive due compensation."

b. Threats, assaults and harassment of journalists

17. Sometime after 3:30 am on January 6, 2010, unknown persons set fire to the community radio station Faluma Bimetu (Coco Dulce), which serves the community of Triunfo de la Cruz in the department of Atlántida. The radio station belongs to the Garifuna community. Since the June 2009 *coup*, the radio station had received a number of threats because of its opposition to the *coup d'état* and to various real estate development projects underway in the region. As a result, the radio station told the Commission that its situation was dangerous. Alfredo López, manager of Faluma Bimetu, said that on April 24, shortly before the Commission's visit to Honduras in May 2010, he had made arrangements with the State consisting of two daily police patrols.²¹ However, López said that the patrols stopped within a few days.²² The Honduran State reported that the investigations into this case have "not turned up any suspects who might have caused the fire at the community radio station in question." It reported that "investigations continue in order to find those responsible."²³

18. In late March 2010, journalist José Alemán, a correspondent for Radio América and contributor to the *Diario Tiempo* in San Marcos de Ocotepeque, left the country because of the threats he received. According to the information received, on March 28, 2010 Alemán received an anonymous call in the morning, in which they threatened him. That same day, unknown persons entered his residence when he was not at home and fired off their weapons inside the reporter's home. According to the information received, the San Marcos de Ocotepeque police told him that they were "incapable" of providing him with security. As a result of these events, Alemán decided to leave the country that very night.²⁴

19. On April 9, 2010, unidentified persons fired shots at the residence of Channel 40 journalist Ricardo Oviedo. The journalist, who is also president of the Colón Social Communicators Association, complained that he has been persecuted and harassed since the June 2009 *coup d'état*. On the day his home was attacked, the journalist had covered the police barricade where security forces were stopping buses and checking their

²⁰ Information received during the meeting the Commission held with social communicators in Tegucigalpa, Honduras, May 16, 2010.

²¹ Information received at the meeting the Commission held with social communicators in Tegucigalpa, on May 16, 2010.

²² Information received at the meeting the Commission held with social communicators in Tegucigalpa, on May 16, 2010.

²³ In Observations of the State of Honduras on the Draft "General Report on the Situation of Human Rights in Honduras," Memorandum No. SP-A-13-2011 of February 18, 2011, p. 8.

²⁴ Committee to Protect Journalists. April 1, 2010. "[Honduran Journalist Leaves the Country after Attacks](#)"; Reporters Without Borders, April 2, 2010. [Month of violence turns Honduras into world's most dangerous place for journalists](#).

passengers. When Oviedo asked why the people were being checked, one of the police officers answered him in a hostile manner using language laced with obscenities.²⁵

20. During its May 2010 visit, the Commission received information about an attack made on members of the community radio station *La Voz de Zacate Grande*, in the town of Zacate Grande, which is in the area of the Gulf of Fonseca. This radio station has ties to a movement of *campesinos* in the region who are currently locked in a dispute with a businessman from the area over the control of land. According to the information received, in April 2010 *La Voz de Zacate Grande* was attacked by a group of individuals who supposedly had ties to the businessman in question. Later, persons bearing arms turned up at the radio station claiming to be with the Public Prosecutor's Office. They asked to see the papers authorizing the station to operate. In the days that followed, prosecutor Marco Tulio Campos filed a criminal complaint with the Amapala district court, charging Pedro Canales Torres, José Ernesto Laso, Wilmer Rivera Cabrera, Ethel Verónica Corea, Rafael Osorio, José Danilo Osorio, all employees of the radio station, with the crimes of usurpation of land and the crime of defrauding the public administration by setting up a radio station without CONATEL's authorization.²⁶ The charges of defrauding the government were dropped. According to the information received, the accused were found guilty of the crime of "usurpation." An appeal filed with the Choluteca Appellate Court was denied.²⁷

21. On April 18, 2010, journalist Jorge Ott Anderson, owner of a small cable channel in the city of Colón, received a call on his program in which the anonymous caller warned him that he would be killed at anytime. On May 13, 2010, he received another threat during the night. According to the journalist, the threats against him began two days after the *coup d'état*, on June 30, 2009. They were made by phone and were broadcast live, since the journalist takes calls from viewers live and on the air. The military shut down the channel, which was off the air for two and a half months. According to Ott Anderson, the threats have continued unabated ever since. Their frequency had reportedly increased after Ott Anderson reported on the murder of journalist Nahúm Palacios and the detention of a young man in Bonito Oriental, who had allegedly been mistreated by police in April 2010.²⁸

22. In late April 2010, the Society of Jesus reported that Father Ismael Moreno, director of *Radio Progreso*, Gerardo Chévez, a journalist with the station, and Lucy Mendoza, the attorney with the Jesuit Reflection, Research and Communication Team [Equipo de Reflexión, Investigación y Comunicación de la Compañía de Jesús] –ERIC– had reportedly been threatened. According to the information received, the threats that Father Moreno received forced him to go into hiding in late April 2010.²⁹ According to the same

²⁵ Telephone interview with Ricardo Oviendo, May 14, 2010. See also COPA Press Release, April 28, 2010. "[Otro periodista amenazado en el Aguán](#)" [Another journalist threatened in El Aguán]; C-Libre/IFEX. "[Canal 40 journalist followed, threatened](#)."

²⁶ Information received at the Commission's meeting with social communicators, held in Tegucigalpa, Honduras, May 16, 2010. Information also obtained from the [IFEX alert of April 29, 2010](#). See also <http://conexihon.com/?q=node/26>.

²⁷ Information supplied by C-Libre, e-mail of November 2010 (on file in the Office of the Special Rapporteur).

²⁸ Telephone interview with Jorge Ott Anderson, May 14, 2010. Committee to Protect Journalists. May 4, 2010. "[Two Honduran TV reporters receive death threats](#)".

²⁹ *Revistazo*. April 22, 2010. "[Miembros de la Compañía de Jesús en Honduras, amenazados a muerte](#)" [Jesuits in Honduras receive death threats]. See also, *Proceso Digital*. April 22, 2010. "[Compañía de Jesús denuncia amenazas contra el Padre Melo y periodistas](#)" [Jesuits denounce threats against Father Melo and journalists].

report, journalist Gerardo Chévez was threatened via a text message on March 29, 2010, at approximately three in the afternoon. In the early morning hours that same day, the journalist received another message which read as follows: "*Resistance, we're eliminating the Chévezes first and then the priests.*" It is important to point out that on April 11, 2010, Chévez' cousin, the broadcaster Luis Alberto Chévez, had been murdered.³⁰ Attorney Lucy Mendoza was threatened on April 24, 2010, by way of a text message that told her the following: "*Colonel: You think we don't know you? When you walk in the park, we know when you arrive. We see when you come and with whom. You better get out of all that resistance business.*" Attorney Mendoza, who had been followed and threatened in other ways, has been working for ERIC for some two years; in recent months, she has been providing direct support to the journalists with Radio Progreso.³¹

23. Jessica Pavón is the news anchor on two news programs on Tegucigalpa's Channel 6: *Notiseis Matutino* [The Channel 6 Morning News] and *Notiseis Nocturno* [The Channel 6 Nightly News]. On May 13, 2010, Pavón received a call on her cell phone and then a message to the following effect: "You feel death. Right, bitch? Because you're dressed in white, we're going to kill you, bitch" [sic]. Pavón was in fact wearing white that day. Almost ten minutes later, she received another message, which said the following: "When we see you, we're going to blow your head off, bitch. Get ready, because it's channel 6's turn now. Orlin Castro [one of Pavón's colleagues at Channel 6 who works in San Pedro Sula and had been a recent target of persecution] got away from us. The luck is for you, JESSICA PAVON. Regards el Chele" [sic]. After contacting the police, at 8:00 p.m. Pavón was taken home in a private car by two police officers sent by the Secretariat for Security. Since then she has received a number of calls and similar messages. Pavón filed a complaint with the Office of the Director General of Criminal Investigations and the Public Prosecutor's Office. As a news anchor, she usually reports police news and had recently interviewed persons connected to the teachers union and workers and business people about the negotiations on the minimum wage³².

24. On May 19, 2010, Arturo Rendón Pineda, the owner of Radio *La Voz de Occidente* in Santa Rosa de Copán, and Manuel Gavarrete, a journalist with that media outlet (and director of the news program "Sucesos"), were both victims of a number of threatening telephone calls. Thus, for example, on May 17, 2010, while the news program was being broadcast, they received three calls at the station threatening the life of the owner of the station and that of journalist Gavarrete and his family. Rendón Pineda denounced that since the *coup d'état*, he and the journalists who work at his radio station have been the targets of serious acts of harassment, such as bursts of machinegun fire outside the station and at Rendón's home.³³ Gavarrete, for his part, complained that his wife had received a call warning her that her children would be killed unless her husband shut up.³⁴ Rendón Pineda decided to file complaints with the Public Prosecutor's Office and various civil society organizations. According to Rendón Pineda, the harassment and the threats are because of the station's editorial line, which was very critical of the June 28 *coup d'état*. The owner of *La Voz de Occidente* recalled that shortly before receiving the

³⁰ Telephone conversation with Gerardo Chévez, May 12, 2010. IFEX. April 26, 2010. "[Journalist receives death threat](#)".

³¹ Information received at the Commission's meeting with social communicators, held in Tegucigalpa, Honduras, May 16, 2010.

³² Telephone interview with Jessica Pavón, May 18, 2010. IFEX. May 17, 2010. "[Canal 6 journalist receives death threats](#)".

³³ Telephone interview with Arturo Rendón Pineda on May 24, 2010.

³⁴ Telephone interview with Manuel Gavarrete on May 24, 2010.

threatening phone calls, they had read an opinion piece over the air that had been published in the newspaper *Tiempo* in which questions were raised about the figures from the Supreme Electoral Tribunal on the November 2009 elections.³⁵

25. On June 3, 2010, members of a military and police contingent who planned to capture five leaders of the Zacate Grande Land Recovery and Titling Movement, appeared at the community radio station *La Voz de Zacate Grande*. According to the information received, the members of the security forces placed yellow tape reading “crime scene” on the door to the community radio station, supposedly for the purpose of preventing *La Voz de Zacate Grande* from broadcasting its programming.³⁶

26. According to the information received, on August 30, 2010, *Radio Uno*, located in San Pedro Sula, was reportedly sabotaged when the power lines feeding the station’s headquarters with electric power were cut. At around 8:20 p.m., while the suppression of a teachers’ demonstration some days before was being discussed, the station was suddenly off the air.³⁷

27. On September 14, unidentified persons fired on Honduran journalist Luis Galdámez Álvarez. The communicator’s quick reaction foiled the attack. The journalist heads up an opinion program on *Radio Globo* and has been critical of the June 28, 2009 *coup d’état*. Because of the death threats he had received, the IACHR granted precautionary measures for Luis Galdámez Álvarez on July 24, 2009. However, when the measures were not properly implemented and the threats continued, on December 6, 2010 the IACHR requested provisional measures of the Inter-American Court.³⁸

28. Furthermore, according to information received, on September 15, 2010 security forces used teargas to break up a march and a concert organized by the San Pedro Sula Frente Nacional de Resistencia Popular, while the 189th anniversary of Honduran Independence was being celebrated. During the course of the measures taken to repress the march and concert, the building housing *Radio Uno* was attacked and its employees assaulted.³⁹ Once again, the Commission feels compelled to underscore the importance of observance of Principle 9 of the IACHR’s Declaration of Principles on Freedom of Expression.

c. Poor implementation of precautionary measures

29. In 2010, the Commission granted precautionary measures for 24 persons whose freedom of expression was threatened; most of the beneficiaries were journalists.⁴⁰

³⁵ The opinion piece in question is titled “Statistics from the Supreme Electoral Tribunal, 2009,” and was published on May 17, 2010, in the Honduran newspaper *El Tiempo*.

³⁶ AMARC. 3 de junio de 2010. “[Contingente militar-policial clausura transmisiones de la Voz de Zacate Grande](#),” IFEX. 30 de agosto de 2010. “[Continued persecution of community radio station in Zacate Grande](#).”

³⁷ IFEX. September 1, 2010. “[Radio station forced off air by vandalism](#)”.

³⁸ IACHR, Press Release R96/10: [Office of the Special Rapporteur Expresses Concern over New Attacks against Journalists and Media in Honduras](#), September 20, 2010. IFEX. September 16, 2010. “[Journalist survives assassination attempt](#)”. Committee to Protect Journalists. September 16, 2010. “[Critical Honduran reporter survives shooting attack](#)”.

³⁹ AMARC. September 16, 2010. “[Militares y policías atacan Radio Uno](#)” [Military and Police Attack Radio Uno]. TeleSur. September 16, 2010. “[Resistencia hondureña denuncia que represión injustificada causó muerte de manifestante](#)” [Honduran Resistance claim that unwarranted repression caused demonstrator’s death].

⁴⁰ The journalists for whom the IACHR granted precautionary measures in 2010 are as follows: Marvin Emilio Hernández Duarte and his immediate family (January 8, 2010, MC 196/09, amplification); Gilberto Vides and

In many cases, the measures included their immediate families. Nahúm Palacios, the journalist murdered on March 14, 2010, was under that protection at the time of his murder. Both during the Commission's visit in May 2010 and at the hearing on *Mechanisms for implementation of precautionary measures in Honduras*, held in Washington, D.C. on October 25, 2010, civil society organizations and the beneficiaries themselves described the enormous difficulties they had experienced in having the precautionary measures properly implemented.⁴¹

30. The journalists' mistrust of the police and the lack of an effective response by the authorities appear to be among the reasons for the inadequate implementation of these measures.⁴² The situation is compounded by the impunity that the perpetrators of crimes against media workers enjoy, a fact mentioned in preceding paragraphs.

31. It is worthwhile noting that, thus far, the authorities' response to the precautionary measures, when there has been a response, has consisted of offering to supply identification cards, patrols of homes, escorts to and from work, and personal guard services at night.⁴³ However, some journalists said that they were very fearful of the police because of their association with the repression that followed the *coup d'état* and with groups having ties to organized crime.⁴⁴ At the hearing the Commission held in October 2010, representatives of Honduran civil society observed that the State is clearly not committed to protecting journalists and media workers who are at risk, given that there are no proper risk assessments. They also stated that the bodyguards the State provides are at the expense of the person being guarded (a cost of some 250 dollars weekly); that the patrols are stationed in urban areas and are not available in rural areas; that the telephone connections often don't work and there are no personnel who specialize in or are trained in implementing protective measures.⁴⁵ The State reported that a Human Rights Unit was created within the Secretariat of Security in March 2010, and is tasked with arriving at a consensus on, implementing and following up on protective measures. It also reported that a Human Rights Investigation Unit had been created within the Secretariat of Security, under the Office of the Special Prosecutor for Human Rights, and that in July 2010 the Working Group of the Inter-Institutional Commission on Human Rights had agreed that a "permanent staff" should be appointed. However it did not report whether those appointments had been made or where staffing was to be reinforced. It also acknowledged that "in some instances,

his immediate family (January 22, 2010, MC 196/09, amplification); Anselmo Romero Ulloa and María Brígida Ulloa Hernández (February 12, 2010, MC 196/09, amplification); Manuel de Jesús Varela Murillo, Ricardo Antonio Rodríguez and their families (February 25, 2010, MC 38/10); Pedro Brizuela, Mateo Enrique García Castillo, and immediate families (March 19, 2010, MC 91/10); X and family (name withheld because he is a minor, March 24, 2010, MC 95/10); Inmer Genaro Chévez and Lucy Mendoza (May 3, 2010, MC 196/09, amplification); Karla Patricia Rivas Sánchez; José Pablo Peraza Chávez; Rita Suyapa Santamaría Velásquez; Alfredo Bográn, Lolany Mariela Pérez Parada; Rommel Alexander Gómez; Lesly Castro; José Domingo Miranda; Héctor Hernández; Víctor Emilio Borjas; Leticia Castellanos and Pablo Ordóñez (May 20, 2010, MC 196/09, amplification for journalists from Radio Progreso); Juan Ramón Flores (June 21, 2010, MC 180/10); Edwin Róbilo Espinal (July 22 2010, MC 221/10).

⁴¹ See IACHR, public hearing on "[*Situation of Freedom of Expression in Honduras*](#)", held October 25, 2010, during the Commission's 140th regular session.

⁴² Telephone interviews with Jorge Ott Anderson and Ricardo Oviedo on May 14, 2010.

⁴³ Information received at the meeting the Commission held with social communicators on May 16, 2010, in Tegucigalpa.

⁴⁴ Information received at the meeting the Commission held with social communicators on May 16, 2010, in Tegucigalpa.

⁴⁵ Statements made by petitioners Marcia Aguiluz (CEJIL), Mary Agurcia (COFADEH) and Lucy Mendoza (ERIC) at the public hearing on the "[*Situation of Freedom of Expression in Honduras*](#)", held on October 25, 2010, during the Commission's 140th regular session.

it is difficult to arrive at a consensus on the measures to be taken and how to implement them, but not necessarily for reasons attributable to the State.” Among the difficulties mentioned, it cited the “uncooperative attitude on the part of the beneficiary” as the main problem, as well requests from beneficiaries that “exceed the national police’s authority, such as providing the beneficiaries with funds to hire private security services.”⁴⁶ Finally, the State reported that the beneficiaries have to provide their bodyguards with meals since “the State is materially unable to get meals to all the places where bodyguards are posted.” It also rejected the claim that patrols only work in urban areas and observed that it does not have the funds to pay for private guard services.⁴⁷

32. The lives of journalists and social communicators in Honduras are fraught with peril. The crimes committed against journalists in 2010 demand efficient and effective responses. It is imperative that the State set up special, independent investigative bodies and protocols, and specialized mechanisms of protection that are effective, stronger and arranged with the journalists themselves. Principle 9 of the IACHR’s Declaration of Principles on Freedom of Expression is particularly relevant here.

d. Investigations into shutdowns of media outlets

33. On June 28, 2009, *Channel 36* was taken over by the Armed Forces and was off the air until July 4, when it resumed operation after the Office of the Special Prosecutor for Human Rights intervened. The transmission towers of *Radio Globo* and *Radio La Catracha*, located in the area of Cerro Cantagallo, were taken over.⁴⁸

34. According to the information compiled, on the morning of June 28, 2009 Army Lieutenant Colonel José Arnulfo Jiménez took over the facilities of Channel 36, while Army Lieutenant Darvin Ismael Ardón took control of the Radio Globo and Radio la Catracha transmitters.⁴⁹ Both were charged with the crimes of “destroying or damaging the telecommunications service” and “abuse of authority.” In the case, brought by the Office of the Special Prosecutor for Human Rights, the defendants argued that they had orders from superiors and had acted in compliance with an order from the Administrative Law Court which allegedly ordered confiscation of propaganda and other materials related to the so-called “fourth ballot box”.⁵⁰ The two officers argued that they suspected that the two media outlets in question were housing such materials. As the defendants themselves acknowledged at the initial hearing, those materials were never found. However, the takeover of the Channel 36 building lasted eight days. Judge Marta Murillo decided to dismiss the case on the grounds that the military had been following a legitimate order.⁵¹ The Office of the Special Prosecutor for Human Rights filed an appeal on January 13, 2010. According to the information received, the appeal had not yet been decided.⁵² However, on

⁴⁶ In Observations of the State of Honduras on the Draft “General Report on the Situation of Human Rights in Honduras,” Memorandum No. SP-A-13-2011 of February 18, 2011, pp 8- 9.

⁴⁷ In Observations of the State of Honduras on the Draft “General Report on the Situation of Human Rights in Honduras,” Memorandum No. SP-A-13-2011 of February 18, 2011, p. 20.

⁴⁸ See the report titled *Honduras: human rights and the coup d’état*, IACHR, 2009, paragraphs 414 et seq.

⁴⁹ Record from the Initial Hearing, Case No. 0801-2009-48097, before Judge Marta Marlene Murillo Castillo.

⁵⁰ See the report titled [*Honduras: human rights and the coup d’état*](#), IACHR, 2009, paragraphs 82 et seq.

⁵¹ Record of the initial hearing, Case No. 0801-2009-48097, before Judge Marta Marlene Murillo Castillo.

⁵² Report sent by e-mail to the Commission by the Office of the Special Prosecutor for Human Rights, May 26, 2010.

August 31, 2010, Judge Lilian Maldonado of the Multi-jurisdictional Courts of Francisco Morazán ruled that Lieutenant Colonel Jiménez was innocent of the charges that the Public Prosecutor's Office and the victims' attorneys had brought against him.⁵³

35. On June 28, 2009, *Radio Juticalpa* in the department of Olancha, and *Radio Progreso* in the department of Yoro were also taken over and forced to suspend broadcasting. The Office of the Special Prosecutor for Human Rights filed a formal request with the court seeking indictment of the military officers who led these actions. In the case of the closing of *Radio Juticalpa*, while the lower court ordered that one of the accused members of the army be taken into custody, the Third Court of Appeals revoked that order and dropped the charges against the accused.⁵⁴ In the case of the takeover of *Radio Progreso*, the charges against the accused were dismissed. As of the date of preparation of this report, the appeal filed by the Office of the Special Prosecutor for Human Rights had not been decided.⁵⁵

36. On September 28, 2009, the equipment of Channel 36, Radio La Catracha and Radio Globo was confiscated, making it impossible for them to go on air. The equipment seizure was the result of a process instituted by CONATEL on the basis of decree PCM-M-016-2009, which had been issued just two days earlier.⁵⁶ A number of different security forces took part in the operation, some of whom wore hoods. In October, the State informed the IACHR that the equipment had been returned and that the stations had resumed normal broadcasting, since the decree authorizing the closing of those media outlets had been revoked.⁵⁷ On December 15, 2009, the Office of the Special Prosecutor for Human Rights sought indictment of those members of CONATEL who had ordered confiscation of the media outlets' equipment. However, the request was denied: Judge Marta Murillo ordered that the charges against the CONATEL commissioners who had ordered this shutdown be dropped.⁵⁸ The Office of the Special Prosecutor for Human Rights filed an appeal to challenge the decision on April 15, 2010, but the appeal has still not been decided.⁵⁹

⁵³ See C-Libre/IFEX. September 7, 2010. "[Jueza declara inocente a coronel que cerró varios medios de comunicación](#)" [Colonel who closed various media outlets found innocent by judge]. *El Libertador*. September 3, 2010. "[Jueza declara inocente a militar responsable del cierre de Canal 36](#)" [Military officer responsible for shutting down Canal 36 found innocent by judge].

⁵⁴ Report sent by e-mail to the Commission by the Office of the Special Prosecutor for Human Rights, May 26, 2010.

⁵⁵ Report sent by e-mail to the Commission by the Office of the Special Prosecutor for Human Rights, May 26, 2010.

⁵⁶ IACHR, Press release R71/09: [Office of the Special Rapporteur for Freedom of Expression Condemns the Suspension of Guarantees in Honduras and the Violations of the Right to Freedom of Expression](#), September 29, 2009. This decree suspended, among others, the constitutional right to freedom of expression, by banning all the publications that may "offend human dignity, Government employees, or may threaten the law, and the government resolutions". This decree authorized the National Commission of Telecommunications (*Comisión Nacional de Telecomunicaciones*, CONATEL) to immediately interrupt, through the use of State security forces, the broadcasting of any radio station, television channel or cable television system that in its opinion may violate the aforementioned dispositions.

⁵⁷ IACHR, [Honduras: Human Rights and the Coup d'état](#), paragraph 421.

⁵⁸ The accused commissioners were Miguel Ángel Rodas Martínez, Héctor Eduardo Pavón Aguilar, Gustavo Lara López, José Antonio López Sanabria and Germán Enrique Marthel Beltrán.

⁵⁹ Information received from the Office of the Special Prosecutor for Human Rights at a meeting held on May 15, 2010. See also *El Libertador*, "[Jueza Martha Murillo falla en contra de la Libertad de Expresión; la sentencia aprueba el saqueo y cierre de Canal 36](#)" ["Judge Martha Murillo rules against Freedom of Expression; the ruling rubberstamps the sacking and shutdown of Channel 36"].