

**Congressional Testimony of Alejandra Nuño, director
for Mexico and Central America
the Center for Justice and International Law (CEJIL)**

Subcommittee on the Western Hemisphere

Committee on Foreign Affairs

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Press Freedom in Honduras

Chairman Engel and distinguished members of the subcommittee:

Thank you for inviting the Center for Justice and International Law (CEJIL) to testify on press freedom in Honduras today.

CEJIL is a non-governmental organization dedicated to defending and promoting human rights in the American continent through the strategic use of tools offered by international human rights law. CEJIL offers advice and free legal representation to victims of human rights abuses—and to the organizations that defend their causes—when justice proves impossible to achieve in their own countries. In this effort, CEJIL prioritizes the hemisphere's most persecuted and excluded populations¹.

Currently, CEJIL litigates more than 200 cases before the Inter-American Commission and Court of Human Rights, representing more than 13,000 victims. These cases cover more than 30 different issues, including massacres, violence against women, indigenous rights, children's rights, forced disappearances, freedom of expression, and labor rights.

Since June 28, 2009, we have intensified our work with Honduran civil society organizations to defend human rights, as well as promoting truth, justice, and the rule of law in the wake of the ouster of elected President Manuel Zelaya.

We applaud the subcommittee for calling this timely hearing and for including Honduras as one of the countries in the Americas where press freedom is most threatened. We share the committee's concerns about threats to freedom of the press in Mexico, Nicaragua, and Venezuela, and we would add Cuba to the list of nations where this right is severely restricted.

Press freedoms have been limited in Honduras for many years, but in 2010 the situation has become much worse. Honduras became this year the most dangerous country for journalists in the continent. While in Mexico, with a population of 112 million, 4 journalists have been killed in 2010 --1 for each 28 million—in Honduras, with less than 8 million, 8 journalists have been shot dead this year.

¹ <http://www.cejil.org>

Press freedoms have been limited in Honduras for many years, but 2010 has seen a bad situation become markedly worse. Indeed, Reporters Without Borders has rated Honduras the most dangerous country in the world for journalists in the last six months².

This hearing is an important step in shining a light on the violent repression Honduran journalists and social communicators have suffered since last year's coup. We urge all subcommittee members to use every opportunity to follow up with the Obama administration and Honduran officials so that protecting press freedom and prosecuting those who violate it become high priorities in our bilateral relations.

Press Freedoms Before the Coup

Freedom of expression watchdogs have long criticized Honduran authorities for efforts to control or intimidate the media including the use of publicity contracts to punish or reward media for their content and paying individual reporters for favorable coverage.

From 2003 to mid-2009, the CPJ denounced 3 deaths related to the exercise of journalism³.

Press Freedoms During the *De Facto* Government

The right to freedom of expression was dramatically affected by the coup of last June 28. When the army forced then-President Zelaya into exile in Costa Rica, the new authorities imposed severe restrictions on the media in order to stifle opposition to the coup.

Several media outlets resorted to self-censorship or came out in favor of the coup. Those that resisted this tendency, including television channels and radio stations, were occupied by the military and forced to suspend operations. Others were unable to report events on the air due to power cuts or the seizure of relay stations and transmitters.

Several cable channels that relayed foreign news were taken off the air. Others had their equipment confiscated.

According to the Inter-American Commission on Human Rights⁴, some journalists received phone calls from government officials, including then-head of the military joint chiefs Gen. Romeo Vásquez Velásquez, advising them not to disseminate news or opinions unfavorable to the de facto government,. Other reporters were assaulted, detained, or threatened. Charges against military officials for these measures have all been dropped. One radio reporter, Gabriel Fino Noriega of Estelar and Radio America, was shot dead on July 3 as he left work. Fino had reported on demonstrations against the coup and complaints against the *de facto* authorities⁵.

The Lobo Government's Record

Intimidation and attacks against the media continued throughout the period of the *de facto* government. But violence against journalists has reached an unprecedented level this year. At least seven journalists were murdered between March 1, 2010, and the end

² <http://www.rsf-es.org/news/honduras-cinco-periodistas-asesinados-y-uno-exiliado-en-un-mes/>

³ <http://www.cpj.org/>

⁴ IACHR. Honduras: Human Rights and the Coup D'État <http://www.cidh.oas.org/countryrep/Honduras09eng/Toc.htm>

⁵ See, CJP. **Gabriel Fino Noriega** (<http://cpj.org/killed/2009/gabriel-fino-noriega.php>) and the IACHR's report (<http://www.cidh.oas.org/countryrep/Honduras09eng/Toc.htm>)

of April for reasons that may be related to their work⁶. Another was slain Monday night, June 14. Many journalists continue to receive death threats related to their reporting.

These attacks on the media have had a profoundly chilling effect on the free exchange of ideas in Honduras, making national reconciliation and the restoration of a meaningful democracy a distant dream.

After the third of seven journalists' murder this year, W. Lewis Amselem, then-representative of the United States to the OAS, told the OAS Permanent Council:

...democratic politics can be, should be, open, lively, loud and impatient. Democratic politics however, cannot be a blood sport; they cannot result in one side to be exiled [sic], imprisoned or killed. ... Freedom of expression cannot be said to exist if journalists, be they of the right, left or center, may be killed with impunity for practicing their profession.⁷

Amselem also correctly noted that journalists are not the only ones facing violent intimidation, adding:

We are deeply concerned by a recent series of events which had appears [sic] that individuals who express political opinions of one side or the other regarding the coup d'état of June 28, are being targeted for violence and intimidation.⁸

As the Inter-American Commission on Human Rights has stated in its "Declaration of Principles on Freedom of Expression," governments bear responsibility when journalists face persecution:

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.⁹

Nonetheless, we are extremely concerned by signs that these murders will be added to the ever-growing list of cases remaining in impunity. In its recently issued report on the human rights situation in Honduras, the Commission concluded that:

...the murders, threats and harassment are not being properly investigated by the judicial system, even though such investigations could clarify the question of whether these are related to the context of the *coup d'état*.¹⁰

⁶ IACtHR. Preliminary Observations Of The Inter-American Commission On Human Rights On Its Visit To Honduras, May 15 to 18, 2010, Parr. 24. At:
<http://www.cidh.org/countryrep/Honduras10eng/Honduras10.Situation.htm#Murders%20of%20journalists%20in%20010>

⁷ http://www.oas.org/en/media_center/videos.asp?sCodigo=10-0072&videotype=&sCollectionDetVideo=23

⁸ Id.

⁹ Principle 9 of the **Declaration Of Principles On Freedom Of Expression** states : "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."

While the investigations are at a secret stage, authorities have said publicly that they have found no evidence of a connection between the slayings and the victims' work.

Considering the climate of repression of the media and the threats received by reporters connected with their work, this statement suggests a lack of interest in finding the truth if it threatens powerful individuals. There has been progress in only one of the cases that we know of; the Inter-American Commission's new report found "good reason to question whether the suspects in custody were actually involved in the journalist's murder."

Other Concerns about Freedom of Expression

Journalists in Honduras also face arbitrary interference from the state telecommunications agency CONATEL. During the coup, CONATEL ordered the closing of several media outlets on suspicious grounds; and it still retains the authority to do so under Executive Decision No. 124-2009, according to the Inter-American Commission¹¹.

We are also concerned about the recent dismissal by the Supreme Court of four judges and a public defender who opposed the coup. This action violates those individuals' freedom of expression and undermines judicial independence.

The 2010 Wave of Assassinations

The following fatal attacks against journalists have taken place in Honduras since March:

- On March 1, journalist Joseph Hernández Ochoa of Channel 51 in Tegucigalpa was shot dead as he drove in a car with another journalist, Karol Cabrera, who was wounded.
- On March 11, David Meza Montesinos of Radio America and Radio el Patio was shot dead driving his car in La Ceiba. Meza had received threats related to his reporting on drug trafficking. He was also reportedly active in the opposition to the coup.
- Three days later Nahúm Palacios, news director for TV channel 5 in Aguán, was slain. Palacios had received death threats beginning shortly after the coup; he testified to CEJIL and other human rights organization about these threats at the time. The Inter-American Commission on Human Rights had requested the Honduran government to take protective measures on his behalf. The Commission noted in its most recent report, that "...once the Commission granted precautionary measures on his behalf, the State had a duty to take the measures necessary to protect his life. However, based on what has been reported, it apparently did not comply with its obligation." Palacios reported having been threatened by a captain at the Castilla Naval Base on June 28.

¹⁰ IACtHR. IACtHR publishes observations on follow-up visit to Honduras. Press release N° 59/10.

¹¹ IACtHR. **Preliminary Observations Of The Inter-American Commission On Human Rights On Its Visit To Honduras**, May 15 to 18, 2010.

- Journalists Manuel Juárez and José Bayardo Mairena were shot dead in their car in Olancho on March 26. Mairena had reported on land conflicts and organized crime.
- On April 13, reporter Luis Antonio Chévez Hernández of radio W105 and his cousin, Julio Alberto Hernández, were slain in San Pedro Sula.
- On April 21, reporter Jorge Alberto “Georgino” Orellana was shot dead in San Pedro Sula. Orellana had left his employer, Televicentro, because he disagreed with the station’s support for the coup.
- On Monday, June 14, unidentified individuals shot dead Luis Arturo Mondragón Morazán, owner of 19 Paraíso TV, in El Paraíso.

The recently released Inter-American Commission report also documented a continuing pattern of threats and harassment against journalists this year. Several of these cases, including the persecution of journalists and social communicators at Radio Progreso, La Voz del Occidente, and La Voz de Zacate Grande, are particularly urgent¹². A representative sample is listed below:

- Jorge Ott Anderson, owner of a small cable channel in Colón that was shut down by the military for two and a half months after the coup, has received many threats on live call-in shows. The intensity of these threats increased after the March murder of journalist Nahúm Palacios.
- News anchor Jessica Pavón of Channel 6 news has received several threatening text messages, including one saying “When we see you, we’re going to blow your head off, bitch. Get ready, because it’s channel 6’s turn now.”
- Ricardo Oveida leases airtime on a Colón channel and serves as the president of the Colón Association of Social Communicators. He has been repeatedly harassed by police and soldiers since the coup. He has reportedly been followed by cars and motorcycles, and was forced off the road on April 13. Shots have been fired at his house and machinegun fire has been heard outside the studio.
- Reporters from the community station Radio Progreso, which was taken over by the military during the coup, continue to receive threats. The Inter-American Commission has requested the government to take special protective measures on behalf of several of them.

¹² IACHR. **Preliminary Observations Of The Inter-American Commission On Human Rights On Its Visit To Honduras**, May 15 to 18, 2010, section 3. Journalists threatened:
<http://www.cidh.org/countryrep/Honduras10eng/Honduras10.Situation.htm#Threats,%20harassment%20and%20protective%20measures>

- Threats and other acts of intimidation have also been leveled against Arturo Rendón Pineda and Manuel Gavarrete of Radio *La Voz del Occidente* in Santa Rosa de Copán.
- The operators of a community radio station, *La Voz de Zacate Grande*, have gone into hiding after a group of soldiers and police went to pick them up without arrest warrants on June 3. The station had been reporting on land conflicts in the remote area.

Protective Measures

One of the methods available under the Organization of American States' system for protecting human rights is the issuance of protective measures on behalf of individuals whose life or physical integrity are at risk of serious violation. In many cases, the Inter-American Commission or Court issue these measures for individuals whose life or physical integrity is in jeopardy. By invoking these measures, the Inter-American Commission or Court alerts the government in question about the threats and calls upon the authorities to take measures to protect the individual.

As noted above, the Inter-American Commission had called on the Honduran government to take protective measures on behalf of Nahúm Palacios, one of the journalists assassinated in March. Obviously the government did not take effective action to protect his life. The Commission has requested protective measures for 28 Honduran journalists. In most cases, the government's response has been to sign a contract with the threatened individual, and in some cases, take no further action. In other cases, the government has offered ID cards, police patrols, escorts to and from work, and night watchmen. However, many journalists fear the police because of its role in repressing the media during and after the coup and because of the state's overall apparent lack of interest in prosecuting crimes against journalists.

The government needs to take the protection of threatened individuals seriously. Effective measures would include a study of the risks posed to the individual, discussion with the individual of measures to be adopted, and periodic meetings to evaluate implementation of the measures. In cases where the Commission has called for specific action, such as the return of confiscated equipment or the investigation of a crime, the government should promptly comply. The government should also train the police in the importance of protective measures, so that they take them more seriously.

Recommendations

We urge members of Congress to use its powers to effectively send a strong message to the branches of the Honduran government that persecution of the media must stop, and that those responsible must be prosecuted.

Right now there are many discussions as to whether Honduras should be permitted to rejoin the OAS, which suspended Honduras' membership since last year's *Coup*. It would be a setback for press freedoms and human rights in the hemisphere if Honduras were reintegrated into the OAS without first putting an end to arbitrary interference with and

persecution of the media. Also, it is urgent to bring to justice those responsible for the deaths and threats against journalists.

One important way to provide support for efforts to protect press freedoms -- and human rights in general -- would be the establishment of a local Office on the UN High Commissioner for Human Rights in Honduras. In my country -- Mexico -- and in many other places, this has been an effective way to monitor the situation and provide technical cooperation.