

Honduras: Government-Supported Human Rights Abuses and the Legacy of Impunity

Since the June 28 coup in Honduras, international media and NGOs have reported on the de facto government's suspension of Constitutional rights, censorship of media outlets and repression of peaceful demonstrators. Less reported and harder to monitor has been a continuous wave of human rights violations: illegal arrests, police beatings and shootings, and suspicious deaths of resistance leaders, activists, advocates and their family members.

Human rights advocates say they have been witnessing a pattern of abuse strikingly similar to what citizens suffered during the political conflicts of the 1980s. They point to a culture of ongoing repression that has been cultivated by government and military impunity for human rights violations over the last 30 years.

"The connection is very evident in the patterns of repression that have played out. The mode of repression, the sowing of fear, detentions, and the general climate of terror is very reminiscent of the 80s," Claudia Hermansdorfer, director of the Honduran Center for Women's Rights, said.¹

Although in the 1990s cases were brought against a number of military officers accused of human rights abuses, there have been few successful prosecutions and cases have languished in the courts, leaving no justice for victims and citizens. Because of a lack of government transparency, it is often difficult even to know the status of the cases.

Retired Capt. Billy Joya Amendola, an officer in Battalion 3-16—which kidnapped, tortured or "disappeared" citizens during the 1980s—and who has been charged in several abuse cases, is now serving as a security advisor for the de facto government and has made several television and radio appearances defending the repressive actions of the de facto government. Joya is reportedly living in the United States. Five other former military officers with ties to Battalion 3-16 are reported to currently hold powerful positions within the government or police. (See *Former Battalion 3-16 members in positions of power today*, below.)

The net result is a culture of impunity that has left many Hondurans fearful of the current situation. Bertha Oliva, director of Committee for Relatives of the Detained-Disappeared in Honduras (COFADEH), said, "Before, they hid the dead. Now they do it in public, challenging every principle of human rights."²

Following is a background on government-supported human rights abuses and the legacy of impunity in Honduras. The information provided is based on research that May I Speak Freely Media has conducted over the past 10 years.

For current information on human rights issues in Honduras

May I Speak Freely Media's Honduras News in Review
<http://www.mayispeakfreely.org>

Human Rights Watch
<http://www.hrw.org/americas/honduras>

Center for Democracy in the Americas
<http://democracyinamericas.org/cda-tracks-crisis-honduras>

Center for Justice and International Law (CEJIL) Blog
<http://informacionhonduras.blogspot.com/>

Quixote Center
<http://quixote.org/>

Latin America Working Group
<http://www.lawg.org>

The Honduran military's counter-subversive campaign

In the early 1980s, as part of a U.S.-supported strategy to stop the perceived tide of leftist revolution from spilling into Honduras, the Honduran military began targeting people suspected of having ties to the insurgency in El Salvador or the Sandinista revolutionary government in Nicaragua or of supporting insurgent activity within Honduras.^{3,4}

Throughout the '80s and early '90s, **Honduran security forces illegally detained scores of leftist activists**—students, teachers, unionists—along with some who just fit the profile or happened to be in the wrong place at the wrong time. Victims were abducted off the street or taken from their homes, often in front of eyewitnesses. The perpetrators were frequently dressed in civilian clothes, thus enabling the military to deny involvement. Those who survived told stories of interrogation and torture, and those whose bodies were found showed signs of brutal abuse. **The majority were "disappeared"**—never seen or heard from again.³

According to a 1996 CIA review of its role in Honduras, **"the Honduran military committed hundreds of human rights abuses** since 1980, many of which were politically motivated and **officially sanctioned**" and "CIA reporting linked Honduran military personnel to 'death squad' activities."⁵ The CIA also found that Battalion 3-16 and related units of the Honduran military (see *What Is Battalion 3-16?* below) engaged in **"counter-terrorist tactics" including "torture, rape, assassination** against persons thought to be involved in support of Salvadoran guerrillas or part of the Honduran leftist movement."⁶

"I was tied up and beaten. I was left naked most of the time and was given almost nothing to eat ... I suffered electroshocks, hanging, suffocation attempts ... They burned my legs, made cuts in my skin with needles, made me lose my sense of time and space, drugged me and sexually abused me."

— *Inés Consuelo Murillo Schwaderer, an activist with peasant organizations, who was held illegally and subjected to interrogation and torture sessions for nearly three months in 1983. During her detention no warrant was ever issued for her arrest, nor was she allowed to see a lawyer or her family.*³

Testimonies of former **members of the Honduran Armed Forces confirmed the military's abusive activities**. In the late 1980s José Barrera Martínez, an interrogator and assassin for Battalion 3-16, and Florencio Calallero, a battalion interrogator who had been trained by the CIA⁷ gave details of kidnappings, torture and assassination of detainees and identified the locations of **clandestine jails and burial grounds**.^{3,8,9}

What was Battalion 3-16?

When discussing human rights abuses committed by Honduran security forces, most accounts refer to "Battalion 3-16." However, that the name is typically used as a blanket term to refer to several different Honduran units. In the early 1980s, the Public Security Force (FUSEP), the police branch of the Honduran Armed Forces, had "a special unit involved in countering domestic subversive movements." From 1980 to 1984 the National Investigations Directorate, a unit of FUSEP, maintained a secret unit called the Honduran Anti-Communist Liberation Army (ELACH), a **"death squad" whose operations included "surveillance, kidnappings, interrogation under duress, and execution of prisoners who were Honduran revolutionaries."**¹⁰ In early 1984, based on the recommendations of a joint U.S.-Honduran military seminar, the Honduran Armed Forces converted the FUSEP Special Unit and placed it under a military intelligence division of the Armed Forces General Staff, renaming it Military Intelligence Battalion 3-16.¹⁰ The battalion was officially dissolved in 1987¹⁰, but illegal detentions and assassinations by security forces persisted well into the 1990s.⁵

Civilian response

That abuses were taking place was well known at the time. There were at least **318 stories about military abuses published in the Honduran press in 1982** alone.¹¹ According to findings of the Inter-American Court of Human rights, "It was public and notorious knowledge in Honduras that the kidnappings were carried out by military personnel or the police, or persons acting under their orders."⁹

Throughout the 1980s relatives of the disappeared filed habeas corpus petitions with the Honduran courts, Honduran human rights groups aided families and compiled and published reports of abuses, and international groups including Amnesty International held campaigns to advocate for a number of disappearance victims.^{3,12} Relatives also made appeals for help to the U.S. Embassy.¹¹

Those efforts, however, were almost entirely unsuccessful because, according to findings by the Inter-American Court of Human Rights, "**military and police officials as well as those from the executive and judicial branches either denied the disappearances or were incapable of preventing or investigating them, punishing those responsible, or helping those interested discover the whereabouts and fate of the victims or the location of their remains.**"⁹

In 1984 several relatives of disappearance victims filed a complaint in criminal court against a number of senior military officers, but two years later, the court dismissed the proceeding.^{9,12} Having exhausted all internal mechanisms, families associated with four disappearance cases turned to the Inter-American Commission on Human Rights, a body of the OAS. In 1988 and 1989, the **Inter-American Court of Human Rights** found the government of Honduras responsible for the disappearances of Angel Manfredo Velásquez and Saúl Godínez Cruz, respectively. Of note, the court found that "**there existed in Honduras from 1981 to 1984 a systematic and selective practice of disappearances carried out with the assistance or tolerance of the government.**"⁹

"That same night the torture began... They began to torture the tallest person—not me—to the verge of death. I know this because I could hear them; they had to give the victim artificial respiration because they had put the *capucha* [a rubber bag placed on a victim's head to cause asphyxiation] on 15 times without stopping. Later, they began beating me... They put me in front of a firing squad and pretended to fire. They told us very clearly that they were going to kill us."

— Milton Jiménez Puerto, one of the six students detained in 1982. In 2003, Col. Juan Blas Salazar Meza was found guilty in this case—but only of illegal detention, and only for two of the students; he was sentenced to four years in prison.

How many victims?

In 1993, Leo Valladares Lanza, **Honduras' first human rights commissioner**, published a report entitled *The Facts Speak for Themselves*, which **documented 184 cases of alleged state-sponsored disappearance** in Honduras from 1979 to 1992.³ (The number of cases was

To learn more about individual cases of torture and disappearance in Honduras during the 1980s, visit MISF Media online: http://www.mayspeakfreely.org/index.php?qSec=doc&doc_id=12

later revised to 179 after some duplication was discovered; however, the original figure has continued to be commonly cited by the press, human rights groups and others.) That number refers solely to disappearance victims and does not include cases of murder or unlawful detention and torture—thus, the total number of victims is in fact higher. Along with a catalog of disappearance cases, *The Facts Speak for Themselves* includes testimony from individuals who were detained and tortured and survived to tell their

stories. In a review of its files and other information available to the U.S. government, **the CIA identified some 250 cases of alleged abuse.**⁶

Efforts to prosecute Honduran military officers accused of human rights abuses

In January 1994 President Roberto Reina, a former president of the Inter-American Court of Human Rights, took office with a promise to end impunity for human rights violations. A reformed Public Ministry was charged with investigating claims of human rights abuse, including those documented in Valladares' report; a forensics team began exhumations at sites believed to contain disappearance victims; and the role of Special Prosecutor for Human Rights was established.¹³

In its first case, in July 1995, the Special Prosecutor charged 10 military officers with the illegal detention and attempted murder of six university students in 1982. Criminal charges, filed by the Special Prosecutor or by the nongovernmental Committee for the Defense of Human Rights in connection with other cases, followed over the next few years.^{14,15} **At least 38 military personnel are reported to have been charged in connection with at least 40 cases of illegal detention, torture and murder or attempted murder.**^{13,14,16-26}

Barriers to prosecution

Prosecution of these cases has faced significant barriers. It was not until 1993 that Honduran law permitted military personnel to be tried in civilian courts, and the **military still held enough power to defy arrest warrants and requests for information**. Many officers whom the special prosecutor charged in detention and murder cases fled the country, others walked free while authorities failed to enforce arrest warrants, and some **fugitives who were on active duty continued to receive their salaries**.^{3,4,14} Moreover, **several of those alleged responsible for abuses continued to hold senior military or civilian positions**, including Gen. Luis Alonzo Discua Elvir, who commanded Battalion 3-16 in 1984 and was chief of the Honduran Armed Forces in the mid-1990s.^{3,13}

Further hampering prosecution efforts, until 2000, accused officers successfully argued that they were protected by amnesty laws enacted by the Honduran government between 1987 and 1991 as part of a so-called national reconciliation process.^{14,18}

"They gave me electric shocks, first in the breasts and knees, then in the vagina ... It's terrible for any human being to feel humiliated, and especially impotent. And to be punished for struggling for justice in the country."
— Nora Miselem, who in the early 1980s worked for an organization that aided refugees on the Honduran border with El Salvador. Miselem has attempted to bring her case to court within Honduras, but judges in the case have told her she hasn't presented enough proof, even though she has provided photographs and witnesses.²⁷

Limited success bringing alleged human rights abusers to justice

Of the dozens of military officers charged, to date, **only four men have been found guilty of human rights crimes**, and only one of a major charge:

- In 2003, in connection with the illegal detention and attempted murder of the six students, Col. Juan Blas Salazar Meza was found guilty—but only of illegal detention, and only for two of the students; he was sentenced to four years in prison.²¹
- In 2004, Salazar Meza, Capt. German Antonio McNeil Ulloa and Sgt. José Marcos Hernández were found guilty of the illegal detention of Luis Manuel Figueroa Guillén and sentenced to one year, eight months in jail. In 1983, Figueroa was held for several weeks in FUSEP custody, where agents beat and tortured him.^{22,28,29} [DOS04, Heraldo, PatLedger]
- In 2005, an appellate court overturned the previous year's acquittal of Capt. Marco Tulio Regalado and sentenced him to 12 years in prison for the murder of Herminio Deras, who was shot in the head after being detained by soldiers in 1983.³⁰

The majority of cases against Honduran military officers accused of human rights abuses have languished in the courts. Many **cases have been dismissed for "lack of evidence" — despite witness testimonies or positive forensic identification.**¹⁷⁻²⁶ In recent years, the government has made motions toward reactivating pending cases, but no substantive action has been taken to date.

Barriers to information access

Because of a lack of transparency in the Honduran government, it is difficult to find information on the current status of cases. A review of annual State Department human rights reports for Honduras over the years since prosecution efforts began reveals spottiness and inconsistency in reporting of case progress—which likely reflects the spotty and inconsistent flow of information on these cases. **Official information on charges and court proceedings in these cases has not been publicly accessible**, and may be even more out of reach under the de facto government. For example, the Honduran NGO Center for Investigation and Promotion of Human Rights (CIPRODEH)—which is seeking to confirm the extent and details of the charges against Billy Joya and other officers—has as yet been unable to obtain copies of arrest warrants and other legal documents despite requests to the Honduran government.³¹

Former Battalion 3-16 members in positions of power today

Following the June 28 coup, Honduran human rights advocates were alarmed to see retired Capt. **Billy Joya Amendola**, a former Battalion 3-16 officer, serving as a security advisor for the de facto government and making television and radio appearances defending the repressive actions of the de facto government.³²⁻³⁴ Joya is particularly notorious for having been charged for numerous human rights crimes, evading arrest and ultimately obtaining questionable acquittals—all while seeming to flaunt his impunity.

Joya has been charged with attempted murder and unlawful detention in the six students case, for the 1982 murder of university student Hans Madisson López, and the 1982 illegal detention and torture of journalist Oscar Reyes and his wife Gloria. In defiance of an arrest warrant, Joya fled to Spain in 1996, publishing a two-volume document titled "The BJ Report: A Ray of Light in the Journey Forward," which he catalogued alleged human rights abuses committed by Marxist insurgents in the early 1980s and asserted his own innocence.

Joya voluntarily returned to Honduras in 1998, possibly with a deal ensuring him favorable treatment.³³ He was arrested shortly thereafter in connection with the six students case but was freed on bail; repeated attempts by the Public Ministry to reinstate the arrest warrant have failed, the outcome of the case is unknown. A Honduran court has since absolved him of all charges in the Reyes case and acquitted him in the Madisson case; the latter was upheld on appeal because a DNA test that positively identified Madisson's body was ruled inadmissible as evidence because of a small probability of error.¹⁷⁻²³

Joya has previously admitted to participating in the detention of the six students³⁵ but recently said, "It was never my responsibility to detain people, to torture people or to disappear people. But if those had been my orders, I am sure I would have obeyed them, because I was trained to obey orders."³² He also said that because of death threats he received after the coup, he has been residing in the United States and traveling to Honduras to meet with clients.³²

Several other former military officers with reputed ties to Battalion 3-16 currently hold government positions:

- Salomón de Jesús Escoto Salinas, director of the Preventative Police (appointed under the Zelaya administration)³⁶
- Napoleón Nassar Herrera, high commissioner of police for the northwest region (appointed under the Zelaya administration)^{33,34,36} and spokesperson for the de facto government's secretary of security³⁸
- Nelson Willy Mejía Mejía, director-general of immigration^{34,38}
- Segundo Flores Murillo, director of humanitarian rights and human rights for the Honduran Armed Forces³³
- Jordi Ramon Montañuela, head of the armory of the Honduran Armed Forces³³

1980s patterns resurfacing

A prominent Honduran human rights defender who requested anonymity said that in the months since the coup, she and her colleagues have seen an emergence of repression paralleling events in the 1980s. She said her organization has counted **at least 30 apparently politically motivated murders** of people tied to the resistance movement, and government repression appears targeted at students, professors, campesinos and indigenous activists. "This is the same type of increase in deaths of people involved in political and social movements as we saw in the '80s. There have always been murders [in Honduras], but not with this pattern."³³

She also said that courts have been slow to respond to habeas corpus and amparo petitions. In one instance, her organization filed habeas corpus requests for a group of people detained at a rally but not officially taken into custody; however, it took three days for a judge to respond. "Why did it take so long? Fear of the Armed Forces," she said. In another case, an amparo was submitted on behalf of aggrieved media outlets, but as of Oct. 21, more than two weeks since the request was made, the court had made no response.³³

On Oct. 22, the Committee for Relatives of the Detained-Disappeared, in a public presentation, reported its survey of human rights violations recorded between July 16 and Oct. 15, which included **21 assassinations** (four teachers), **987 illegal detentions, and 133 cases of cruel treatment equivalent to torture, including 15 with grave injuries.**^{39,40}

Speaking at the event, Leo Valladares Lanza, the former human rights commissioner who published his investigation of rights abuses of the 1980s in *The Facts Speak For Themselves*, said that the actions of the de facto government have been nothing more than another strategy to silence those who work to protect human rights and that the current human rights commissioner must be the voice of the victims of abuse.³⁹

Human Rights Commissioner Ramón Custodio, however, has reportedly not been investigating abuses, having declared his support for the de facto government. May I Speak Freely Media's Oscar Estrada reported that on a July 20 radio program, Custodio contended that complaints against the Micheletti government were being manufactured by Zelaya and his supporters in order to destroy the country.

About May I Speak Freely Media

Founded in 2001, May I Speak Freely Media (MISF) works with human rights advocates, international NGOs and grassroots organizations to document rights abuses and justice efforts in Honduras, help victims tell their stories, raise public awareness, and prevent the repetition of past U.S. foreign policy mistakes.

Offering journalism, historical records, and other educational material, www.mayispeakfreely.org serves as a resource for policy makers, rights advocates, academics, journalists, activists and the general public. You can learn more about the abuses of the 1980s in our *History* and *Remembering 25 Years Ago* sections, read about the human rights situation in Honduras today in our *Current Issues* section, and follow the latest human-rights related news in the *Honduras News in Review* (published since 2005 and distributed monthly to over 34,000 readers.)

MISF Media is a fiscally sponsored nonprofit project of Media Island International, Olympia, Wash. All donations (<https://secure.groundspring.org/dn/index.php?aid=7768>) are tax-deductible.

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