

4 emblematic cases of impunity in Honduras

The Committee of Families of the Disappeared and Detained in Honduras (COFADEH), announces to the public that it will submit to the universal justice system four cases of human rights violations in which serious elements of impunity coincide as well as hegemonic factors of United States hemispheric security.

- **Planes Case.** March 30th, soldiers of the 15th Special Forces Battalion and riot police violently removed, with disproportionate force and lethal arms, campesinos of the Planes community in Sonaguera, Colón, seriously wounding protesters who participated in a national teachers' strike and in appeal of the legitimate right to land. One male victim cannot walk.
- **Banoff Case.** May 10th, in the military facilities of the 15th Special Forces Battalion in Río Claro, department of Colón, the soldier Alex Josué Banoff died in violent circumstances. The military's official version of events does not satisfy his family.
- **Ahuás Case.** May 11, in the early hours of morning, in a nocturnal operation of air and land special forces, in Ahuás, Gracias a Dios, anti-drug agents of the United States killed indigenous Misquito inhabitants who were crossing the Patuca River in an old launch. The State did not assume responsibility, alleging self defense, dismissed the victims for traveling the river at night and stigmatized them as narco traffickers.
- **Ebed Case.** May 27, troops of Armed Forces Battalion I, trained by the United States, and acting without legal nor police supervision, with legal powers granted by the President and Congress, killed Ebed Jaasiel Yanes Cáceres (15), a block away from the police station at Villa Vieja, a district on the edge of the capital, on the road to Danlí. Officials in charge led their inferiors to erase the

evidence of the crime and in the process try to hide proof.

We denounce that in the context of the hemispheric security strategy imposed by the United States under the label of the War on Drugs against terrorism and criminality, Honduras has turned the Armed Forces into legal instruments and discretionary authorities which in just three months of 2012 have provoked four emblematic cases of human rights violations, enveloped by institutional mechanisms and external pressures in absolute impunity.

Of the facts summarized by the family members of the victims accompanied by this Committee and covered by the press, the three powers of State are responsible, law enforcement agents and also actual powers, who have passed a legislative agenda in Congress to victimize and criminalize Honduran citizens.

November 21, 2011 the National Congress approved Decree No. 223-2011, by means of which they interpreted the second and last paragraphs of Article No. 274 of the Constitution of the Republic, so that the Armed Forces can realize specific functions of the police, in the context of a “state of emergency in public security”, which has been renewed four times by means of Executive Decrees issued by the President of the Republic in Council with the Secretaries of State.

We have profiled among many other cases, four that reflect manipulation of evidence, imposition of official silence, movement of arms, deliberate omissions of forensic evidence, contradictory statements, malicious delay of proceedings, alteration of criminal types in order to exonerate the accused, biased secrecy, introduction of uncertified documents to records, etc...

In the Ahuás case evidence threw light on direct intervention of U.S. agents in favor of the killers and in the interruption of criminal process. Legally, secrecy was ordered to omit the facts from public knowledge, not to keep them from the involved parties; in the case of the victims and their representatives we are prevented from gaining access to the report, which gives the perpetrators impunity from the Public Prosecutor’s Office.

In conclusion on the militarization of Honduras, the Inter American Commission on Human Rights indicated in its report on Citizen Security & Human Rights that the intervention of the Armed Forces in internal security operations generally comes with violations in violent contexts.

Concretely it indicated that “the Armed Forces lack adequate training to control citizen security” and proposed “the clear and precise separation between internal security which is the function of the police and the national defense which is the function of the Armed Forces.”

However, so far they have put more weight on the hegemonic interests of the United States through the State Department and the Pentagon, with the silence and lackey complicity of the official Honduran actors, than on the demands of justice on behalf of the victims.

In consequence, we make these 4 cases before the universal justice system, which has already opened a Preliminary Examination to Honduras in October of 2011 for crimes against humanity and crimes of political persecution.

Of the acts and of the actors, we don't forget nor forgive

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COFADEH

P.S. We include in annex the preliminary conclusions of the prepared report on the cases.

PRELIMINARY CONCLUSIONS

IN EBED'S CASE:

1. That troop members of a body, elite as is the Special Forces Battalion, has gone out to patrol the streets, without adequate preparation in crime dissuasion.
2. That many of the members of this elite body have received special training in Fort Benning, principally counterinsurgency and assault in urban attack, with special training in snipers.
3. That the death of Ebed is a product of the repeated abuse of authority of the agents of the State and of the lawmakers who have issued decrees that damage constitutional guarantees.
4. That the death of Ebed also demonstrates that military bodies, by definition, are trained to kill whomever, since their mission is to finish the enemy.
5. That political authorities, instead of dedicating themselves to investigating why the truth of the facts prevails, rather criminalize the victims, judging those who are killed to be delinquents and utilizing the press to distort the truth.
6. That in this case the financial and logistical support of the United States stands out, with the donation of equipment and arms and the specialized training provided at Fort Benning.

IN BANOFF'S CASE:

1. That the facts which occurred in this case also involve members of the Special Forces, especially prepped in counterinsurgency and urban attack assault, with special training in snipers. What it leaves clear is that there is a government policy of eventually acting against the civilian population in complex events.
2. That in this case, to gain admission to military structures in search of the truth is a labyrinth which is difficult to access.

3. That the authorities in charge of the investigation haven't realized the necessary and efficient actions to clarify the facts which plainly satisfy the family members of the victim.

IN THE AHUÁS CASE:

1. Agents of the Honduran State and the U.S. Drug Enforcement Agency, are responsible for the attacks which occurred in the early hours of May 11, 2012, over the Patuca River, near the community of Paptalaya, Ahuás.
2. There has not existed a previous attack by the occupants of the boat that could have been a justification for the aggressors.
3. The armed attack by military forces besides happening from the helicopters over the river, also acted on the ground against the civilian population which was submitted to illegal detentions, death threats, raids, looting, cruel, inhumane and degrading treatment, preventing said population from coming to the aid of the wounded.
4. The survivors and witnesses have described a disproportionate military attack, without notice against an unarmed civilian group, mostly Misquito, which in general is stigmatized as being involved in narco trafficking or collaborating with narco traffickers in the zone.
5. The victims did not receive immediate medical aid, nor did the aggressors permit the population of Ahuás to aid the wounded, rather they were abandoned to their fate.
6. Due to the militarization of the zone and the criminalization of the Misquito people, it has caused the population to be displaced from their ancestral lands, leaving behind the resources of those who have depended on them and the immense underground riches, which are now protected by the militaries of Honduras and the United States with the justification of realizing anti-drug operations.
7. There has been no compensation on the part of U.S. authorities. Rather, they attempt to justify the acts, determining that the agents acted in self defense, which was reaffirmed by the head of the current regime.
8. The first reactions of the Honduran authorities were of disdain towards the ethnic Misquito and their stigmatization as narco traffickers with the aim of minimizing the massacre in Ahuás.
9. That the decree of secrecy imposed by the Public Prosecutor's Office is producing impunity in favor of the aggressors and illegality that this secrecy does not permit victims' legal representation be informed in advance of the investigations.
10. That the interference of foreign forces in the country is producing a flagrant violation of national sovereignty.
11. That in this case the entire chain of command of the Armed Forces should be

investigated until they arrive at the political authorities who have permitted the violation of national sovereignty and killing of its citizens.

12. That the State of Honduras fails to provide information to legitimate persons and their representatives, however when solicited by foreign authorities like the U.S. Department of State they hand it over without restrictions, ignoring their own prohibitions.

PLANES CASE, SONAGUERA COLÓN:

1. That once again the participation of the Armed Special Forces is evident.
2. That the victims were criminalized.
3. That the victims have not received any adequate treatment.
4. That the victims feel terrorized because there are still individuals searching for them.
5. That the judicial authorities who know the cause of the damages have ignored the victims and the consequences they have had on their lives, for example irreparable damages to their physical integrity.
6. That the authorities did not guarantee the right to freedom of expression and free meeting, penalizing those responsible of their restriction.
7. That it has become a pattern that the Public Prosecutor's Office ignores the victims as such and puts them in a passive role of simple witnesses, in judgment against the public administration, deliberately ignoring the human rights violations of which they are objects.