



## RESOLUTION ON HONDURAS

Freedom of expression continues to be under threat in Honduras. Lethal violence against journalists and social communicators remains a major concern. At least 60 journalists have been killed since 2003 and in the vast majority of cases the investigations into their deaths have not yet identified those responsible for the crimes. The threat of criminal defamation and slander lawsuits has created self-censorship among journalists, forcing them to avoid reporting on important subjects lest they face legal action. At the same time, the state security bodies systematically repress social protest, including at the National Autonomous University of Honduras (*Universidad Nacional Autónoma de Honduras*, UNAH).

Two recent incidents demonstrate the continuing danger for and persecution of writers and students in Honduras, and particularly for members of the PEN Honduras Centre:

- On 8 September 2017 Tomy Morales, a member of the Board of Directors of PEN Honduras and member of the Association for Democracy and Human Rights (Asociación por la Democracia y los Derechos Humanos – ASOPODEUH), was attacked by police officers and arbitrarily detained while carrying out her work as a human rights defender on behalf of the students of the National University. The following day, she was reportedly charged with ‘assault on the security of the state’ (‘atentado contra la seguridad Interior del Estado de Honduras’) by the Public Ministry in Honduras and of ‘concealment’ (‘encubrimiento’).<sup>1</sup> Two other defendants are facing charges of ‘concealment.’ All have been released on bail.
- On 7 June 2017, Cesario Alejandro Félix Padilla Figueroa, a member of PEN Honduras, was convicted of the crime of ‘usurpation’ (‘usurpación’ at the UNAH.<sup>2</sup> He, along with two colleagues, had created the Human Rights Defence Committee at the UNAH in July 2015, to document human rights violations in the context of the protests at the university, which were taking place on a regular basis inside the educational institution. Reports indicate that, at a hearing held on 7 August 2017, the public prosecutor has asked for a three-year sentence, among other penalties, to be applied.<sup>3</sup> He is expected to appeal. PEN International believes that Padilla and the other university students are being persecuted for exercising their right to free expression, association and assembly, which form part of the country’s constitution (Articles 72-75 and 79), as well as the American Convention on Human Rights (Articles 13 and 15), the Declaration on Human Rights Defenders approved by the UN in 1999 and the International Covenant on Civil and Political Rights (Articles 19 and 21), to which Honduras is state party.

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<sup>1</sup> <https://en.justiceandpeace.nl/news/justice-and-peace-netherlands-calls-on-honduras-to-drop-charges-against-tomy-morales-and-her-colleagues>

<sup>2</sup> <http://www.pen-international.org/newsitems/honduras-pen-honduras-member-convicted-at-sentencing-court/>

<sup>3</sup> <http://proceso.hn/nacionales/9-nacionales/fiscalia-pide-tres-anos-de-prision-para-universitarios-culpables-de-usurpacion.html>

Members of PEN Honduras, including board member Tomy Morales and its President, Dina Meza, have been victims of repression for defending the human rights of hundreds of students who are being persecuted for exercising their right to free expression, association and assembly. They are both subject to surveillance, including experiencing intervention in their communications and being followed by individuals unknown to them.

The Assembly of Delegates of PEN International calls on the Honduran government to:

- Ensure that investigations into crimes against journalists and social communicators adequately examine links to their work, identify those who order the violence against them, and put an end to impunity. We also renew our call for the Public Prosecutor's Office to observe specialised protocols for timely investigations;
- Decriminalise defamation and treat it as a civil law offence, in order to protect freedom of expression and freedom of information;
- Implement without delay the Law for the Protection of Human Rights Defenders, Journalists, Social Communicators and Law Enforcement Agents, with an adequate budget for its implementation and operations, and enable the equitable participation of local human rights groups;
- Take all necessary measures to ensure the physical and psychological integrity and security of Tomy Morales and Dina Meza;
- Drop all charges against Tomy Morales;
- Overturn the conviction of PEN Honduras member, Cesario Alejandro Félix Padilla Figueroa, whom PEN International believes is being prosecuted for defending human rights, exercising his right to freedom of expression and assembly by peacefully participating in and observing student protests;
- Take all necessary measures to ensure that UNAH students can exercise their right to peaceful protest. As the IACHR has affirmed: 'the right to publicly protest is an essential element of freedom of expression';
- Decriminalise student protests and allow students to participate in UNAH's decision-making bodies and ensure that conflicts within the institution are resolved through inclusive, horizontal and respectful dialogue, in accordance with Article 19 of the International Covenant on Civil and Political Rights and Article 13 of the American Convention on Human Rights, to which Honduras is a state party.