

Physicians for  
Human Rights

February 2014

# Impunity in Honduras: Torture and Ill-Treatment after the Coup d'État

A Forensic Medical  
Investigation

PHR

Physicians for  
Human Rights



# About Physicians for Human Rights

Since 1986, Physicians for Human Rights (PHR) has been using medicine and science to document and call attention to mass atrocities and severe human rights violations.

PHR was founded on the idea that health professionals, with their specialized skills, ethical duties, and credible voices, are uniquely positioned to stop human rights violations. PHR's investigations and expertise are used to advocate for persecuted health workers, prevent torture, document mass atrocities, and hold those who violate human rights accountable.

PHR has worked in more than 40 countries, including Afghanistan, Bahrain, Burma, Democratic Republic of the Congo, El Salvador, Guatemala, Iran, Iraq, Kenya, Libya, Mexico, Sudan, Syria, Turkey, and the United States.

*Cover: Honduran riot policemen beat protesters during clashes in the surroundings of the presidential palace in Tegucigalpa on June 29, 2009.  
Photo: Jose CABEZAS/AFP/Getty Images*

# Acknowledgments

This briefing paper was written by Alejandro Moreno, MBBS, MPH, JD, FACP, FCLM, Physicians for Human Rights (PHR) volunteer forensic advisor, associate professor of medicine at the University of Texas Southwestern Austin Residency Programs; Stefan Schmitt, MS, director of PHR's International Forensic Program; and Nery Suyapa Osorio, LLM, LLL, PHR forensic investigator.

Eliza B. Young, MA, PHR publications coordinator, reviewed, edited, and prepared this briefing paper for publication.

This paper has benefitted from review by PHR leadership and staff, including Donna McKay, executive director; Susannah Sirkin, director of international policy and partnerships and senior advisor; Hans Hogrefe, Washington director and chief policy officer; Dr. Vincent Iacopino, senior medical advisor; Andrea Gittleman, senior legislative counsel; and DeDe Dunevant, director of communications. PHR interns Jacquelyn Gitzes and Hadley Griffin also assisted in editing this paper.

This paper has benefited from external review by Catherine DeAngelis, MD, MPH, PHR board member, University Distinguished Service Professor Emerita, professor emerita at Johns Hopkins University School of Medicine (Pediatrics) and School of Public Health (Health Service Management), and editor-in-chief emerita of the Journal of the American Medical Association (JAMA); and Michele Heisler, MD, MPA, PHR volunteer medical advisor, PHR board member, professor of internal medicine and health behavior and health education at the University of Michigan Medical School, research scientist at the Ann Arbor VA's Center for Clinical Management Research, co-director of the University of Michigan's Robert Wood Johnson Foundation's Clinical Scholars Program, and associate director of the University of Michigan Medical School's Global REACH program.

Support for this investigation and briefing paper was provided by the Oak Foundation.

physiciansforhumanrights.org

©2014 Physicians for Human Rights  
All rights reserved.

Library of Congress Control Number: 2014933126  
ISBN 1879707772

# Table of Contents

3	Abbreviations
4	Executive Summary
5	Introduction
	Political Background
	Power Structure
	Legal Framework and Human
	Rights Obligations
	Criminal Investigation and Procedure
	in Honduras
8	Findings of the Forensic Investigations
	Methodology
	The Istanbul Protocol
	First Visit Findings
	Follow-up Visit Findings
	Conclusions
	Recommendations
13	Appendices
	Summary of Representative Cases
	Tables
18	End Notes

# Abbreviations

**CAT**

Convention against Torture and Other Cruel, Inhuman  
or Degrading Treatment or Punishment

**CODEH**

Committee for the Defense of Human Rights  
in Honduras (El Comité para la Defensa de los Derechos  
Humanos en Honduras)

**COFADEH**

Committee of Relatives of the Detained and Disappeared in  
Honduras (El Comité de Familiares de Detenidos -  
Desaparecidos en Honduras)

**CPTRT**

Center for the Prevention, Treatment and  
Rehabilitation of Victims of Torture and  
their Families (El Centro de Prevención, Tratamiento y  
Rehabilitación de las Víctimas de la Tortura y sus Familiares)

**ICC**

International Criminal Court

**IP**

*Istanbul Protocol: Manual on the Effective  
Investigation and Documentation of Torture and  
Other Cruel, Inhuman or Degrading Treatment  
or Punishment*

**MDD**

Major Depressive Disorder

**NGO**

Nongovernmental Organization

**OAG**

Office of the Attorney General

**OPCAT**

Optional Protocol to the Convention against Torture  
and Other Cruel, Inhuman or Degrading Treatment  
or Punishment

**PTSD**

Post-Traumatic Stress Disorder

**SPT**

UN Subcommittee on Prevention of Torture and Other  
Cruel, Inhuman or Degrading Treatment or Punishment

## Executive Summary

On June 28, 2009, members of the Honduran armed forces removed President José Manuel Zelaya from office after his efforts to alter the country's constitution triggered a political crisis. The Honduran National Congress subsequently named then speaker Roberto Micheletti as interim president. On July 1, Micheletti declared a state of exception, ordered a curfew, and suspended several constitutional protections in an effort to quell nationwide peaceful public demonstrations in support of the deposed president that lasted months. Reputable organizations documented human rights abuses in the aftermath of what was considered a coup d'état.<sup>1</sup> The interim government used excessive force including live ammunition against the peaceful demonstrators across the nation, with the worst incidents occurring in the capital city of Tegucigalpa. The government also used intimidation tactics, such as taking detainees to the headquarters of the Cobras – an elite police unit that had been associated with the torture and disappearances of political figures during the 1980s. State authorities also engaged in unlawful detentions, torture, rape, and extrajudicial executions of protesters, journalists, human rights advocates, and members of the opposition.<sup>2</sup> According to the UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), between June and October 2009, there were 133 cases of torture and ill-treatment, 21 cases of life-threatening injuries, and 431 cases of injuries from beatings.<sup>3</sup>

At the request of several Honduran human rights nongovernmental organizations (NGOs) – including the Committee of Relatives of the Detained and Disappeared in Honduras (El Comité de Familiares de Detenidos - Desaparecidos en Honduras, COFADEH), the Committee for the Defense of Human Rights in Honduras (El Comité para la Defensa de los Derechos Humanos en Honduras, CODEH), and the Center for the Prevention, Treatment and Rehabilitation of Victims of Torture and their Families (El Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas de la Tortura y sus Familiares, CPTRT) – Physicians for Human Rights (PHR) sent a team of forensic experts to Honduras to investigate cases of alleged torture and ill-treatment by the country's security forces that had occurred in the aftermath of the 2009 coup d'état. On a visit to Tegucigalpa between March 20 and March 24, 2010, the PHR team – comprised of Stefan Schmitt, director of PHR's International Forensic Program; Dr. Alejandro Moreno, PHR volunteer forensic advisor; and Nery Osorio, PHR forensic investigator – conducted 14 forensic medical evaluations in accordance with the *Istanbul Protocol* standards.<sup>4</sup> The team also held a series of non-structured interviews with government officials, members of civil society, and journalists. The forensic medical examinations were all conducted by Dr. Moreno.

In response to allegations of torture and ill-treatment against protesters who had been detained, the Honduran Special Prosecutor for Human Rights opened criminal investigations into accusations of torture and ill-treatment that occurred following the coup d'état. On October 20, 2010, the prosecutor brought the first criminal charges against law enforcement personnel who had allegedly been involved in these crimes. These charges implicated police officers accused of illegal detention and abuse of 24 people detained on the streets in the weeks following the coup d'état; most of the detentions occurred in the vicinity of the National Congress building.<sup>5</sup> The 14 individuals Dr. Moreno examined were among the criminal cases brought by the Special Prosecutor for Human Rights against military personnel and law enforcement agents for alleged torture and ill-treatment that had taken place between June and November 2009. None of the interviewed victims had been presented with an arrest warrant prior to detention. Six of the victims examined by PHR were women and two were minors. Before the alleged abuse, all of the victims evaluated by PHR were working or studying. However, at the time of PHR's evaluation, nearly nine months after the coup d'état, only two people had resumed his or her prior occupations.

On March 23, 2010, Dr. Moreno was appointed forensic court expert by Trial Court Judge Gladis Alejandra Ochoa Sierra of the Tegucigalpa Criminal Court. On July 12, 2010, Dr. Moreno submitted forensic torture evaluation reports to the court, substantiating the Special Prosecutor's charges of torture and ill-treatment in each case. On September 10, 2011, PHR again visited Tegucigalpa to follow-up on the progress of the legal investigations involving the 14 cases. Subsequently, PHR investigators continued to update information on the judicial proceedings in collaboration with Honduran human rights NGOs and the Special Prosecutor Office for Human Rights in Honduras.

Of the 14 people PHR examined, six cases moved to the intermediate judicial stage – a pretrial stage in front of a court of first instance. The courts dismissed charges in five of these six cases, ignoring the forensic evidence from both government-employed physicians and the PHR team. In the sixth case, one court agreed that the prosecutor had enough evidence to proceed with a trial, but a statute enacted by Congress in January 2010 granted amnesty to the alleged perpetrators.



In a separate case, the prosecutor closed the investigation due to the victim's unwillingness to cooperate. The lack of judicial process for the other seven cases that remain in the investigative phase is a direct result of the Prosecutor's Office's inability to conduct independent criminal investigations. Criminal investigations generally fall under the jurisdiction of the National Police who interview witnesses and collect evidence.

*"The application of the 2010 amnesty law removed the possibility of prosecuting alleged perpetrators, further undermining the rule of law in the country."*

PHR has withheld the publication of the present briefing paper until now to avoid influencing the course of the judicial proceedings, given that Dr. Moreno was appointed as a forensic court expert and his reports were submitted into evidence. However, the Honduran courts have disregarded the forensic reports provided by PHR experts, as well as the expert opinions of local physicians treating these victims. The justice system's blatant disregard for forensic evidence demonstrates that impunity is the norm in Honduras, rather than an exception. The application of the 2010 amnesty law removed the possibility of prosecuting alleged perpetrators, further undermining the rule of law in the country. In accordance with Article 15 of the Rome Statute,<sup>6</sup> PHR is making this paper available to the Office of the Prosecutor of the International Criminal Court as evidence to be presented within the court's preliminary examination as to whether the alleged crimes committed in Honduras in the aftermath of the 2009 coup d'état constitute crimes against humanity.<sup>7</sup> This paper is also available for use in proceedings in the Inter-American Court of Human Rights as evidence of Honduras's inability to adjudicate documented human rights violations.



*Supporters of ousted Honduran President José Manuel Zelaya march in protest against the military coup in Tegucigalpa on July 2, 2009.*

*Photo: Jose CABEZAS/AFP/Getty Images*

## Introduction

### Political Background

Honduras is an impoverished nation in Central America in which military rule, corruption, socio-economic disparities, and human rights abuses have played a central role over the past 40 years.<sup>8</sup> Political and economic interventions in the region by the United States have exacerbated these problems, particularly during the armed conflicts in neighboring countries between the 1970s and the 1990s.<sup>9</sup> During the past decade, the country's socio-economic inequalities, weak institutions, and prevalence of drug trafficking have all contributed to increasing levels of corruption and violence in Honduras.<sup>10</sup>

After more than three years in office, elected President José Manuel Zelaya was deposed by the army on June 28, 2009, ending 27 years of democratic governance in Honduras. His ouster was triggered by a deep political crisis stemming from Zelaya's efforts to change the constitution through a national referendum, scheduled to be held shortly after Zelaya's arrest. Changes to the Constitution of Honduras can be made through either an act of Congress or national poll. However, any constitutional changes to the Honduran system of government, presidential term limits, or presidential succession requires a two-thirds majority in favor of such reform by two consecutive elected Congresses.<sup>11</sup> President Zelaya sought to amend the constitutional term limits of office through a popular referendum, ignoring both a Supreme Court ruling that declared such a referendum unconstitutional and a vote in the National Congress rejecting the poll. Both entities ordered that the president halt the national poll.<sup>12</sup>

Army personnel entered the presidential palace on the morning of June 28, 2009 after the Supreme Court issued an order for President Zelaya's arrest. The army arrested the president and forced him out of the country that same day, flying him into exile in San José, Costa Rica. Meanwhile, the Honduran National Congress convened and accepted a letter of resignation allegedly written by President Zelaya. The Congress – controlled by Zelaya's Liberal Party – declared the complete absence of the president and the vice president and proceeded to elect as interim president Speaker of the Chamber Roberto Micheletti, who was next in the succession line according to the Constitution.<sup>13</sup>

Interim President Micheletti subsequently declared a state of exception, ordered a curfew, and suspended several constitutional rights. However, supporters of President Zelaya took to the streets. The government responded with force even though many of the protests were peaceful. Reputable news and civil society organizations documented a pattern of police abuse, political persecution, torture, extrajudicial killings, and rape in the aftermath of the police crackdown on demonstrations.<sup>14</sup> Although human rights abuses occurred across the nation for several months after the coup d'état, the largest crackdown on peaceful demonstrators, journalists, human rights advocates, and members of the opposition occurred in Tegucigalpa between June and September 2009.<sup>15</sup> For instance, on August 12, 2009, in actions captured by news crews, military personnel and police forces illegally detained, insulted, and beat 24 peaceful protesters who were participating in a protest in the vicinity of the National Congress building. On September 22, 2009, soldiers and police officers forcefully dispersed a gathering in the Brazilian Embassy, resulting in one death, 26 wounded, and the detention of 300 others. On both of these dates, the interim government also used facilities that were not authorized to hold detainees.<sup>16</sup>

*“Reputable news and civil society organizations documented a pattern of police abuse, political persecution, torture, extrajudicial killings, and rape in the aftermath of the police crackdown on demonstrations.”*

## Power Structure

Honduras has a presidential form of government in which the president is the head of both the state and the government.<sup>17</sup> The president is elected by popular vote for a single, four-year term, without the option for reelection. The Honduran National Congress is a unicameral body composed of 128 representatives elected to renewable four-year terms and led by the speaker or president of Congress.<sup>18</sup> The main political parties in Honduras are the National Party, Liberal Party, Democratic Unification Party, Democratic Christian Party, and Unity and Innovation Party.<sup>19</sup>

The judiciary is organized into peace courts, courts of first instance, appellate courts, and a Supreme Court.<sup>20</sup> The peace courts have limited jurisdiction and generally deal with minor civil or criminal disputes, though in rural areas these courts may preside over major cases; judges on the peace courts are not necessarily trained lawyers. The courts of first instance are divided into courts that oversee the legality of detentions and arrests and courts that deal with the preliminary phases of a trial; they are further divided into family, criminal, minors, civil, and employment law courts. The sentencing courts are courts of first instance in which actual trials occur. Appellate courts have geographical jurisdiction, though some of them have specific jurisdiction over issues related to labor and administrative law.<sup>21</sup> The Supreme Court has five chambers: constitutional, civil, criminal, administrative, and labor.<sup>22</sup>

## Legal Framework and Human Rights Obligations

Honduran law provides for protection against torture and/or ill-treatment. Article 68 of the 1982 Constitution clearly states that no one may be subjected to torture or cruel, inhuman or degrading punishment.<sup>23</sup> The penalty for torture is five to fifteen years imprisonment, as well as exclusion from any official government service for double the number of years served.<sup>24</sup> Article 209-A of the criminal code codifies the crime of torture. However, as noted by the UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT), the definition of torture under the Honduran criminal code deviates from the definition of torture adopted by the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Contrary to CAT, the Honduran statute fails to consider intimidation, coercion, or discrimination of the victim as a form of torture. In contravention to Article 1 of CAT, which states that torture is only excluded when pain and suffering arise from lawful sanctions, the Honduran criminal code allows for different punishments depending on the pain or suffering inflicted. Lastly, CAT takes into account “pain or suffering inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity,” while under Honduran law, pain or suffering that occurs at the instigation of a public official is not considered torture.<sup>25</sup>

Honduras is also bound by various international treaties that outlaw the practice of torture and/or ill-treatment.<sup>26</sup> Specifically, Honduras has ratified the International Covenant on Civil and Political Rights, the CAT and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT),<sup>27</sup> and the American Convention on Human Rights.<sup>28</sup> In December 2008, the Honduran Congress enacted a law creating the National Preventive Mechanism to fulfill its obligations under the OPCAT.<sup>29</sup> The SPT charged with enforcing the OPCAT visited Honduras at the end of September 2009 and not only witnessed some of the human rights abuses that took place at the time, but also corroborated multiple human rights abuses documented by other organizations.<sup>30</sup>

Human rights abuses in Honduras reportedly continued to occur. Political activists and witnesses are intimidated and sometimes killed in circumstances reminiscent of the modus operandi of the death squads of the 1980s. As documented in this paper, judicial authorities appear unwilling to take steps to properly investigate and adjudicate allegations of human rights abuses in Honduras.

## Criminal Investigation and Procedure in Honduras

The Office of the Attorney General (OAG) is in charge of prosecuting crimes as an independent agency under the Ministry of Interior. Contrary to many other countries, the Honduran OAG is an independent government agency, and is neither part of the executive nor the judicial branch. The OAG is comprised of several different offices, including the prosecution office, trial division, and nine special prosecutor offices, which are divided into organized crime, human rights, corruption, environment, children and disabled, consumer protection and the elderly, women, native people and cultural affairs, and constitutional office.<sup>31</sup> Criminal investigations, outside of those cases directed by the OAG, are conducted by the Honduran National Police and the General Directorate of Criminal Investigations, which fall under the Ministry of Security.

In 1996, the government enacted a reform that moved the trial proceedings away from the Napoleonic Code and towards an oral justice and open trial system. Articles 263 through 266 of the Criminal Procedural Code of Honduras state that there are three stages in a judicial proceeding: an investigative phase, an intermediate stage, and a trial phase.<sup>32</sup> The criminal investigative phase begins when a person files a complaint with a law enforcement agency or a suspect is caught in flagrante (committing a crime) by a law enforcement agency. This phase includes gathering evidence and witnesses to support formal charges. The actual investigation can be conducted by the National Police, the General Directorate of Criminal Investigation, or the OAG, even though the OAG has no criminal investigators. At this stage, the prosecutor may obtain court-ordered subpoenas and arrest warrants or may also exercise discretion and close the matter without filing charges.<sup>33</sup> The investigative phase ends once the suspect is brought to a court of first instance and informed of his or her rights. During this initial hearing, the judge may order the detention of the defendant until the date of the trial or dismiss the charges against the defendant. A provisional dismissal of charges can be applied when suspicions of participating in a criminal act exist, but further investigation is required.<sup>34</sup>



The intermediate stage (or pre-trial stage) starts once the prosecutor files formal charges against a suspect, serving to formalize charges against the defendant. The intermediate stage ends when the court of first instance orders the case to be referred to a sentencing court for trial.<sup>35</sup>

The trial phase encompasses different hearings during which the actual trial occurs. The prosecutor and the defense present evidence, examine witnesses, and make arguments to support their cases. The defendant has the right to remain silent during the trial.<sup>36</sup> The sentencing judge may amend, dismiss, or add new charges according to the evidence presented during the trial. If the defendant is found guilty, the judge issues a sentence on behalf of the State.<sup>37</sup>

The OAG generally refers crime allegations to the National Police for investigation. When cases of alleged human rights violations involve government authorities, there is little to no cooperation in investigating such crimes. As demonstrated by the cases documented by PHR, this flawed system results in case dismissals by the judges due to lack of evidence. More importantly, the Honduran judiciary lacks the ability to conduct independent investigations, which – combined with judges arbitrarily dismissing forensic evidence and the 2010 amnesty law<sup>38</sup> – further contributes to a failing judicial system.



*Soldiers arrest and beat a supporter of ousted Honduran President José Manuel Zelaya during a demonstration in San Pedro Sula, Honduras on July 2, 2009.  
Photo: STR/AFP/Getty Images*

## Findings of the Forensic Investigations

### Methodology

PHR conducted 14 individual forensic medical evaluations at the request of several Honduran human rights nongovernmental organizations (NGOs), including the Committee of Relatives of the Detained and Disappeared in Honduras (El Comité de Familiares de Detenidos - Desaparecidos en Honduras, COFADEH), Committee for the Defense of Human Rights in Honduras (El Comité para la Defensa de los Derechos Humanos en Honduras, CODEH), and the Centre for the Prevention, Treatment and Rehabilitation of Victims of Torture and their Families (El Centro de Prevención, Tratamiento y Rehabilitación de las Víctimas de la Tortura y sus Familiares, CPTRT). The PHR team was led by Stefan Schmitt, director of PHR's International Forensic Program; Dr. Alejandro Moreno, PHR volunteer forensic advisor; and Nery Osorio, PHR forensic investigator. The team contacted Sandra Ponce, the Special Prosecutor for Human Rights in Honduras, who requested that forensic medical torture evaluations be carried out on behalf of the victims represented by the above mentioned NGOs. The PHR team visited Tegucigalpa, Honduras between March 20 and March 24, 2010, conducting multiple non-structured interviews with government officials, journalists, and human rights activists. Schmitt and Osorio gathered evidence and records, among other pertinent information, for the forensic investigation. The Honorable Gladis Alejandra Ochoa Sierra, Trial Court Judge of the Tegucigalpa Criminal Court, duly appointed Dr. Moreno as expert witness, who subsequently conducted all of the forensic medical evaluations according to *Istanbul Protocol* (IP) standards. On July 12, 2010, the PHR team submitted the forensic medical reports to the court. On September 10, 2011, PHR revisited Tegucigalpa to follow up on the progress of the legal investigations involving the 14 cases.

While Honduras has not formally adopted or implemented the IP, the country is obligated – as a signatory to the American Convention on Human Rights – to follow IP guidelines in any investigation of alleged torture and/or ill-treatment. Honduras recognized the jurisdiction of the Inter-American Court of Human Rights on September 9, 1981, which ruled in the case of *Guitierrez Soler vs. Colombia* that signatories to the American Convention on Human Rights must use the IP for any and all alleged torture and/or ill-treatment investigations.<sup>39</sup>

## The Istanbul Protocol

The *Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, commonly known as the *Istanbul Protocol (IP)*, outlines international legal standards on protection against torture and sets out specific guidelines on how effective legal and medical investigations into allegations of torture should be conducted.<sup>40</sup> PHR led the international effort to establish the IP, which was developed by 75 experts in law, health, and human rights from 40 different organizations in 15 countries and became an official United Nations document in 1999.

The IP also outlines minimum standards to ensure the effective investigation and documentation of torture and ill-treatment in its Principles on the Effective Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or “Istanbul Principles.” The Istanbul Principles have been recognized by a number of human rights bodies, including the Inter-American Human Rights Courts, UN General Assembly, UN Commission on Human Rights, UN Committee against Torture, UN Special Rapporteur on Torture, and the African Commission on Human and Peoples’ Rights.



*Riot police arrest photographer Mario Amaya as supporters of ousted Honduran President José Manuel Zelaya are dispersed with tear gas during a demonstration in San Pedro Sula, Honduras on July 2, 2009.*

*Photo: AFP/Getty Images*

## First Visit Findings

Of the 14 individuals evaluated, six were women. The individuals evaluated ranged in age between 7 and 53 years. Both of the individuals who were younger than 18 years were evaluated with one or both parents present. One of the two minors was an adolescent, whose level of psychological development and maturity was deemed comparable to that of a young adult by the PHR team; therefore, a complete forensic evaluation was conducted. The other minor was a seven-year-old child, and the PHR team determined that the forensic evaluation should be limited to the physical component given the level of psychological development and the apparent fragile emotional state of the child. The Court was informed that a child psychologist should conduct the psychological evaluation. Table 1 presents the main demographic characteristics of the individuals examined.

All of the individuals evaluated by PHR were working or studying prior to the alleged abuse endured following the president’s ouster in 2009 (see Table 1). However, at the time of PHR’s evaluation, only two individuals had resumed his or her prior occupations. Nine were unemployed and one had retired. The occupation after the alleged abuse was unknown in two cases.

Twelve of the individuals evaluated by PHR implicated regular police agents as the perpetrators. A minority accused members of the intelligence police or the army (one case each). The individuals were detained at multiple locations. On average, the detentions lasted 62 hours (mean time was 3 hours with a range between 30 minutes and 528 hours). All individuals were initially stopped and detained on the streets. Some had been peacefully protesting in the aftermath of the coup d’état, while others were journalists detained while reporting on the demonstrations. One individual was a tourist who happened to be near a protest when stopped by law enforcement agents. This individual, who happened to be a foreign visitor (from a country that condemned the coup d’état), was accused of espionage and providing communist training to the protesters. Following the initial abuse or detention in the street, some of the individuals were later transported to other places of detention, such as the Congress building, a police station, or the Special Forces base (see Table 2). The street was the only place of detention or alleged abuse for five individuals. The individuals held in the streets were all detained for less than half an hour.

Six of the 14 individuals were actively participating in street protests when first detained and/or allegedly abused. During the demonstrations, they were also exposed to crowd control measures, such as tear gas, which triggered eye and respiratory irritation. Although the forensic reports document the symptoms accompanying these crowd control measures, they were not considered when determining whether or not, from the forensic standpoint, the alleged abuse was consistent with torture and/or ill-treatment. The most common forms of abuse reported to PHR during its 14 evaluations were blunt force trauma (12 people), threats and insults (11 people), and forced observation of abuse against other individuals (9 people) (see Table 2).

None of the people evaluated were presented with an arrest warrant, and only five were taken before a judge to determine the legality of the detention/arrest. These five individuals were detained in the vicinity of the National Congress during a peaceful demonstration, held temporarily, and subsequently taken to the headquarters of the Special Forces. The initial court hearing to set bail occurred within 24 hours. At this hearing, the five detainees expressed their allegations of torture and ill-treatment to the court and identified the alleged perpetrators, who – for the most part – were present at the hearing. The court also considered the testimony of these law enforcement agents when considering whether to grant bail.

Honduran government forensic experts had examined eight of the 14 individuals evaluated by PHR prior to PHR's exams. These eight people were examined at the request of the Special Prosecutor for Human Rights as part of its criminal investigations. In total, the government forensic doctors produced 12 forensic medical reports, as three individuals received two or more forensic evaluations (see Table 3). These 12 forensic evaluations took place on average 47.5 days after the alleged abuse (median: 43.5 days; range: 1–131 days). The findings by government forensic doctors in 11 of the 12 evaluations were consistent with the allegations of abuse made by the examined individuals. The main forensic findings were pain and edema from blunt force trauma, ecchymosis (bruising) from blunt force trauma, fractures, post-traumatic stress disorder (PTSD), and major depressive disorder (MDD). Eight of the individuals evaluated by government forensic experts had photographic documentation of acute physical findings, though the quality of the photos in one particular case was poor, making it impossible to offer an independent opinion as to the nature of the findings. In two cases, the photographic documentation showed recent surgical wounds, which were corroborated by medical records for the individuals. The other five cases showed findings consistent with ecchymosis (bruising). One individual's bruising was consistent with classic "tram-line" lesions seen after blunt force trauma with instruments, virtually diagnostic of police baton injuries (see photo below).



*Tram-line lesions on victim from a police baton<sup>41</sup>*

In addition to the photographic documentation, video documentation accompanied one case of alleged abuse. News crews filming the protests recorded images of police officers abusing one of the individuals evaluated, even though she was lying down on the ground and was not offering any resistance.<sup>42</sup>

Only five of the individuals evaluated had access to an advocate (lawyer, NGO representative, or the Special Prosecutor for Human Rights) while detained. These five were able to call relatives or their advocate shortly before having their cell phones confiscated. Six individuals reported further persecution and threats after suffering abuse at the hands of military or police personnel.

The most common findings during the PHR forensic evaluations were MDD or depressive disorder, PTSD or sub-threshold symptoms of PTSD, as well as scars from blunt force trauma lacerations. Only three individuals lacked such external evidence to corroborate the findings. There were no unexplained inconsistencies or suspicion of fabrication in any of the cases.

Based on its forensic evaluations, PHR concluded that 12 of the 14 individuals had suffered abuse consistent with the allegations of torture and/or ill-treatment. The other two cases suggested that police officers either engaged in reckless behavior or intentionally disregarded the safety of the public. In one case, police officers at a checkpoint fired at a vehicle for failing to stop when signaled. The driver lost control of the vehicle and ran over an individual who was standing outside of a store. In the second case, police officers on a motorcycle fired their weapons wounding an individual leaving a supermarket with his parents and siblings.

### Follow-Up Visit Findings

Table 4 shows the specific stage and judicial action taken by the sentencing court for six of the 14 cases. These six cases received an initial hearing during the preparatory stage of the judicial process, and PHR forensic reports were formally submitted to the court as evidence during a pretrial hearing. The trial courts have dismissed five of these six cases on different grounds, and these decisions have been affirmed by the Appellate Court. In the sixth case, the court agreed that the OAG had enough evidence to proceed with a trial, but granted amnesty to the alleged perpetrators based on a statute enacted by Congress in January and published in February 2010.<sup>43</sup> In one of the cases, a trial court opined that the forensic evaluation lacked evidentiary value because it was conducted too late and failed to support the victim's allegations. This same court added that torture could not have occurred as alleged by the victim because the victim never gave a confession. Another trial court dismissed the case because the OAG could not prove participation by the alleged perpetrators. Another court determined that no human rights violations had ever occurred. The OAG has continued appealing the dismissals.

*“Based on its forensic evaluations, PHR concluded that 12 of the 14 individuals had suffered abuse consistent with the allegations of torture and/or ill-treatment.”*

At the time this briefing paper was written, seven cases were still in the investigative phase, as the Office of the Special Prosecutor for Human Rights has not been able to identify the specific perpetrator or find evidence corroborating the victim's testimony implicating the alleged perpetrator. The lack of progress in these investigations is directly due to the Office of the Special Prosecutor for Human Rights' limited access to independent investigative resources. The office depends on the General Directorate of Criminal Investigation or the National Police, both of which are located under the Ministry of Security.

### Findings

In the months following the 2009 coup, Honduran human rights organizations reported that the interim government specifically targeted students, journalists, members of human rights organizations, and individuals affiliated with opposition political groups or union activism. The abuses occurred on multiple dates and locations across the nation.<sup>44</sup> The largest number of abuses – including the use of live ammunition to control peaceful demonstrations, illegal detentions, beatings, and threats against and intimidation of detainees – occurred in Tegucigalpa during the protests that took place on June 29, August 12, and at the end of September 2009.



Government-employed forensic physicians conducted 12 forensic medical evaluations for eight of the people examined by Dr. Moreno. The findings in 11 of the 12 government forensic medical evaluations corroborated the victims' allegations that police and security officials engaged in torture and ill-treatment, including threats, insults, blindfolds, forced witnessing of the abuse of others, beatings, and electric shocks. PHR evaluations found evidence of PTSD and MDD in the majority of the individuals, as well as a significant number of scars from blunt force trauma. External evidence – such as photographic documentation, medical records, prior forensic evaluations, and video recordings – was also available for the majority of cases, further corroborating the victims' claims.

*“The cases for which PHR provided forensic examinations were dismissed by the courts of first instance in Tegucigalpa, blatantly disregarding forensic evidence obtained by both government-employed forensic physicians and the PHR team.”*

### Conclusions

The findings of the PHR investigation indicate that the Interim Government of Honduras engaged in the practice of torture and/or ill-treatment in an effort to suppress dissent following the overthrow of President Zelaya. The most common forms of abuse against the detainees evaluated by PHR's team were threats and blunt force injuries. The most prevalent forensic findings were ecchymosis (bruising), scars from blunt force trauma, PTSD, and MDD. The vast majority of the cases had external corroborating evidence, such as prior forensic medical evaluations, medical records, or photographic/video documentation.

Most of the cases either remain in the investigative phase or have been dismissed, with alleged perpetrators cleared of all charges. For those cases in the investigative phase, the Honduran government has been unable or unwilling to gather evidence linking the alleged perpetrators to the victims; the National Police have failed to carry out investigations with necessary diligence, while witnesses generally fear repercussions for cooperating with investigations. The cases for which PHR provided forensic examinations were dismissed by the courts of first instance in Tegucigalpa, blatantly disregarding forensic evidence obtained by both government-employed forensic physicians and the PHR team. Such arbitrary dismissals are either the result of biased judges or a lack of understanding as to what constitutes evidence of torture.

The lack of progress in the judicial process has eroded any confidence that the international community and Hondurans had in the country's judicial system. It is unlikely that these cases will be fairly adjudicated, contributing to the overall culture of impunity in the country.

### Recommendations

PHR calls upon the Honduran government to end impunity for torture and ill-treatment and restore respect for the rule of law by:

- Creating an independent criminal investigations unit/department under the Attorney General's Office;
- Prosecuting torture and ill-treatment cases in a transparent manner that reflects internationally-recognized legal standards;
- Implementing a training program on the medical and legal investigation and documentation of torture and ill-treatment for judges, prosecutors, defense attorneys, government forensic experts, and law enforcement personnel;
- Reviewing legal proceedings and judicial outcomes of all torture and ill-treatment cases; and
- Correcting deficiencies in prior prosecutions of torture and ill-treatment cases.

PHR calls upon the Inter-American Justice System and the International Criminal Court (ICC), which – at the time this briefing paper was written – was conducting its preliminary examination on the coup d'état in Honduras, to review the cases in which sentencing courts of Honduras failed to give due weight to forensic medical evidence and – as a consequence – dismissed the cases with prejudice, eliminating the possibility of alleged victims obtaining redress for the abuses endured. The government of Honduras needs to fully cooperate with the ICC's preliminary examination and demonstrate its willingness and ability to investigate and prosecute human rights violations.



# Appendices

## Summary of Representative Cases

### 1. MRS. A:

A 44-year-old political activist who was arrested while protesting in the streets following the overthrow of President Zelaya. After being handcuffed and subdued, the police started hitting Mrs. A with batons, kicking, punching, and insulting her. She was then taken to a stadium where many other detainees were held. She managed to take some photos of herself and other injured detainees before her cellphone was confiscated. After several hours of detention inside the stadium, the police took Mrs. A to the Special Forces base where she was held in inhumane conditions, including restricted access to food, toilet, or attorneys; sleep deprivation; and threats. Two forensic medical evaluations and an urgent medical care note documented the presence of recent blunt trauma injuries and a hypertensive crisis within days of the alleged incidents.

### 2. MR. B

A 26-year-old cameraman who suffered multiple detentions and abuses at the hands of the police because he worked for national and international news organizations critical of the interim government. During the first incident, which occurred while Mr. B was covering a protest, the police hit him and other journalists with batons to prevent news coverage of the events. The second time, Mr. B was detained and taken to a police station where he was interrogated, threatened, and insulted. He managed to send a text message before having his cell phone confiscated, leading large numbers of civil society members to come to the police station and force his release. The third time, Mr. B and another cameraman were arrested, blindfolded, handcuffed, and taken to a safe house. Mr. B was repeatedly beaten and threatened, and was forced to touch what he perceived to be a corpse. He and his colleague were released in the outskirts of Tegucigalpa with their hands tied and eyes blindfolded. Mr. B and his colleague jumped into a culvert as the unmarked car sped away. Soon after, two men riding a motorcycle stopped nearby as if looking for them. Mr. B was convinced that these two men had come to kill them, as bodies with their hands tied and eyes covered with tape had been found on the same road in the weeks following the coup d'état.<sup>45</sup> The forensic evaluation showed an anxiety disorder and a series of dark macular parallel lines (tram-lines) produced from the degradation of the hemosiderin of ecchymosis (byproduct from blood degradation as it is reabsorbed by the body).

### 3. MR. C

A 24-year-old student who protested in support of former president José Manuel Zelaya. Mr. C participated in multiple street protests until he was detained by several police officers and soldiers before reaching his home one day. He was quickly subdued and handcuffed, and endured multiple beatings with police batons from the time he was detained until he reached the police station. The officers taunted him to sing the slogans of the opposition, and threatened and insulted him repeatedly. After the

night shift change, a police officer acquaintance of Mr. C saw him in detention and released him. Photos taken three days after the alleged abuse show multiple ecchymosis (bruising) in parallel elongated lines consistent with tram-line lesions. The forensic evaluation showed MDD, three scars from blunt force trauma lacerations, and a series of dark macular parallel lines (tram-like lines) produced from the degradation of the hemosiderin of ecchymosis. The multiple tram-lines seen in the photos taken right after the alleged events matched the location and characteristics of skin discolorations found during the forensic evaluation.



*Supporters of ousted Honduran President José Manuel Zelaya demonstrate during a rally in front of the U.S. embassy in Tegucigalpa on July 7, 2009.*

*Photo: ELMER MARTINEZ/AFP/Getty Images*

## Tables

### 1. Demographics

#### Age

Mean (Median) [Range] 34 (32) [7–53]

#### Sex

Male 8  
Female 6

#### Marital Status

Married/Common Law Union 6  
Single/Never Married 4  
Widowed 2  
Separated/Divorced 1  
Not Documented 1

#### Occupation

Non-professional (i.e. Artisan,  
Construction) 5  
Professional, other than Journalist 5  
Student 4  
Journalist 3

#### Level of Education

University 5  
High school 3  
Elementary school 3  
Not documented 3

### 2. Pattern of Abuse

#### Alleged Perpetrator

Regular Police 12  
Intelligence Police 1  
Army Personnel 1

#### Prior Involvement in Political or Union Activism

None Prior to Coup d'état 9

#### Places of Detention/Alleged Abuse

Street 14  
Congress Building (Basement) 4  
Police Station 3  
Police Headquarters (CORE 7) 3  
Special Forces Base (Cobras) 3  
Unknown Secret Place 3  
Stadium 1

#### Duration of Detention

Mean Hours (Median) [Range] 62 (3) [0.5–528]

#### Forms of Abuse

Blunt Force Trauma 12  
Threats and Insults 11  
Witnessing Other Being Abused 9  
Blindfolded 3  
Gunshots 2  
Forced to Touch Dead Body 2  
Forced Nakedness 1  
Strangulation 1  
Exposed to Irritants, other than  
Tear Gas 1  
Electric Shock 1

### 3. Forensic Documentation

#### Forensic Evaluations by Government Personnel

Total Number of Forensic Evaluations	12
Total Number of Forensic Evaluations With at Least One Acute Finding	11
Total Number of Individuals Who Had Forensic Evaluations	8
Average (Mean) [Range] Number of Forensic Evaluations per Person	1.5 (1) [1–3]

#### Findings of Government Forensic Evaluations

Pain and Edema	6
Ecchymosis	6
Fractures	3
PTSD	2
MDD	2

#### Photographic or Video Documentation of the Alleged Abuse

Photos	8
Video	2

#### Medical Care

Subsequent to the Alleged Abuse	7
During or Immediately After the Alleged Abuse	5

#### Findings during Medical Care

Pain and Edema	5
Ecchymosis and Abrasions	2
Pain and Edema	2
Fractures or Musculoskeletal Injuries	2
Internal Organ Injury	1
HTN Urgency	1
Retinal Detachment	1

#### Findings during PHR's Forensic Evaluation

MDD or Depressive Disorder	9
PTSD or Symptoms of PTSD	8
Scars Consistent with Blunt Force Trauma Laceration	5
Skin Discolorations Left from the Hemosiderin of the Ecchymosis	4
Surgical Scars Related to Alleged Trauma	2
Surgical Scars Unrelated to Alleged Trauma	2
Scars from Gunshot Wound	2
Acute Stress Disorder or Anxiety Disorder	2

#### 4. Judicial Process

Case	Sex	Age	Pre-Trial Hearing Date	Procedural History
No. 1 <sup>46</sup>	Female	44	September 29, 2010	<ul style="list-style-type: none"> <li>• Court issued arrest warrants against six police officers charged with abuse of power and torture</li> <li>• Illegal detention charge dismissed</li> </ul>
No. 2 <sup>47</sup>	Female	53	December 15, 2010	<ul style="list-style-type: none"> <li>• Five police officers formally charged with abuse of power, breach of official duty, illegal detention, torture, and ill-treatment</li> <li>• Court rejected requests by defendants to dismiss charges based on the allegation that their right to a speedy trial was violated</li> <li>• Defendants appealed and Appellate Court upheld the lower court's decision</li> </ul>
			March 2012	<ul style="list-style-type: none"> <li>• Appellate court dismissed all charges, arguing that no human rights violations had occurred and that the detentions were legal, discounting any inhumane and degrading treatment by the defendants</li> <li>• Prosecutor to appeal dismissal</li> </ul>
No. 3 <sup>48</sup>	Female	50	October 24, 2011	<ul style="list-style-type: none"> <li>• The victim did not appear in court for the first hearing, at which time the judge ordered the provisional dismissal of charges and the next hearing was scheduled for April 14, 2012</li> </ul>
			September 15, 2012	<ul style="list-style-type: none"> <li>• After the victim appeared in court and the prosecution presented its case, the judge resolved that the Prosecutor Office presented abundant evidence and the crimes were proven, but granted amnesty based on Decree 02-2010</li> </ul>
No. 4 <sup>49</sup>	Male	28	N/A	<ul style="list-style-type: none"> <li>• Court temporarily dismissed the charges but allowed the prosecutor to refile them in the future with more evidence to support the accusations against the defendants</li> <li>• Court rejected the forensic evidence of both PHR and government forensic physicians arguing it was collected eight months after the fact</li> <li>• Court rejected the forensic evidence of both PHR and government forensic physicians arguing the findings were due to the defendant's substance abuse rather than torture</li> <li>• All four defendants were police officers</li> <li>• The defense appealed the decision, and the Appellate Court ordered a final dismissal having found that the evidence did not support the charges</li> </ul>

#### 4. Judicial Process *(continued)*

Case	Sex	Age	Pre-Trial Hearing Date
No. 5 <sup>50</sup>	Male	26	N/A

No. 6 <sup>51</sup>	Male	31	February 10, 2010
---------------------	------	----	-------------------

March 24, 2011

#### Procedural History

- Court temporarily dismissed the charges but allowed the prosecutor to refile them in the future with more evidence to support the accusations against the defendants
- Court rejected the forensic evidence of both PHR and government forensic physicians arguing it was collected eight months after the fact
- All four defendants were police officers
- The defense appealed the decision, and the Appellate Court ordered a final dismissal having found that the evidence did not support the charges
  
- Court issued arrest warrants against two police officers
- Defense appealed and Appellate Court ordered the dismissal with prejudice of all charges against the defendants arguing that the crime of torture and abuse of authority were not proven
  
- Appellate Court dismissed the forensic report with evidence corroborating the alleged victim's claims, as it was conducted months after the fact
- Appellate Court also said that – since no confession was obtained – torture could not have occurred
- Prosecutor appealed decision to the Supreme Court



# Endnotes

- 1 Comisión de la Verdad y la Reconciliación, “Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación,” Julio 2011, <http://www.sjdh.gob.hn/recomendacionesCVR/sites/default/files/TOMO-IIINAL%20Para%20que%20los%20hechos%20no%20se%20repitan%20-%20Informe%20de%20la%20CVR.pdf>; Inter- American Commission on Human Rights, “Honduras: Human Rights and the Coup d’État,” Organization of American States, December 30, 2009, <http://www.cidh.org/pdf%20files/HONDURAS2009ENG.pdf>; Human Rights Watch, “After the Coup: Ongoing Violence, Intimidation, and Impunity in Honduras,” December 2010, [http://www.hrw.org/sites/default/files/reports/honduras1210webwcover\\_0.pdf](http://www.hrw.org/sites/default/files/reports/honduras1210webwcover_0.pdf); Amnesty International, “Honduras – Amnesty International Report 2010: Human Rights in Republic of Honduras,” <http://www.amnesty.org/en/region/honduras/report-2010>.
- 2 Comisión de la Verdad y la Reconciliación, “Para que los hechos no se repitan”; “Honduras: Human Rights and the Coup d’État”; Human Rights Watch, “After the Coup”; Amnesty International, “Honduras – Amnesty International Report 2010: Human Rights in Republic of Honduras.”
- 3 United Nations, “Report on the visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to Honduras,” Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, January 7, 2010, [http://www2.ohchr.org/english/bodies/cat/opcat/spt\\_visits.htm](http://www2.ohchr.org/english/bodies/cat/opcat/spt_visits.htm).
- 4 V. Iacopino, O. Ozkalipci, C. Schlar, K. Allden, T. Baykal, R. Kirschner, et al. *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (The Istanbul Protocol)*, UN Office of the High Commissioner for Human Rights, 2004, HR/P/PT/8/Rev.1, <http://www.ohchr.org/Documents/Publications/training8Rev1en.pdf>.
- 5 Comisión de la Verdad y la Reconciliación, “Para que los hechos no se repitan,” 319.
- 6 Rome Statute of the International Criminal Court, UN General Assembly, July 17, 1998 (last amended 2010), [http://untreaty.un.org/cod/icc/statute/99\\_corr/cstatute.htm](http://untreaty.un.org/cod/icc/statute/99_corr/cstatute.htm).
- 7 International Criminal Court, “Report on Preliminary Examination Activities 2012,” Office of the Prosecutor, November 2012, <http://www.icc-cpi.int/NR/rdonlyres/C433C462-7C4E-4358-8A72-8D99FD00E8CD/285209/OTP2012ReportonPreliminaryExaminations22Nov2012.pdf>.
- 8 Comisión de la Verdad y la Reconciliación, “Para que los hechos no se repitan,” 61–76; “Honduras Country Profile,” *BBC News*, August 20, 2012, [http://news.bbc.co.uk/2/hi/americas/country\\_profiles/1225416.stm](http://news.bbc.co.uk/2/hi/americas/country_profiles/1225416.stm); International Commission of Jurists, “Honduras: La Administración de Justicia, la Independencia del Poder Judicial y la Profesión Legal,” 2003, 6–7, <http://icj.wpunet.net/dnacd.com/wp-content/uploads/2004/02/honduras-administracionofjustice-report-2003-spa.pdf>.
- 9 International Commission of Jurists, “Honduras: La Administración de Justicia, La Independencia del Poder Judicial y la Profesión Legal,” 5–7.
- 10 Comisión de la Verdad y la Reconciliación, “Para que los hechos no se repitan,” 61–76; International Commission of Jurists, “Honduras: La Administración de Justicia, La Independencia del Poder Judicial y la Profesión Legal,” 5.
- 11 “Constitución Política de la República de Honduras,” Asamblea Nacional Constituyente, Decreto N° 131, Publicada en el diario Oficial la Gaceta, No. 23, 612 del 20 de enero de 1982, Arts. 5, 6, 373, 374, <http://www.poderjudicial.gob.hn/institucional/organizacion/dependencias/cedij/Leyes/Paginas/default.aspx>.
- 12 Malkin, Elisabeth, “Honduran President Is Ousted in Coup,” *New York Times*, June 28, 2009, <http://www.nytimes.com/2009/06/29/world/americas/29honduras.html?pagewanted=all>; “Honduras Truth Commission Rules Zelaya Removal Was Coup,” *BBC News*, July 7, 2011, <http://www.bbc.co.uk/news/world-latin-america-14072148>; Comisión de la Verdad y la Reconciliación, “Para que los hechos no se repitan,” 131–166.
- 13 Malkin, “Honduran President is Ousted in Coup”; “Honduras Truth Commission Rules Zelaya Removal Was Coup,” *BBC News*; Comisión de la Verdad y la Reconciliación, “Para que los hechos no se repitan,” 131–166.
- 14 Comisión de la Verdad y la Reconciliación, “Para que los hechos no se repitan,” 279–362.
- 15 Comisión de la Verdad y la Reconciliación, “Para que los hechos no se repitan”; Inter- American Commission on Human Rights, “Honduras: Human Rights and the Coup d’État,” 19–25; Human Rights Watch, “After the Coup”; Amnesty International, “Honduras – Amnesty International Report 2010: Human Rights in Republic of Honduras.”
- 16 Inter- American Commission on Human Rights, “Honduras: Human Rights and the Coup d’État,” 19–25; Comisión de la Verdad y la Reconciliación, “Para que los hechos no se repitan,” 280–386.
- 17 “Constitución Política de la República de Honduras,” Asamblea Nacional Constituyente.
- 18 “Honduras,” *Freedom in the World 2013*, Freedom House, <http://freedomhouse.org/report/freedom-world/2013/honduras>; International Commission of Jurists, “Honduras: La Administración de Justicia, La Independencia del Poder Judicial y la Profesión Legal,” 10.
- 19 Honduras: Congreso nacional (National Congress), Inter-Parliamentary Union, [http://www.ipu.org/parline-e/reports/2139\\_E.htm](http://www.ipu.org/parline-e/reports/2139_E.htm).
- 20 José Miguel Álvarez and Jessica Ramos, “Guide to Legal Research in Honduras,” Hauser Global Law School Program, New York University School of Law, [http://www.nyulawglobal.org/globalex/honduras.htm#\\_3.3\\_Judicial\\_Branch](http://www.nyulawglobal.org/globalex/honduras.htm#_3.3_Judicial_Branch).
- 21 International Commission of Jurists, “Honduras: La Administración de Justicia, La Independencia del Poder Judicial y la Profesión Legal,” 11–12.
- 22 Ibid.
- 23 “Constitución Política de la República de Honduras,” Art. 68; See also: <http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.HND.1.pdf>.
- 24 Código Penal de Honduras, Decreto Numero 144–83, 26 de septiembre de 1983, [http://www.oas.org/dil/esp/Codigo\\_Penal\\_Honduras.pdf](http://www.oas.org/dil/esp/Codigo_Penal_Honduras.pdf).
- 25 United Nations, “Report on the visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to Honduras.”
- 26 International Commission of Jurists, “Honduras: La Administración de Justicia, La Independencia del Poder Judicial y la Profesión Legal,” 5.
- 27 Honduras ratified CAT in 1996 and the ICCPR in 1997. See UN Treaty Collection, <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>.
- 28 Honduras ratified the American Convention on Human Rights in 1977. See [http://www.oas.org/dil/esp/tratados\\_B-32\\_Convencion\\_Americana\\_sobre\\_Derechos\\_Humanos\\_firmas.htm](http://www.oas.org/dil/esp/tratados_B-32_Convencion_Americana_sobre_Derechos_Humanos_firmas.htm).

- 29 National Committee for the Prevention against Torture, “Ley del Mecanismo Nacional de Prevención Contra la Tortura y Otros Tratos Crueles, Inhumanos y Degradantes,” December 5, 2008, [http://www.poderjudicial.gob.hn/institucional/organizacion/dependencias/cedij/Leyes/Documents/LEY%20DEL%20MECANISMO%20NACIONAL%20DE%20PREVENCION%20CONTRA%20LA%20TORTURA%20Y%20OTROS%20TRATOS%20CRUELES,%20INHUMANOS%20O%20DEGRADANTES%20\(08\).pdf](http://www.poderjudicial.gob.hn/institucional/organizacion/dependencias/cedij/Leyes/Documents/LEY%20DEL%20MECANISMO%20NACIONAL%20DE%20PREVENCION%20CONTRA%20LA%20TORTURA%20Y%20OTROS%20TRATOS%20CRUELES,%20INHUMANOS%20O%20DEGRADANTES%20(08).pdf). Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), G.A. res. 39/46, [annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984)], entered into force June 26, 1987, ratified by Honduras December 5, 1996, <http://www.un.org/documents/ga/res/39/a39r046.htm>. The Optional Protocol of the United Nations Convention against Torture (OPCAT) is an international treaty that entered into force in June 2006. OPCAT established the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) with the mission of preventing torture from occurring through the monitoring of detention and prison facilities. SPT began its work in February 2007. OPCAT also calls for State parties to create national preventive mechanisms for the purpose of conducting unrestricted visits to all detention facilities.
- 30 United Nations, “Report on the visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to Honduras.”
- 31 Ministerio Público de Honduras, <http://www.mp.hn/>.
- 32 Nuevo Código Procesal Penal, Decreto No. 9-99E, Febrero 2002, El Congreso Nacional, Arts. 263–266, <http://www.poderjudicial.gob.hn/juris/Leyes/CODIGO%20PROCESAL%20PENAL.pdf>.
- 33 Nuevo Código Procesal Penal, Arts. 267–284.
- 34 Nuevo Código Procesal Penal, Arts. 294–299.
- 35 Nuevo Código Procesal Penal, Arts. 300–303.
- 36 Nuevo Código Procesal Penal, Art. 323.
- 37 Nuevo Código Procesal Penal, Arts. 304–345.
- 38 Honduran National Congress, Decree No. 2-2010, February 2, 2010, <http://scm.oas.org/pdfs/2010/AGSCO0258E-14.pdf>. This decree grants a general amnesty to all those persons who attempted or carried out acts considered as treason, crimes against the government, terrorism, sedition, abuse of authority, and violations of government functionaries’ responsibilities, among others.
- 39 Organization of American States, “Statute of the Inter-American Commission on Human Rights,” American Convention of Human Rights, October 1, 1979, O.A.S. Off. Rec. OEA/Ser.P/IX.0.2/80, Vol. 1, 88, <http://www.cidh.oas.org/basicos/english/Basic4.Amer.Conv.Ratif.htm>; Inter-American Court of Human Rights, Case of Gutiérrez-Soler v. Colombia, September 12, 2005, [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_132\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_132_ing.pdf).
- 40 V. Iacopino, O. Ozkalipci, C. Schlar, K. Allden, T. Baykal, R. Kirschner, et al. *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (The Istanbul Protocol)*.
- 41 “One Story of Last Night’s Repression,” Honduras Accompaniment Project, September 22, 2009, <http://hondurasaccompaniment.wordpress.com/2009/09/23/one-story-of-last-nights-repression/>.
- 42 Honduran police using violence against peaceful protestors. “Policía Agrede a Alba Ochoa,” August 13, 2009, YouTube, available at: <http://www.youtube.com/watch?v=-1cp6QqSfCY>.
- 43 “IACHR Expresses Concern About Amnesty Decree in Honduras,” Inter-American Human Rights Commission on Human Rights, Organization of American States, February 3, 2010, <http://www.cidh.org/Comunicados/English/2010/14-10eng.htm>; Honduran National Congress, Decree No. 2-2010.
- 44 Comisión de la Verdad y la Reconciliación, “Para que los hechos no se repitan”; “Honduras: Human Rights and the Coup d’État”; Human Rights Watch, “After the Coup”; Amnesty International, “Honduras – Amnesty International Report 2010: Human Rights in Republic of Honduras.”
- 45 Comisión de la Verdad y la Reconciliación, “Para que los hechos no se repitan,” 305–310.
- 46 Interview with individual, Case No. 01, March 20–23, 2010, Centro de Prevención, Tratamiento y Rehabilitación de Sobrevivientes de la Tortura y sus Familias (C.P.T.R.T.), Tegucigalpa, Honduras.
- 47 Interview with individual, Case No. 02, March 20–23, 2010, Centro de Prevención, Tratamiento y Rehabilitación de Sobrevivientes de la Tortura y sus Familias (C.P.T.R.T.), Tegucigalpa, Honduras.
- 48 Interview with individual, Case No. 03, March 20–23, 2010, Centro de Prevención, Tratamiento y Rehabilitación de Sobrevivientes de la Tortura y sus Familias (C.P.T.R.T.), Tegucigalpa, Honduras.
- 49 Interview with individual, Case No. 04, March 20–23, 2010, Centro de Prevención, Tratamiento y Rehabilitación de Sobrevivientes de la Tortura y sus Familias (C.P.T.R.T.), Tegucigalpa, Honduras.
- 50 Interview with individual, Case No. 05, March 20–23, 2010, Centro de Prevención, Tratamiento y Rehabilitación de Sobrevivientes de la Tortura y sus Familias (C.P.T.R.T.), Tegucigalpa, Honduras.
- 51 Interview with individual, Case No. 06, March 20–23, 2010, Centro de Prevención, Tratamiento y Rehabilitación de Sobrevivientes de la Tortura y sus Familias (C.P.T.R.T.), Tegucigalpa, Honduras.