

Honduras

Environmental activists killed in Olancho department

On 20 December 2006, environmental activists Heraldo Zúñiga and Roger Iván Cartagena, members of the non governmental Environmentalist Movement of Olancho (MAO), were killed in execution style in Guarizama, Olancho department, reportedly by members of the national police. Reports indicate that in the months before the killings, they had also been the targets of threats and acts of intimidation and that no effective protection was provided to guarantee their safety. Amnesty International believes that the killings and the previous threats against them are linked to their campaign illegal logging in the Olancho department. Concern persists for the safety of members of the Environmentalist Movement of Olancho, for the victims' families and for the witnesses to the crime, due to ongoing reports of threats and acts of intimidation against them.

Four police officers have been accused of the killings and are currently being held in preventive detention in the police station of Juticalpa pending trial. The crime scene has allegedly not been properly examined and according to reports the forensic evidence from the scene has been tampered with by the police, prompting questions as to the seriousness and transparency of the investigation.

On 20 December 2006, environmental activists Heraldo Zúñiga (49 years old) and Roger Iván Cartagena (29 years old) were travelling by car from Gualaco to Silca, Olancho department, when they were reportedly stopped by members of the police in Guarizama. According to information received, the police forced them to get out of their vehicle and then ordered them to stand against the wall of the building next to the municipal office of Guarizama. Approximately 40 shots were reportedly fired at them.

The police officers reportedly responsible for the killings are believed to be acting at the behest of regional logging and mining company interests. Amnesty International believes that the killings are another attempt to deter MAO from continuing their work against illegal logging in the Olancho department.

In May 2006, Heraldo Zúñiga had expressed fears for his safety after allegedly receiving death threats following his public declarations against illegal logging in the Salamá region, in the western part of Olancho department. In May 2006 the Inter-American Commission of Human Rights (IACHR) had requested the Honduran government provide information on the case following a formal request that the authorities provide protection to members of MAO. On 16 June, the Honduran authorities allegedly informed the IACHR that protection measures for Padre Andrés Tamayo, leader and founding member of MAO, had been implemented. However, to

Amnesty International's knowledge no protection had been provided for any other member of MAO.



Bullet holes in the wall against which Heraldo Zúñiga and Roger Iván Cartagena were shot © Comisión Nacional de Derechos Humanos de Honduras, CONADEH

Following the killings of Heraldo Zúñiga and Roger Iván Cartagena, on 22 December 2006 the IACHR ordered the Honduran government to urgently implement precautionary measures on behalf of members of MAO including Padre Andrés Tamayo, Santos Efraín Paguada, Víctor Manuel Ochoa, René Wilfredo Grádiz, Macario Zelaya, and Pedro Amado Acosta. According to information received, the Honduran authorities have only provided them with limited protection since that date. It is reported that during January police visited MAO offices only twice and the houses of four MAO members twice each, despite the high security risks faced by MAO.

Furthermore, fears persist as to the impartiality and effectiveness of the protection provided as those responsible for it are also members of the National Civil Police, the same police force reportedly responsible for the killings.

Reports suggest that members of MAO, the relatives of the environmentalists killed and witnesses to the crime are being intimidated and threatened and are reportedly under surveillance. MAO's work has in consequence been severely restricted to only certain areas and they have had to curtail their visits to communities for fear of attacks.

On 27 January 2007 at around 1:30am it is reported that a drunken police officer (*policía preventiva*) dressed in civilian clothing started a discussion with relatives of Roger Iván Cartagena in front of Heraldo Zúñiga's father's house and fired seven shots in the air. Two police officers, who were in the area at the time, reportedly intervened and managed to control the situation. No injuries were reported. On 10 February, a death threat was reportedly sent by text message to one of Heraldo's family members warning him that he and Padre Andrés Tamayo would be the next people to be killed.

On 25 January 2006, the Special Human Rights Prosecutor in the Attorney General's Office brought charges against four police officers for the killings of Heraldo Zúñiga and Roger Iván Cartagena. Despite numerous people having been present in the area when the killings took place, no arrest warrants were issued before that date. After the charges were brought, the four police officers were handed over to the authorities by the regional police (*Jefatura Departamental*). On 5 February 2007, during the preliminary hearing before the First Criminal Court (*Juzgado de Letras seccional de Catacamas*), the four police officers were placed under preventive detention on

charges of homicide.¹ They are being held in the police station of Juticalpa, Olancho department, rather than in prison.

The witnesses to the crime who appeared before the First Criminal Court on 5 January for the preliminary hearing have also reportedly become the targets of threats. Reports indicate that the witnesses' families have been approached by members of the police who have warned them that if they attend the first hearing to give more evidence they will be killed.

On 6 February, the Olancho regional police chief (*Jefe regional del departamento de Olancho*) reportedly sent a contingent of police officers to the crime scene in an apparent attempt to tamper with the evidence. According to information received, officers from the preventive police cordoned off the area while members of the General Directorate of Criminal Investigations (*Dirección General de Investigación Criminal*) began using spades and other tools to erase the dozens of bullet holes visible on the wall the men were shot against. According to the National Commissioner of Human Rights in Honduras (*Comisionado Nacional de Derechos Humanos de Honduras*), the Public Prosecutor's office and the judge dealing with the case had not been previously informed and they were not present during the apparent destruction of the crime scene. On 12 February 2007, the Special Human Rights Prosecutor in the Attorney General's Office reportedly said that investigations would be carried out into the allegations that evidence had been tampered with. To Amnesty International's knowledge, no serious investigation into these allegations has been carried out so far and it appears that the bullet holes are now almost completely erased.

Forensic examinations appear to have been limited. Reports indicate that public prosecutors, in the presence of forensic doctors and legal representatives, have exhumed the body of Heraldo Zúñiga in order to obtain more evidence. However, no ballistic investigation appears to have yet been carried out.

Background information

MAO has been campaigning against deforestation and illegal logging in the Olancho department, which MAO believes is causing serious environmental damage.

Because of their work, members of MAO have been intimidated and threatened several times in the past. In May 2003, Father José Andrés Tamayo, leader and one of the founding members of MAO, was reportedly warned to leave the country and threatened with death.² In October 2001 a police officer reportedly pointed his gun at Father José Andrés Tamayo during a demonstration calling for the protection of the environment. He was also under threat from local criminals who

¹ Under the Honduran Penal Code, Article 117, a person is charged with murder (*asesinato*) when the crime has been committed with premeditation and intentionality; the sentence for this crime is between 20 to 30 years. Under Article 116, a person is charged with homicide (*homicidio simple*), when the crime is committed without premeditation; the sentence for this crime is from 15 to 20 years in prison.

² See *Honduras: Fear for safety/death threats: José Andrés Tamayo, priest and environmental activist, Gilberto Flores, community leader* (AI Index: AMR 37/009/2003)

had reportedly been offered money to kill him because of his legitimate and peaceful environmental activism.³

The killings of Heraldo Zúñiga and Roger Iván Cartagena as well as the threats and acts of intimidation against other members of MAO are part of a pattern of human rights abuses against those involved in defending the environment. Amnesty International has documented a number of cases in Honduras in recent years where local communities have been threatened and their leaders killed in apparent reprisal for highlighting environmental damage and campaigning in favour of community rights. The gunmen responsible often have links to powerful local landowners.

Intimidation and attacks on activists campaigning to improve the lives of other people and create a better environment are unacceptable. The Honduran government is responsible through national as well as international obligations for ensuring activists can participate in public life and public affairs without fear of reprisals. The authorities are also responsible for ensuring that violations of the rights of activists are promptly and impartially investigated and those responsible identified and brought to justice. To reinforce this responsibility, states adopted the UN Declaration on the Right and Responsibility of Individuals, Groups and Institutions to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms.

TAKE ACTION!

- **Write to the Honduran authorities and the Honduran embassy in your country:**
 - Express serious concern for the safety of members of MAO and for the safety of the victims' families, due to recent reports of further threats and acts of intimidation against them;
 - Urge the authorities to guarantee the safety of members of the MAO, the victims' families and witnesses to the crime, in accordance with their own wishes;
 - Call on the authorities to carry out a prompt, thorough and impartial investigation into the killings of Heraldo Zúñiga and Roger Iván Cartagena, and for those responsible to be brought to justice;
 - Express concern at the allegations that forensic evidence has been tampered with, and call on the authorities to carry out a full investigation into this allegation;
 - Remind the authorities of their obligation to ensure that human rights defenders have the right to carry out their activities without any restrictions or fear of reprisals, as set out in the UN Declaration on the Right and Responsibility of Individuals, Groups and Institutions to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms.

³ See *Honduras: Further information on fear for safety/death threats/unlawful killings: Community leaders: Rafael de Jesús Ulloa, mayor of Gualaco, and all seven municipal councillors, including Macario Echevarría, Luís Rufino García, Manuel Enterio Santos, Ramón Orlando Escobar and Angela María Rivera; José Andrés Tamayo, priest; Osmín Flores, priest; Mayk Alfredo Ramos, Angel Orlando Murillo and Dennis Murillo, community leaders.* (AI Index: AMR 37/013/2001)

Appeals to:

President of the Honduras Republic

José Manuel Zelaya Rosales
Presidente de la República de Honduras
Casa Presidencial
Boulevard Juan Pablo Segundo, Palacio José Cecilio del Valle
Tegucigalpa, Honduras

Fax: +504 2357700

Salutation: Dear President/Señor Presidente

Public Security Minister

Secretario de Seguridad
Alvaro Antonio Romero Salgado
Plantel Casamata, subida al Picacho, Tegucigalpa, M.D.C, Honduras

Fax: (504) 237-9070

Salutation: Dear Minister/Estimado Señor Secretario

Attorney General of the Republic

Sr. Leonidas Rosa Bautista
Fiscal General de la República
Colonia Loma del Guijaro
Tegucigalpa, Honduras

Fax: + 504 221 5667

Salutation: Dear Attorney General/ Estimado Fiscal General

Copies to:

Special Prosecutor for Human Rights in the Attorney General's Office: Abogada Sandra Ponce, Fiscal Especial de Derechos Humanos, Colonia Loma del Guijaro, Tegucigalpa, Honduras, **Fax : + 504 221 3656**

National Commissioner for the Protection of Human Rights: Dr Ramón Custodio López, Comisionado Nacional de Protección de los Derechos Humanos (CONADEH), Colonia Florencia Norte, Boulevard Fuyapa, Antiguo Edificio Cannon, Tegucigalpa, Honduras,

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Human Rights NGO

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