



Declaration of the Public Hearing on the Human Rights Situation in the Peasant Communities of Bajo Aguán, Honduras

The Public Hearing on the Human Rights Situation in the Peasant Communities of Bajo Aguán, Honduras, was convened by nine organizations and international networks that in recent years have been monitoring the human rights situation in Honduras and in particular that of the peasant communities in the Bajo Aguán region.¹ This monitoring effort has been carried out in coordination with local organizations.²

¹ APRODEV (Asociación de Agencias de Desarrollo ligadas al Consejo Mundial de Iglesias, Association of World Council of Church-related Development Organizations) in Brussels; CIFCA (Copenhagen Initiative for Central America and Mexico) in Brussels; FIAN International (Food First Information and Action Network) in Heidelberg; FIDH (Federación Internacional de Derechos Humanos, International Human Rights Federation) in Paris; Latin America Working Group (LAWG) in Washington DC; PIDHDD (Plataforma Interamericana de Derechos Humanos, Inter-American Human Rights Platform) in Quito; Rel-UITA (Regional Latinoamericana de la Unión Internacional de los Trabajadores de la Alimentación, Agrícolas, Hoteles, Restaurantes, Tabaco y Afines, Latin American Office of the International Union of Food, Agricultural, Hotel, Restaurant, and Tobacco Workers) in Montevideo; TROCAIRE in Dublin; and Vía Campesina International in Jakarta.

² Permanent Human Rights Observatory in the Bajo Aguán (Observatorio Permanente de Derechos Humanos en el Bajo Aguán), its member organizations, and national human rights organizations, the Committee of Family Members of the Detained and

The need for this monitoring arose because of ongoing, flagrant human rights violations and the failure of the courts and local authorities to resolve the problems in spite of the obligations that the Honduran state acquired when it ratified international human rights instruments. A commission composed of twelve international experts and representatives of international organizations presided over the Public Hearing.³

The Public Hearing took place on May 28, 2012, in the city of Tocoa. Its principal objectives were to receive the testimonies of peasants affected by the agrarian conflict in the Bajo Aguán, to learn about the analyses of Honduran human rights organizations, and to highlight the human rights situation in the Bajo Aguán. Representatives of the Executive Secretariat of the Inter-American Human Rights Commission, the Delegation of the European Union and the Office of the United Nations High Commissioner for Human Rights attended as international observers.

The organizers of the Public Hearing invited various representatives of the Honduran government to present their views on the conflict and the measures that have been taken to address it. César Ham, Minister-Director of the National Agrarian Institute (INA), was the only official who accepted the invitation. Nevertheless, at the last minute he was unable to attend.

The Public Hearing took place as part of the monitoring process of the 2011 international human rights mission in the Bajo Aguán, which issued a report of its main findings and conclusions.⁴

Agrarian conflict in Honduras and the problems of the Bajo Aguán grow out of an historical context dating to the Spanish conquest, with the emergence of latifundios and minifundios. These problems worsened after independence with measures taken by “criollo” governments and with the arrival of transnational banana companies in Honduras. The efforts at land redistribution during the twentieth century, especially in the agrarian reform launched in the 1960s, were followed in 1992 by structural adjustment programs and the Law for the Modernization and Development of the Agricultural Sector, the negative effects of which are still being felt.

Disappeared (Comité de Familiares de Detenidos Desaparecidos en Honduras, COFADEH), the Women’s Rights Center (Centro de Derechos de Mujeres, CDM) and FIAN Honduras.

³³³ The president of the commission was María Silvia Guillén, ex-Commissioner of the Inter-American Human Rights Commission and director of the Foundation for Applied Legal Studies (Fundación de Estudios para la Aplicación del Derecho, FESPAD) in El Salvador. The other members of the commission were: Paulina Vega, Vice-President of the International Human Rights Federation (FIDH); María Silvia Emanuelli, Legal Affairs Director for the Latin American Office of the Habitat International Coalition; Marc Edelman, Professor of Anthropology at Hunter College, City University of New York (CUNY); Lisa Haugaard, Executive Director, Latin America Working Group; Carlos Humberto Reyes, member of the Executive Committee of the International Union of Food, Agricultural, Hotel, Restaurant, and Tobacco Workers (Rel-UITA); Kristina Jannerbo, Deputy Regional Manager, Office of Diakonia Sweden in Colombia (APRODEV); Rosalía Soley, Office of the World Lutheran Federation in San Salvador (APRODEV); Anna Salmivaara, Advisor on Human Rights and Gender Equality, Finn Church Aid (APRODEV); Carlos Rauda, Regional Programs Officer, ACT Alliance, Geneva; Sally O’Neill, Director for Central America of Trocaire, and Martin Wolpold-Bosien, Coordinator for Central America of FIAN International.

⁴ See “Honduras: violaciones de derechos humanos en el Bajo Aguán,” July 2011, available at: http://www.fian.org/recursos/publicaciones/documentos/honduras-violaciones-de-derechos-humanos-en-el-bajo-aguan-1?set_language=es.

This law not only stopped the process of distributing agrarian reform lands to smallholders and rural workers, but it also promoted the sale of agrarian reform lands and their reconcentration in a few hands, and the state's withdrawal from providing services. After 1992 in the Bajo Aguán many peasant cooperatives were sold off, with the collusion of INA officials, leaving thousands of families dependent on day labor and making it difficult for them to meet their basic needs. The landless in this region began negotiations with the INA years before the coup d'état in order to gain access to lands that they considered their own. Since they were unable to obtain a clear response through legal channels, in December 2009 the peasant communities initiated a series of land recuperations in the Bajo Aguán. This conflict develops in the context of a large-scale expansion of monocultures, particularly African palm, in the Bajo Aguán.

Since September 2009, according to international human rights organizations, 48 individuals affiliated with the peasant organizations, as well as a journalist and his partner, have been assassinated as a result of the Bajo Aguán conflict. Moreover, on May 15, 2011, a peasant was disappeared and remains missing.

According to the Public Ministry, since the beginning of 2010, twelve private guards and a worker for one of the palm companies have been assassinated in circumstances that have still not been clarified.

During the Public Hearing, 24 people testified about twelve cases of human rights violations related to the agrarian conflict.

The principal findings of the Hearing include:⁵

- Selective homicides of peasant leaders and members of peasant organizations continue, as do threats, relentless harassment, and attacks on their physical integrity carried out with firearms, including high-caliber rifles.⁶
- The militarization and massive police presence in the region do not guarantee the security of the peasant communities. On the contrary, they contribute to the relentless harassment, fear and violence that people in these communities experience. This situation is aggravated by the private guards in the region that are in the service of the large landowners.
- The acts of intimidation reported at the Hearing include cases of kidnapping and torture (a minor was suffocated with plastic bags, sprayed with gasoline, and threatened with being burned to death).
- The Hearing noted the absence of effective institutions and of justice (several testimonies described having reported rights violations to the competent authorities, but the investigations have not progressed), which creates impunity. The report provided by the Public Ministry to the organizations that sponsored the Hearing confirms this.⁷ Moreover, it is evident that there is deep distrust of the authorities and a conviction that they only serve the interests of the landlords and work against the

⁵ Most of the testimonies were previously documented in detail in the report (cited above) that was presented to the Inter-American Human Rights Commission and the European Parliament.

⁶ Even on May 28-29, 2012, two incidents occurred that affected members of the peasant communities. On May 28 a young peasant was detained and attacked by police one hour before arriving at the Hearing. On May 29, during a search of a peasant's pickup truck at a military check point in Tocoa, a soldier discharged his weapon, damaging the vehicle, and only offering an apology. No offer of repairing the damage was forthcoming from either the soldier or his superiors.

⁷ Ministerio Público: Conflictos Agrarios en el Bajo Aguán, sent on May 23, 2012 by the Human Rights Unit of the Public Ministry.

interests of poor communities. Given the state's lack of responsiveness, the peasants find themselves defenseless.

- Protest has been criminalized and the courts are not neutral but are used in favor of particular interests. In the zone there are numerous legal actions against hundreds of peasants as a result of the struggle for land.⁸ (One peasant woman who testified reported having four cases pending against her.) In these cases the judicial authorities proceed very rapidly.
- Evictions are carried out without a court order and with extreme violence, including, among other actions, the burning of houses, crops, and community infrastructure, as well as shots fired to force people to leave.
- The murder of a journalist who reported on the agrarian conflict. The extreme vulnerability and the assassination of journalists in Honduras are deeply troubling.⁹
- Psychological traumas resulting from the violence and the loss of family members are especially pronounced among minors, women and older adults.
- Families have lost their main breadwinners as a result of assassinations.
- The state has broken its promises to meet the peasants' main demand, which is for lands that will allow them to feed their families.

There is a notable difference in the impact of the violence on the lives and bodies of women. The consequences of human rights violations for women are particularly problematical in that they include sexual violence, threats against women and their family members, and loss of livelihoods.¹⁰

The conflict doubly affects the peasant population, since the individual cases also impact the community by causing a generalized fear. Several individuals who testified at the Hearing expressed concern about possible acts of repression and attacks on their physical integrity as a result of their having participated in the Hearing. Several also expressed concerns about possible acts of intimidation that they might suffer once the international organizations leave the area.

The testimonies indicate that those responsible for these events are the large landowners' private guards, members of the armed forces, and the National Police (Policía Nacional Preventiva).

The conclusions of the Public Hearing are:

The agrarian conflict in the Bajo Aguán is the most serious situation in terms of violence against peasants in Central America in the last fifteen years

The conflict reflects the pervasive structural violence in Honduras, characterized by an absence of access to a decent life for the population living in poverty, which particularly affects peasants who lack land.

⁸ According to some peasant organizations in the zone, there are legal actions pending against 400 peasants. The organizations that sponsored the Hearing have been able to confirm that there are legal actions pending against 162 individuals as of July 2011.

⁹ According to COFADEH, 24 journalists have been assassinated since the coup d'état in Honduras.

¹⁰ Las Petateras: Alto a la injusticia y la impunidad en el Bajo Aguán! Sí a la justicia! Document presented at the Public Hearing, May 26, 2012.

Structural violence worsened after the coup d'état. Even though agrarian reform is mandated in the Honduran constitution, there is no public policy that guarantees adequate access to land. Moreover, the 1992 Law for the Modernization and Development of the Agricultural Sector has reversed the agrarian reform process, causing reconcentration of land in a few hands. It is important to note that agrarian reform is an obligation of the state in guaranteeing the human right to food.

The peasants' legitimate struggle demands respect for basic human rights, including decent living conditions and genuine legal equality.

The serious violations of the right to life and to physical and psychological integrity have been met, up to this moment, with total impunity. Other violations of key liberties are recurring, such as the rights to adequate food, to have access and property of land, to decent housing, to prompt justice, and to due process.

All of the cases suggest impunity and injustice. The peasant population has nowhere to turn to seek legal advice or accompaniment in the face of the inaction of the authorities.

In this adverse context, we recognize the essential role of the local and national civil society organizations in the protection and defense of the peasant communities of Bajo Aguán.

Given this situation, the organizations and participants in the Hearing reiterate the recommendations made by the international verification mission. We recommend:

To the Honduran state:

- a. Investigate and prosecute in a serious and prompt manner all of the crimes and human rights violations committed in the Bajo Aguán, including the material and intellectual authors of these acts.
- b. Cease immediately the repression, harassment and violence directed at the peasant movement.
- c. Adopt effective means for protecting people at risk.
- d. Do not undertake more forced evictions.
- e. Seek a full, just, peaceful and sustainable solution to the peasants' demands by fulfilling the legal and political commitments made in agreements with the peasant organizations.
- f. Regulate the functioning of private security companies in order to guarantee full respect for human rights.
- g. Take measures to prevent all threats and acts of intimidation against persons who participated in the Public Hearing, particularly those who testified there.
- h. Invite the Inter-American Human Rights Commission to carry out an *in loco* visit.

To the international community:

- a. Insist that the Honduran government investigate and prosecute the violations of human rights in the Bajo Aguán.
- b. Take concrete and decisive measures to provide greater protection for people at risk, in particular in the Bajo Aguán.
- c. Carry out ongoing monitoring of the situation in the Bajo Aguán and of the agrarian conflict in particular. Take an active role in defense of human rights.
- d. Take measures to ensure that bilateral and multilateral economic aid to Honduras and to private companies does not contribute to human rights violations and is conditioned on full respect for human rights.
- e. Review all aid agreements between international cooperation agencies or multilateral banks and Honduran security forces or the private companies allegedly involved in acts of violence, harassment and human rights violations in the region.
- f. Promote a framework for aid and cooperation which includes a concept of security based on the promotion of justice and full respect for human rights.
- g. Considering the grave situation of human rights violations, we conclude that adequate conditions do not exist for signing an Association Agreement between the EU and Central America.
- h. Suspend international aid that promotes militarization and that worsens the human rights situation, in particular military aid from the United States.
- i. Support the creation of an office in Honduras of the United Nations High Commissioner for Human Rights.
- j. Carry out *in loco* visits by international human rights agencies, in particular the Inter-American Human Rights Commission, as well as the various United Nations special rapporteurs, in order to gather first-hand information about the human rights violations that have been committed and that are being committed in the Bajo Aguán.

We make an urgent call to all the relevant actors, particularly state institutions, to prevent any act of violence and guarantee that human rights are fully respected.

Tocoa, Bajo Aguán, Honduras, May 30, 2012