



ELDH European Association of Lawyers
for Democracy and World Human Rights



Vereinigung
Demokratischer Juristinnen
und Juristen e.V.



Vereinigung Berliner Strafverteidiger e.V.



Düsseldorf/Haarlem January 2016

To his Excellency
President Juan Orlando HERNANDEZ Alvarado
Republic of Honduras

c/o Ambassadors and Consuls of the Republic of Honduras

Petition

Day of the Endangered Lawyer – 22nd January 2016.

In solidarity with Honduran lawyers, judges and other law professionals

Your Excellency,,

Starting in 2010 on or about 24 January every year protests are organized in front of embassies all over Europe in solidarity with endangered lawyers, who are threatened, attacked, or even killed because they defend human rights, poor people, trade unionists or peasants or because they are just fulfilling their professional duties. The date commemorates of 4 lawyers and a trade unionist who were killed by Spanish fascists in Madrid in 1977.

On Friday, 22nd January 2016, lawyers, other law professionals and human rights defenders will be protesting outside Honduran Embassies and Consulates all over Europe and in countries outside Europe. A petition on behalf of the Honduran lawyers and other law professionals will be handed over to the Ambassadors.

The aim is to highlight the ongoing wave of violence directed at lawyers and other law professionals in Honduras. The situation facing lawyers in Honduras is dire. Between 2010 and March 2015 the Inter-American Human Rights Commission (IAHRC) recorded 91 deaths of lawyers as a result of targeted killings.

The violence does not concern only lawyers and other law professionals. Many Hondurans are suffering severe violations of human rights. These adversely affect public life in Honduras as a whole. The main reasons for this violence are poverty, unemployment, drug-trafficking, misogyny, and severe deficits in the investigation and prosecution of these crimes. The crimes of violence are not only committed by organized groups, as the Honduran Government asserts, but have also sometimes been covered up by state officials, for reasons of corruption or complicity. Lawyers, prosecutors and judges who deal with cases of violence or state corruption run a high risk of becoming victims of violence themselves.

In addition to the organizational deficiencies of the prosecution, there is evidence that intimidation of witnesses, prosecutors, judges and lawyers as well their corruption are responsible for wide scale impunity for such crimes. The independence of judges is not guaranteed. On the contrary, restrictive laws make it difficult for judges to keep their independence and to guarantee the functioning of the law. The judges who protested against the coup d'état in 2009 were illegally dismissed, as has been confirmed by the Inter American Court of Human Rights (IACHR) in 2015. Such state interference in the judicial system undermines the rule of law.

The situation in Honduras has been reported by a number of United Nations mechanisms: UN Special Procedures, Human Rights Treaty Bodies, and the Human Rights Council. According to a study by the United Nations Office on Drugs and Crime (UNODC) in 2013 Honduras had the highest homicide rate in the world. This is also confirmed by NGOs such as Amnesty International and Human Rights Watch.

Human Rights Watch in their annual report commented that:

“Honduras suffers from rampant crime and impunity for human rights abuses...Judges face acts of intimidation and political interference”

Reports of assassinations and intimidation of judges in Honduras have been sent to the IACHR . The IACHR has also received information about the assassination of Mireya Efigenia Mendoza Peña, a trial court judge in El Progreso, Yoro and Assistant Secretary of the Association of Judges for Democracy, an organization that works to defend the interests of judges in Honduras. According to publicly available information, in 2014 at least 20 judges received death threats, and according to information provided by the *Asociación Jueces por la Democracia* (Association of Judges for Democracy), at least three judges have been killed in the last two years.

The UN Special Rapporteur on the situation of human rights defenders has been sent information that prosecutors, particularly those working on human rights and environmental issues, have been subject to death threats or have even been killed. Their situation has become especially precarious. Furthermore, prosecutors and judges working on cases in which the police had been involved in crimes, have been under political pressure from high-ranking authorities, including from within the office of the General Prosecutor.

The European Democratic Lawyer AED-EDL, the European Association of Lawyers for Democracy and Human Rights ELDH and the Foundation of the Day of the Endangered Lawyer, as well as the supporting lawyer's organisations mentioned below condemn in the strongest possible terms the responsibility of the Honduras Government for the state of affairs described above, and demand the following from the Government of The Republic of Honduras:

1. Lawyers, prosecutors and judges in Honduras should be allowed to perform their professional duties without any intimidation, and adequate protection needs to be provided by the state, especially when lives are at risk as a result of the exercise of their profession.
2. Appropriate measures must be put in place to guarantee the safety of legal practitioners, as provided in the United Nations Basic Principles on the Role of Lawyers
3. The impunity tolerated by the State for those who violate human rights must be terminated.
4. A mechanism must guarantee that those responsible for threats, attacks and the killing of lawyers, judges and prosecutors are held accountable regardless their political, social or economic position.
5. The Government must recognise publicly the legitimacy of the work done by human rights defenders, including lawyers
6. The new law for the protection of human rights defenders requires adequate and effective implementation.
7. The judgment of the Inter American Court of Human Rights concerning the illegal dismissal of judges must be complied with by the Honduran government, and the dismissed judges must be reinstated immediately with full compensation.

We further demand an international independent investigation into the actions noted above with the objective of holding accountable those who are responsible for violations of basic human rights of lawyers, judges and prosecutors.

Yours,



Thomas Schmidt
ELDH Secretary General

Hans Gaasbeek
Director of the Foundation for the DAY OF THE
ENDANGERED LAWYER

THE DAY OF THE ENDANGERED LAWYER is an initiative of

- The European Democratic Lawyers (EDL), www.aeud.org
- The European Association of Lawyers for Democracy and Human Rights (ELDH), www.eldh.eu
- The Foundation of the Day of the Endangered Lawyer

The initiative will be supported among others by

- The Honduran Association of Judges for Democracy
- The Colegio de abogados de Honduras
- The European Bar Human Rights Institute IDHAE
- The Council of Bars and Law Societies of Europe CCBE
- Various Bar Associations
- Lawyers for Lawyers (The Netherlands)
- The International Association of Democratic Lawyers IADL
- The International Association of People's Lawyers
- The International Association of Lawyers UIA
- Fachgruppe Internationales, Neue Richtervereinigung NRV

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