



Honduran Presidential Elections November 29th: Basic Conditions for Free and Fair Elections Do Not Exist

Basic conditions do not exist for free, fair, and transparent elections in Honduras. A cloud of intimidation and restrictions on assembly and free speech affect the climate in which these elections take place. It is crucial that these conditions prior to the elections be considered and included in any U.S. government observations about the electoral process. Even at this late date, the United States should consistently and vigorously press for the restoration of elected President Manuel Zelaya. U.S. policy should focus intensively on ensuring the full restoration of all of the civil liberties and human rights that have been severely eroded since June 28th.

Restrictions on freedom of assembly affect campaigning and civil society organizing.

On November 21, a decree (PCM-M-030-2009) establishing a national-level state of emergency "for all activities related to the electoral process" was published in the official Gazette. This decree also authorizes the Defense Ministry to "contract directly for everything necessary for materials, equipment and supplies needed for military operations to guarantee the right to vote." The decree does not specify which rights are suspended. Prior to this emergency decree, a number of other decrees and other measures were issued that affect the right to assembly.

A decree prohibiting more than 20 people from gathering in public places without 24-hour prior authorization from the police has been in effect for months. Another restriction on the use of loudspeakers was recently issued. According to our interview with the director of the human rights group Honduran Center for the Investigation and Promotion of Human Rights (CIPRODEH), Reina Rivera, these measures are selectively applied, not to the two major parties but to leftist parties and social movements. Some of these measures are issued as communiqués without legal basis. From September 26 through October 25, another state of emergency restricting speech, assembly and movement was in effect.

Numerous protests against the coup have been repressed by police and armed forces using excessive force. The Committee of Detained and Disappeared in Honduras (COFADEH) has registered some 48 cases of security force repression of peaceful protests from June 28th to November 3rd. According to CEJIL, at least 9 protestors have been killed while some 12 leaders or individuals opposing the coup have been killed "in isolated incidents but with certain common characteristics, which raise the question of whether there exists a policy of targeted crimes." (Center for Justice and International Law, "La elección en Honduras consolida el golpe de Estado," 24 de noviembre 2009.) A

number of social and political leaders opposing the coup have reported receiving death threats.

The most visible symbol of the lack of freedom of assembly in Honduras remains, of course, the fact that President Manuel Zelaya remains in sanctuary in the Brazilian embassy, with the street around it barricaded and patrolled by police and armed forces.

Restrictions on the media have been applied throughout the campaign period and affect the population's access to information. Since June 28th and continuing through the campaign period, media have been occupied by security forces, had their equipment removed, been temporarily closed or selectively have had specific programs banned. In addition, some television and radio stations have had their broadcast signals interfered with or their electricity periodically cut off. Even as recently as Friday, November 20th, one of the only television stations covering opposition to the coup, station 36, had its newscast replaced with old cowboy movies. It is also reported that its signal is interfered with so that it cannot be heard outside Tegucigalpa.

A decree was issued on October 5th authorizing the National Telecommunications Commission (CONATEL) to shut down any medium calling for abstaining from the elections or that "incites hatred." This decree remains in effect.

The Honduran freedom of expression organization C-Libre reports 127 cases for violations of freedom of expression between June 28th and November 13th, including the closing for 22 days of 7 radio and TV stations and one newspaper, as well as the closing of 6 specific radio programs ("C Libre Comité por la Libre Expresión and Fundación Democracia sin Fronteras, "Primer Informe: Estado de situación de la libertad de expresión en Honduras en el contexto de la ruptura del orden constitucional," noviembre 2009). Thirty-one journalists have been wounded, over half by members of the security forces, "which represses the media to prevent the publication of photos of its repressive action." (p. 4) Protestors against the coup have also attacked journalists. Thirteen journalists were detained, 11 of them television reporters, "reflecting the intention of the security forces to censor images that testify to the unnecessary or excessive use of force." (p. 5)

The impact of these measures on access to information is particularly severe given the lack of variety of ideological perspectives featured in many of the major newspapers and television stations. According to C-Libre, this climate "leads to acts of censorship and self-censorship that make it impossible for the public to know the facts as they occur and to freely form viewpoints on political events." (p. 8)

A sizeable number of candidates have withdrawn from the election. Independent presidential candidate Carlos H. Reyes and a number of congressional and mayoral candidates from various parties have withdrawn from the election citing lack of legitimacy or conditions for campaigning. These include vice-presidential candidate for the Liberal Party and running mate to Elvin Santos, Maria Margarita Zelaya Rivas, and Liberal Party incumbent candidate for the mayor in San Pedro Sula (Honduras' second

largest city), Rodolfo Padilla Sunseri. More renunciations are expected in the few days before the elections.

The diverse and loosely-knit movement terming itself the Resistance Front against the Coup is calling for people to abstain from voting in illegitimate elections. Under Honduran law, calling for an electoral boycott is illegal. On November 17th, Attorney General Luis Alberto Rubi announced that 530 prosecutors would actively investigate anyone engaged in "electoral crimes" such as impeding the voting process or urging people to abstain. This active attention contrasts markedly with the lack of vigorous investigation by the Attorney General's office of the some 20 people allegedly killed by security forces since June 28th.

The armed forces are directly and visibly involved in the electoral process. The de-facto Micheletti government has very publicly involved the armed forces in distributing electoral material and "safeguarding" the electoral process, which is widely reported in the media. Decree PCM-M-029-2009 of November 21st "places the armed forces at the disposition of the Supreme Electoral Council from one month prior to the elections to their conclusion," in order to "guarantee the free exercise of the right to vote, the custody, transport and monitoring of electoral material and other aspects to secure the process," and authorizes the activation of 5,000 reservists, given "the growing internal threats of groups that aim to destabilize the state." In addition to these transport, security and monitoring duties, soldiers have been reported to be distributing leaflets on public buses urging people to vote.

The San Pedro Sula newspaper *El Tiempo* asserted in a November 15th editorial that this high level of military involvement in the electoral process is "an extraordinary, bizarre development," as in recent years "the military invariably played a limited, imperceptible, and detached role in safeguarding polling places."

In a context of current repression by the armed forces of public protests and a history of military dictatorship in the not-so-distant past, the visible, widely-reported presence of the armed forces, repeatedly announced by the government, introduces a visceral undercurrent of fear. By international standards, Honduras falls short of providing a safe climate for free or fair elections.

For more information, contact Lisa Haugaard, Latin America Working Group, (202) 546-7010, lisah@lawg.org, or Vicki Gass, Washington Office on Latin America, (202) 415-7226, vgass@wola.org