Honduras: Witness protection program, including types of protection offered, requirements and procedures to access the program; effectiveness (January 2012-December 2015)

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1. Legislation and Benefits

The text of the Law Respecting the Protection of Witnesses in the Criminal Process (Ley de Protección a Testigos en el Proceso Penal) indicates that the Law was published in the national gazette in July 2007 (Honduras 2007). According to the website of the Public Ministry (Ministerio Público), the Witness Protection Program (Programa de Protección a Testigos, PPT) is under the [translation] "direction and coordination" of the Public Ministry (ibid. 17 Oct. 2014). Article 2 of the Law states that the purpose of the program is [translation]

to provide protection to witnesses in the criminal process who are admitted into the program as a result of their effective and efficient participation in that process.

The program's protection extends to the spouse, common-law partner, family members or other persons connected with the witness who, due to the witness' testimony, are in a situation of risk according to the present law and the regulations pursuant thereto. (ibid. 2007)

Articles 11 and 12 describe the protective measures that the Law offers for persons enrolled in the program (ibid.). A translation of these Articles is attached to this Response. Proceso Digital, a Honduran online news source, reports that benefits under the PPT include relocation, housing expenses and medical expenses (Proceso Digital 30 July 2014). According to the same source, these benefits are granted for a period of up to six months, which can be extended if the Public Prosecutor approves it (ibid.).

2. Access to the Witness Protection Program

Article 13 outlines the procedures for determining access to the program (Honduras 2007). A translation of this Article is included in the Attachment to this Response. The website of the Public Ministry further outlines the following steps to access the PPT:

[translation]

1. Submission of a request made by the public prosecutor in charge of the investigation or the trial, indicating that the implementation of security measures in favor of the witness or person (s) collaterally affected proceeds. The public prosecutor explains the reasons and the risks, and can recommend a specific measure;
2. Weighing of the risk factors presented by the office of the public prosecutor that submitted the request. A file will be opened and a distinct code will be assigned to it;

3. Interview with the victim or witness, or other people affected, to determine the risk profile;

4. Field analysis to evaluate if the protective measures to be provided are proportional to the assessed risks;

5. Adoption of security measures, including removal from risk sites, relocation of the witness or victim inside or outside the country, and others contained in Articles 11 and 12 of Decree 63-2007 …;

6. Periodic monitoring of security measures implemented;

7. Suspension, modification or cancellation of protection measures, whether for breach of terms, or by agreement of the victim or witness;

8. Request for extension of protection beyond a six-month period in cases approved by the Public Prosecutor;

9. Periodic reports to the Office of the Public Prosecutor, the offices of public prosecutors or special units;

10. Inter-agency coordination, and non-classified information sharing with institutions such as the National Commissioner for Human Rights (Comisión Nacional de los Derechos Humanos, CNDH), the Ministry of Defense (Ministerio de Defensa) and the Ministry of Security (Ministerio de Seguridad). (ibid. 17 Oct. 2014)

3. Effectiveness

Proceso Digital states that [translation] "even though the PPT was created in 2007, it really began working in 2012, with 48 cases and 200 people … placed under protection" (Proceso Digital 30 July 2014). The same source indicates that in 2013, the number of cases under the PPT increased to 71, with 250 people under protection, including family members and friends of the witnesses (ibid.). As of July 2014, 81 cases, with 290 people, were under the PPT; 25 percent of the cases were from La Ceiba, 40 percent from the department of Francisco Morazán, 20 percent from San Pedro Sula, 5 percent from Choluteca, 5 percent from Comayagua and La Esperanza, and the last 5 percent from [translation] "several communities" (ibid.).

Proceso Digital, a national Honduran daily newspaper, quotes the President of the Association of Public Prosecutors of Honduras (Asociación de Fiscales de Honduras) as saying that the implementation of the PPT has not been effective (13 July 2015). Sources reported in 2014 that the PPT's personnel was made up of six bodyguards, an administrative assistant, an administrator (Proceso Digital 30 July 2014; Proceso Digital 11 Aug. 2014) and a coordinator (ibid.). Proceso Digital reports that, even though the Military Police provides personnel to assist in the protection of witnesses, [translation] "this is not done on a permanent basis" (ibid.). The same source also notes that the program [translation] "lacks personnel, and does not have social workers, psychologists ... which is a requirement mandated by law" (ibid.). Proceso Digital further reports that the PPT has [translation] "only one office [which is located] in a small office space in the Public Ministry" headquarters and that the PPT is divided into two teams, who must travel throughout the country (ibid.). According to the Director of the PPT, the program [translation] "does not have the capacity to react immediately" in cases of emergency (ibid.). Proceso Digital quotes Carlos Hernández, a representative of Transparency International in Honduras and coordinator of the Association for a Just Society (Asociación para una Sociedad más Justa, ASJ) [1], as saying that [translation] "the only way in which [authorities] execute the program is by relocating people from one place to another and providing them with monthly allowances" (ibid. 13 July 2015). He also indicated that the program does not provide personal protection (ibid.). According to Hernández, the secrecy of the witness' identity is not appropriately kept, as judges insert the identity of the witness in an envelope that is then stapled and attached to the file, which makes the information easily accessible (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report that the witness protection program receives funds of approximately US$8,000 [translation] "every 40 days" (ibid. 11 Aug. 2014) or [translation] "every 30 or 40 days" (Proceso Digital 30 July 2014). In July 2014, Proceso Digital quoted the Deputy Prosecutor as saying that the annual budget of the witness protection program did not exceed 1 million Lempiras [approx. C$59,000], an amount that the program had not fully received (ibid.). According to the Director of the PPT, [translation] "[t]he Public Ministry ... does not have the capacity ... to pay the amount of money required for the growth of the program" (qtd. in El Heraldo 11 Aug. 2014).

3.1 Attacks Against Protected Witnesses
In July 2014, Proceso Digital quoted the Director of the PPT as saying that in seven years of operation, [translation] “only two beneficiaries of the program received retaliations,” including a witness who was killed after returning to an area where he had been forbidden to return to, and another witness who was killed by her gang after returning to them and confessing that she was part of the witness protection program (30 July 2014).

In July 2015, El Heraldo quoted the President of the Association of Public Prosecutors of Honduras as saying that killings of witnesses in the PPT have been increasing (13 July 2015). Sources report the killing in May 2015 of Alejandra Ordóñez, a young woman who had allegedly been placed under the PPT as a witness in the killing of Soad Ham, an activist who was killed in March 2015 (La Prensa 28 May 2015; Proceso Digital 13 July 2015). Proceso Digital reports the killing in July 2015 of three people in San Pedro Sula, one of whom was a protected witness in a case against a member of the Mara-18 gang (ibid.). Further information on these cases could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] ASJ is a civil society organization that advocates for social justice and effective governance (ASJ n.d.).

References


Additional Sources Consulted

**Oral sources:** Asociación para una Sociedad más Justa; Colegio de Abogados de Honduras; Honduras – Comisión Nacional de los Derechos Humanos, Ministerio Público, Secretaría de Justicia y Derechos Humanos.

**Internet sites, including:** Amnesty International; El Libertador; Factiva; Freedom House; Honduras – Tribunal Superior de Cuentas; Human Rights Watch; InSight Crime; Inter-American Development Bank; International Crisis Group; Jane's Terrorism and Security Monitor; La Tribuna; Los Angeles Times; Organization of American States; United Nations – Office on Drugs and Crime, Refworld, ReliefWeb; United States – Central Intelligence Agency, Department of State; Washington Office on Latin America.
Attachment


Tips on how to use this search engine.