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12 February 2008

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Honduras: Witness protection program
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Media and human rights sources reported on Honduras' witness protection efforts (*Honduras This Week* 30 Mar. 1998; AI 9 June 2005; *La Tribuna* 24 May 2006; *ibid.* 22 May 2007; *ibid.* 23 May 2007; AFP 24 May 2007; *Tiempo* 24 May 2007). According to *Honduras This Week*, in March 1998, the government "temporarily" cancelled its witness protection program due to "lack of financial resources" when its funding from the United States Agency for International Development expired (30 Mar. 1998). However, the United States (US) Department of State's *Country Reports on Human Rights Practices* noted that in November 2004 the "Government published a provisional strategy for the protection of witnesses and victims in criminal cases" (28 Feb. 2005). In 2005, Amnesty International (AI) reported the following information about witness protection in Honduras:

Amnesty International understands that the witness protection programme in Honduras is limited. The first steps towards a witness protection programme began in 2003. The programme has been included in the New Procedural Penal Code, *Nuevo Código Procesal Penal*, but due to a reported lack of resources, the program has been ineffective. (9 June 2005)

Honduran news sources report that a draft Law on Witness Protection (Ley de Protección de Testigos) was introduced to the National Congress (Congreso Nacional) in 2003; however, this bill did not receive approval until May 2007 (*La Tribuna* 23 May 2007; AFP 24 May 2007). The new law is designed to shield witnesses to crime along with their families so that they can provide testimony against suspected criminals during their trials (*Tiempo* 24 May 2007; *La Tribuna* 23 May 2007). The law contains 31 articles (AFP 24 May 2007; *La Tribuna* 23 May 2007) divided into 4 chapters (*ibid.*) and outlines numerous witness protection measures, including police protection for witnesses such as accompaniment by an officer, police patrols and monitoring, change of identity, and change of residence (*ibid.* 22 May 2007; *Tiempo* 24 May 2007), which includes the possibility of moving outside of the country (*ibid.*). In addition, the law provides for altering a witness's physical characteristics such as his or her face with plastic surgery in order to protect his or her changed identity (*ibid.*; *La Tribuna* 18 Nov. 2007). Moreover, the law provides for measures to protect the identity of a witness during a trial, such as the use of video-conferencing and voice distortion methods (*La Tribuna* 22 May 2007; *Tiempo* 24 May 2007).

Regarding funding of the program, a 24 May 2006 *La Tribuna* article estimated that the cost of starting the witness protection program envisioned under the new law could range from 40 to 50 million Honduran lempiras [2,132,400 to 2,665,500 Canadian dollars (Canada 24 Jan. 2008)]. However, news sources indicated that a portion of this funding would come from assets seized from criminals by authorities (*La Tribuna* 24 May 2006; *Tiempo* 24 May 2007) and *Tiempo* also noted that some resources would also come from international support and tax-deductible donations (*ibid.*).

In November 2007, *La Tribuna* reported that the National Congress had approved the creation of a new Witnesses Protection Unit (Unidad de Testigos Protegidos) within the Office of the Public Prosecutor (Ministerio Público) (18 Nov. 2007).

No information on the effectiveness of the new law or related programs could be found among the sources consulted by the Research Directorate.

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 additional sources consulted in researching this Information Request.

References

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Additional Sources Consulted

Internet sites, including: Centro de Estudio de Justicia de las Americas (CEJA), Freedom House, *El Heraldo* [Tegucigalpa], Human Rights Watch (HRW), Latin News, Organization of American States (OAS), *El Nuevo Diario* [Managua], World News Connection (WNC/Dialog).

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