

Impunity

Those responsible for serious human rights violations, including enforced disappearance, torture, rape and extrajudicial executions, over the past four decades continued to evade justice.

In January, an investigating judge dismissed complaints of crimes against humanity filed by 22 victims against former President Jean-Claude Duvalier. He concluded that Jean-Claude Duvalier should be tried only for corruption and misappropriation of public funds. In his report, and contrary to Haiti's obligations under international law, the judge stated that Haiti's courts were not competent to investigate and prosecute crimes against humanity. An appeal by victims and their relatives was pending at the end of the year.

Justice system

In July, the High Council of the Judiciary was finally established. However, its functioning was hampered by internal divisions which resulted in the temporary withdrawal of two members, including the representative for the human rights sector. The Council is a key institution for the reform and independence of the justice system. One of the main roles of the Council is to confirm the appointment of new judges. However, according to local human rights organizations, judges continued to be appointed without the agreement of the Council.

On 28 September, the Chief Prosecutor of Port-au-Prince, Jean Renel Sénatus, was dismissed. Interviewed on a local radio station, he said he was removed from office because he refused to implement a ministerial order to arrest 36 political opponents, including human rights lawyer Mario Joseph and anti-corruption lawyers Newton St-Juste and André Michel. In October, Lucman Delille became the eighth Chief Prosecutor of Port-au-Prince to be appointed since President Martelly took office.

The authorities failed to take effective steps to address the problem of prolonged pre-trial detention.

Amnesty International visits/reports

📄 Amnesty International delegates visited Haiti in May and July 2012.

HONDURAS

REPUBLIC OF HONDURAS

Head of state and government:

Porfirio Lobo Sosa

Human rights defenders continued to be threatened, attacked and killed. Prison conditions remained a concern following the deaths of 360 prisoners in a fire at Comayagua Prison. There were fears that legislation might be introduced criminalizing access to contraception. The independence of the judiciary came under the spotlight after the sacking of members of the Supreme Court.

Background

Levels of violent crime remained high and continued to dominate the political agenda. Attempts were made by the government to purge the police in response to allegations of abuses and corruption, such as police involvement and complicity in killings, such as those of two university students in 2011.

Human rights defenders

Human rights defenders continued to be subjected to intimidation, physical attack and were even killed because of their work.

Campesino community leaders and human rights defenders involved in representing *campesino* communities in the context of the continuing land disputes in Bajo Aguán were subjected to threats and attacks.

■ In September, human rights lawyer Antonio Trejo Cabrera died after being shot five times by gunmen in the capital, Tegucigalpa. Antonio Trejo had been representing three peasant co-operatives and had helped farmers to regain legal rights to land. He had been scheduled to travel to the USA to take part in hearings at the Inter-American Commission on Human Rights about the ongoing land dispute. He reported receiving death threats during the year. By the end of 2012 no one had been held to account for his killing.

The government failed to undertake effective measures to prevent and punish human rights violations against defenders. In February, the UN Special Rapporteur on the situation of human rights defenders expressed concern at the absence of a programme of specialized protection for human rights

defenders. In November, the Vice-Minister of Justice and Human Rights announced the development of a draft bill that would establish protection measures for human rights defenders, media workers and those working in the justice system. The draft bill had not been finalized by the end of the year.

■ Bertha Oliva and Nohemí Pérez of the Committee of Relatives of the Detained and Disappeared in Honduras (Comité de Familiares de Detenidos Desaparecidos en Honduras, COFADEH) received verbal threats in March and April.

■ In February, Dina Meza, also a COFADEH worker, received text and telephone threats, including one which said, “We’ll burn your pussy with lime until you scream and the whole squad will enjoy it... CAM”. The name of the group (CAM, Comando Álvarez Martínez) refers to a general in the Honduran armed forces (1982-1984) who has been linked by human rights groups to paramilitary death squads at a time of grave human rights abuses.

Sexual and reproductive rights

In February, the Supreme Court of Justice ruled that it was constitutional to ban the emergency contraceptive pill, despite serious concerns that banning it would breach international and national legal obligations to protect the human rights of women and girls. Should the National Congress decide to enforce the Supreme Court ruling, Honduras would become the first country in the world to criminalize a contraceptive method.

Prison conditions

More than 360 prisoners were killed and scores seriously injured in a prison fire in Comayagua Prison. The authorities accepted responsibility for the deaths, and made commitments to carry out far-reaching reforms to the prison system and alleviate the dire conditions, as well as addressing the circumstances that led to the fire.

The establishment of the National Monitoring Mechanism for the Prevention of Torture, required under the Optional Protocol to the UN Convention against Torture, was a positive step. However, there were concerns that the necessary resources and personnel had not been put in place to ensure the Mechanism’s effectiveness.

In December, the Law on the Prison System was passed. However, overcrowding and poor prison

conditions persisted, putting those in detention at heightened risk of abuses.

Justice system

In December, the National Congress voted to remove four of the five Supreme Court judges who comprise the Constitutional Section of the Supreme Court. The judges had earlier set down a judgement that blocked a law proposed by Congress intended to facilitate a clean-up of the police force. The judges found some aspects of the law to be unconstitutional. The controversial dismissal of the judges was criticized by the Inter-American Commission on Human Rights, which urged the government to respect and guarantee the independence of the judiciary.

Amnesty International visits/reports

📄 Honduras: Public letter to the Honduran government: No more killings, attacks or threats against journalists and human rights defenders (AMR 37/009/2012)

HUNGARY

HUNGARY

Head of state: **János Áder (replaced Pál Schmitt in May)**

Head of government: **Viktor Orbán**

A new Constitution entered into force with concerns over its possibly discriminatory impact. Roma were subjected to harassment and intimidation by far-right groups on numerous occasions. Despite amendments, legislation continued to impose political control on the media.

Background

In January, a new Constitution came into force. It had been criticized for its potential to restrict human rights, notably the right to be protected from discrimination and the right to an effective remedy.

In November, the Court of Justice of the European Union held that Hungary breached EU law by lowering the retirement age for judges and prosecutors.