

DAY OF THE ENDANGERED LAWYER 2016

Lawyers in Danger in Honduras

Giornata dell'avvocato minacciato

लुप्तप्राय वकील दिवस

يوم المحامي المهدد

Ημέρα του Δικηγόρου που Κινδυνεύει



受迫害律師日

Journée des avocats en danger

Tehlikedeki avukatlar günü

ਸੰਕਟਮਈ ਵਕੀਲ ਦਾ ਦਿਨ

El Día del Abogado Amenazado

TAG DER BEDROHTEN ANWÄLTE

Introduction

There are many lawyers around the world who are, on a daily basis, prevented from practising law and doing their professional duties. There are lawyers who are being harassed, silenced, put under pressure, threatened, persecuted and tortured. There are also known cases of lawyers who disappeared or were murdered, just because they took their professional duties seriously and wanted to put them into practice.

The structural obstruction of lawyers in the exercise of their profession is a serious human rights problem that deserves our full attention and support. That is why every year on the 24th of January we pay special attention – on an international level – to lawyers all over the world who are being endangered. This day is recognized as the International Day of the Endangered Lawyer.

In previous years we asked for special attention to the situation of lawyers in Iran, Turkey, the Basque Country, Colombia and the Philippines. In 2016, on the occasion of the 6th International Day of the Endangered Lawyer, we have set our focus on the situation in Honduras.

Lawyers from all around the world gathered and held rallies in front of embassies and consulates of Honduras in many European and non-European capitals and cities in support of the lawyers in Honduras who are being obstructed in practicing their profession. These rallies and demonstrations were organized by the European lawyer organizations ELDH and AED, and the Foundation Day of the Endangered Lawyer. The rallies and demonstrations were among others supported by the following international lawyer organisations and Bar associations:

The Honduran Association of Judges for Democracy

The European Bar Human Rights Institute IDHAE

The Council of Bars and Law Societies of Europe CCBE

Many Bar Associations of the capitals and international cities

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

The Collegio de Abogados de Honduras

In The Hague the demonstration took place in front of the International Peace Palace, because of the lack of an Honduran Embassy or Consulate in the Netherlands.

This report is made by:

Hans Gaasbeek

Imane Aynan

Overview of the situation of lawyers and judges in Honduras

Since the coup d'état that took place on the 28th of June 2009 human rights violations have escalated in Honduras. The human rights violations have gravely affected the Honduran population, their effects and repercussions have continued, persisted, and made the situation of the country very complex. This situation has been stated by different United Nations mechanisms: Special procedures, Human Rights Treaty Bodies, and the Human Rights Council. The Inter American Human Rights System and different national and international human rights organizations have also referred to it. The practice of law has become a high-risk profession in Honduras. Lawyers and human rights activists have been threatened, attacked, abducted and assassinated as a result of their work. In Honduras more lawyers have been murdered than in any other country in the world. Peace Brigades International (PBI) has observed that the lawyers who provide legal assistance in cases surrounding land and territorial rights are at particularly high risk.

The National Commissioner of Human Rights (CONADEH, by its initials in Spanish) registered 89 cases of violent death of lawyers between 2010 and March 2015. Of the 89 casualties 81% were men and 19% were women. Among the lawyers who died violently in the past five years there were also judges, magistrates, public prosecutors and counsellors. Most victims were executed inside their vehicles, sometimes in the company of their families, friends or clients. Others were killed in or just outside their homes or on public roads. Most of these assassinations were committed with firearms by so-called *sicarios* (hired killers).

Sadly the assassinations of lawyers are ongoing in 2016. Already six more lawyers have been murdered this year alone:

1. **SALIM AGURCIA REYES**, was shot death on 8th of January 2016 at San Pedro Sula. Agurcia. He was supposedly killed by some of his debtors, who refused to pay him back.
2. **FRANKLIN EDGARDO MONTERO** (32 years old), was shot to death on the 25th of January 2016 in Santa Bárbara. The reason for his assassination remains unknown, but it is assumed that he was killed, because he was a Criminal Law Lawyer and he was defending among others cases related to money laundering.
3. **ELVIN ALEXANDER VELÁSQUEZ ESPINAL** (33 years old), was shot to death on the 14th of March 2016 in La Ceiba. He was allegedly murdered due to his legal work. He represented clients in criminal and civil cases. After the assassination of ESPINAL, Carlos Molina, the president of the Bar Association in La Ceiba, stated the following: *"We're really upset about the powerlessness we feel, that only adds up the statistics of lawyers' deaths and impunity continues to prevail. The investigating authorities never find those responsible."*

4. **JOHNNY JESÚS RÍOS LINARES**, was shot to death in front of his children on the 20th of May 2016 in San Pedro Sula. The authorities presume that he was killed, because he was a Criminal Law Lawyer.

5. **JOSÉ LEONEL ANDINO** (32 years old) was shot to death on the 19th of June 2016 in San Pedro Sula. The reasons for his assassination are unknown.

6. **SAIRA FLETES**, was shot to death on the 15th of July 2016 in San Pedro Sula. According to the police she was murdered, because she was allegedly related to a very dangerous criminal organization, known as “La Banda de los Olanchanos” (The Gang of Olanchanos: Olanchanos is the demonym of a Honduran Department called Olanchito).

It goes without saying that the human rights situation in Honduras is grave and alarming. It deserves our continuous attention and unceasing support. The Day of the Endangered Lawyer, keeps seeking attention and support of threatened lawyers in Honduras.

More information on the human rights situation in Honduras can be found here:

<http://nl.dayoftheendangeredlawyer.eu/wp-content/uploads/sites/2/2015/12/REPORT-ON-LAWYERS-VIOLENT-DEATH-CONADEH.pdf>

http://nl.dayoftheendangeredlawyer.eu/wp-content/uploads/sites/2/2015/12/Briefing-on-the-situation-of-Honduran-Lawyers_ELDH_nov21.pdf

<http://communities.lawsociety.org.uk/international/regions/global/reflections-for-the-day-of-the-endangered-lawyer-the-case-of-honduras/5053195.fullarticle>

Also for further information, please contact:

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The European Association of Democratic Lawyers: <http://www.aeud.org/>

Rallies, demonstrations and events on the Day of the Endangered Lawyer 2016

Lawyers from all around the world gathered and held rallies in front of embassies and consulates of Honduras in many European and non-European capitals and cities in support of the lawyers in Honduras, who are being obstructed in practicing their profession. A petition on behalf of the Honduran lawyers and other law professionals was handed over to the Honduran authorities. The full text of the petition can be found here:

[http://www.eldh.eu/fileadmin/user_upload/ejdm/events/2016/Petition -
DAY OF THE ENDANGERED LAWYER 2016.pdf](http://www.eldh.eu/fileadmin/user_upload/ejdm/events/2016/Petition_-_DAY_OF_THE_ENDANGERED_LAWYER_2016.pdf)

Here you find a selection of the pictures of manifestations in different cities. Unfortunately we didn't receive pictures from all the cities that held demonstrations or events on the Day of the Endangered Lawyer.

Belgium, Brussels





Canada

The Law Society and Canadian Lawyers for International Human Rights (CLAIHR) held a special event to honour colleague lawyers, and call for the safe and unobstructed practice of law around the world.

Day of the Endangered Lawyer: Honouring the Brave

January 26 @ 5:00 pm - 7:30 pm



View the [video](#)

The Day of the Endangered Lawyer, marked on January 24th of each year, is a time to reflect on the plight of lawyers around the world, who risk harassment, persecution and injury as they work to protect the rights of those who need it most.

Join the Law Society and Canadian Lawyers for International Human Rights (CLAIHR) for a special event honouring our colleagues, and calling for the safe and unobstructed practice of law around the world.

Keynote Speaker:

Georgette Gagnon, former Director of Human Rights for the United Nations Assistance Mission in Afghanistan (UNAMA), international human rights lawyer and advocate.

January 26, 2016

Presentations: 5:00 p.m. – 6:30 p.m. *

Reception: 6:30 – 7:30 p.m.

Osgoode Hall, 130 Queen St. W., Toronto

(Please enter through the east-side doors facing Nathan Phillips Square)

Refreshments will be served.

***This program is eligible for up to 1.5 Substantive Hours**

England (UK), London

On Friday, 22nd January 2016 lawyers, paralegals and campaigners, with the Haldane Society of Socialist Lawyers, the English member association of ELDH, held a protest outside the Honduran Embassy. A petition on behalf of the Honduran lawyers and other law professionals was handed over to the Ambassador. The aim of the protest was to highlight the ongoing wave of violence directed at lawyers and human rights defenders in Honduras.



France, Paris

In Paris there was a great cooperation between SAF, IDHAE and other associations.



Germany, Berlin

In Berlin the demonstration took place in front of the Honduran Embassy. The petition mentioned above was handed over to the Ambassador.

In April 2016 the Ambassador received some of the German lawyers, who participated in the demonstration. They spoke about the situation in Honduras and the Ambassador promised to bring the petition under the attention of the Honduran government and that a second meeting would follow after he received a reply from his government.







Italy, Rome



The Netherlands, The Hague

In The Hague lawyers demonstrated in front of the International Peace Palace, because there is no Honduran Embassy or Consulate in the Netherlands. Therefore the petition was handed over to a representative of the European Union instead. After the demonstration a colloquium, organized by the Foundation Lawyers for Lawyers was hosted by the lawyers office Buren in The Hague.

On the 12th of July 2016 lawyers supporting the Day of the Endangered Lawyer, had a meeting with representatives of the Dutch Ministry of Foreign Affairs in The Hague to ask for attention for and support of endangered lawyers in Honduras. The aim is to help (fund) a group of Honduran lawyers who want to set up a project to protect endangered lawyers in Honduras by offering relocation for threatened lawyers and their families, supporting children of murdered lawyers and informing lawyers about the dangers of their profession.

A member of this Honduran group of lawyers will join the International Caravana of Jurists Trip to Colombia to show solidarity, exchange experience and knowledge and to build a network. For more information about the Caravana see:

<http://www.colombiancaravana.org.uk>).



Colloquium at lawyers office Buren in The Hague





Spain / Catalonia, Barcelona





Turkey

Çağdaş Hukukçular Derneği (CHD), the Progressive Lawyers Association in Turkey, and other lawyers demonstrated in six Turkish cities on the Day of the Endangered Lawyer.

Antep



Alanya



Izmir



Mersin



Ankara



Philippines, Manila





Publications on the Day of the Endangered Lawyer 2016

Every year the Day of the Endangered Lawyer is getting more and more support. It does not go by unnoticed. Below is a small selection from the publications about the Day of the Endangered Lawyer 2016.

Canada

Public Statement of **The Law Society of Upper Canada** '*Honduras: human rights violations faced by lawyers and members of the judiciary*', on their website, 26th February 2016:

<http://www.lsuc.on.ca/newsarchives.aspx?id=2147485737&cid=2147502264>

England (UK)

Article '*Reflections for the Day of the Endangered Lawyer: the case of Honduras*' by Lizzette Robleto de Howarth on the website of **The Law Society**, 21st of January 2016:

<http://communities.lawsociety.org.uk/international/regions/global/reflections-for-the-day-of-the-endangered-lawyer-the-case-of-honduras/5053195.fullarticle>

Article '**Honduras, like all states, must recognise that lawyers need defending too**' by Jonathan Smithers (president of the Law Society of England and Wales) on the website of **The Guardian**, 24th of January 2016:

<http://communities.lawsociety.org.uk/international/regions/global/reflections-for-the-day-of-the-endangered-lawyer-the-case-of-honduras/5053195.fullarticle>

France

Article '*6ème Journée annuelle de l'avocat en danger*' on the website of **Le Monde Du Droit**, 21st of January 2016:

<http://www.lemondedudroit.fr/institutions-associations-reseaux/214077-6eme-journee-annuelle-de-lavocat-en-danger.html>

Article 'Advocaten zijn hun leven niet zeker' by Thomas de Waard in Dutch newspaper *Trouw*, 23rd of January 2016



ZATERDAG 23 JANUARI 2016 *Trouw*

Advocaten zijn hun leven niet zeker

Wie tegen de politie of misdadigers pleit, kan in Honduras al snel een aanslag verwachten

Thomas de Waard

Advocaten in Honduras zijn hun leven niet zeker. In het Centraal-Amerikaanse land, dat nog geen acht miljoen inwoners telt, zijn sinds 2010 meer dan honderd advocaten geliquideerd.

De situatie in Honduras stond gisteren centraal op de dag van de bedreigde advocaat, een initiatief van de vereniging van Europese Democratische Advocaten (EDL). Tientallen betogers, gekleed in toga, hielden een manifestatie voor het Haagse Vredespaleis. Advocate Samanta Morales overhandigde een petitie aan het hoofd van Politieke Zaken van de Europese Commissie.

De 38-jarige Morales werkte als strafrechtadvocate in de hoofdstad Tegucigalpa en kent de gevaren. Zij zag hoe collega's om haar heen hun ambt moesten bekopen met de dood. Zo werd haar collega en vriendin Judith Alemán, die ze voor het laatst in de rechtbank sprak, enkele uren daarna buiten het gebouw doodgeschoten. Dat ging op de manier waarop de meeste vermoorde advocaten aan hun einde komen. "De sicario's, zoals wij de huurmoordenaars noemen, rijden rond op motoren en wachten de slachtoffers op in het openbaar. De vaak nog jonge man-

nen zijn voor 500 euro te huur. Zelden worden ze gepakt, laat staan dat de opdrachtgever wordt achterhaald", legt een bedroefde Morales uit.

Net als bij de meeste moorden ging na de dood van Alemán de dader vrijuit. Voor Morales is het echter duidelijk wie achter de moord zit. "Mijn collega was bezig met een grote rechtszaak tegen het nationale leger.

De vaak nog jonge moordenaars zijn voor 500 euro te huur

Die zou ze gaan winnen, dus wilden ze van haar af."

Volgens de Hondurese is, na de vele drugskartels in het land, de politie het grootste gevaar voor advocaten. Door de hoge mate van corruptie zijn agenten en criminelen vaak met elkaar verbonden. "Bij de lokale politie is het goed zichtbaar dat ze onder één hoedje spelen met de georganiseerde misdaad. Agenten benaderen advocaten voor bijstand aan de



Samanta Morales

criminelen die ze oppakken. In ruil voor het in contact brengen met een belangrijke cliënt moet de advocaat smeergeld betalen. Betalen ze deze bemiddelingskosten niet, dan zet de politie een moordbevel uit."

Morales waarschuwde een collega toen hij bijna instemde om een lokale leider van Mara 18, een criminele bende met meer dan 35.000 leden in de regio, te verdedigen. "Hij zat krap bij kas en kreeg een auto aangeboden. Toen hij uiteindelijk weigerde, noemde de politie hem een idioot die een grote kans heeft laten liggen. Daar kwam hij goed mee weg. Zelfs voor het weigeren van een zaak wordt regelmatig wraak genomen."

Volgens Morales kiezen veel oudere strafrechtadvocaten daarom eieren voor hun geld. "Zij verhuizen naar het buitenland in de hoop daar aan de slag te gaan als advocaat. In werkelijkheid eindigen ze vaak in een beroep ver onder hun niveau. Anderen zoeken hun toevlucht tot werk in het burgerlijk recht. Dat biedt ook geen oplossing. Zo werd een advocaat in een echtscheidingszaak vermoord toen ze de vrouw van een miljonair bijstond."

Het gevolg van de vlucht van ervaren advocaten uit het strafrecht is dat jonge, net afgestudeerde jongeren het overnemen. Vanuit Neder-

land geeft Morales namens een Hondurese stichting advies aan hen. "Zij lopen groot risico verwikkeld te raken in het criminele circuit. Ze zijn naïef en worden gelokt met hoge bedragen of presentjes. Ze beseffen niet dat ze met het bijstaan van een bendelid zelf ook onderdeel van het kartel worden. Daar komen ze vaak nooit meer van los."

Protest in 26 steden

De dag van de bedreigde advocaat geeft ieder jaar aandacht aan een land waar advocaten niet vrij kunnen werken. In 2010 werd de dag, een initiatief van de Nederlandse advocaat Hans Gaasbeek, voor het eerst georganiseerd en stond Iran centraal. In de daarop volgende jaren waren Turkije, Baskenland, Colombia en de Filipijnen het onderwerp. Tegelijkertijd met de actie in Den Haag werd gisteren in zo'n 25 andere steden geprotesteerd, waaronder Berlijn, Istanbul en Londen. Naast het tonen van solidariteit voor hun collega's hopen de protesterende advocaten druk te kunnen uitoefenen op de Hondurese overheid.

Turkey

Article "23 Ocak Tehlikedeki Avukatlar Günü" on the website of *Hürriyet*, 23rd of January 2016:

http://www.hurriyet.com.tr/yerel-haberler/izmir-haberleri/23-ocak-tehlikedeki-avukatlar-gunu_44666/

Article ‘Honduraslı Avukatlar için Tehlikedeki Avukatlar Günü Protestosuna Çağrımızdır’ on Halkın Sesi, 21st January 2016



Honduraslı Avukatlar için Tehlikedeki Avukatlar Günü Protestosuna Çağrımızdır

Tarih: Ocak 21, 2016 Kategori: DUYURULAR, MANŞET

Honduraslı Avukatlar için Tehlikedeki Avukatlar Günü Protestosuna Çağrımızdır

Bilindiği üzere, 2010'dan beri, her yıl insan haklarını, yoksul insanları, sendikaları veya köylüleri savundukları ve mesleki görevlerini yerine getirdikleri için saldırılara maruz kalan avukatlarla dayanışma göstermek için büyükelçilikler önünde protestolar organize edilmektedir. Bu tarih, 1977'de, Madrid'de, İspanyali faşistlerce katledilen 4 avukat ile bir sendikacının anısına belirlenmiş ortak bir günü ifade etmektedir.

Tutuklanan ve çeşitli saldırılara maruz kalan onlarca meslektaşımız ile dayanışma amacıyla 2012 ve 2013 yıllarında Türkiye'deki avukatlara ithafen tüm dünyada yapılan dayanışma eylemleri bu yıl Honduras'taki avukatlara ve hukukçulara yönelik süregelen şiddet dalgasına dikkat çekmektir. Honduras'ta 2010 ve 2015 Mart'i arasında, hedef gözetilerek işlenen cinayetlerle 91 avukat katledilmiştir! Bu nedenle tüm Avrupa'da ve Avrupa dışı ülkelerde, Honduras Büyükelçilikleri ve Konsolosluklarının önünde protestolar yapılacak ve Honduraslı avukatlar ile diğer hukukçular adına Büyükelçilere bir dilekçe gönderilecektir.

Bizler de Honduraslı meslektaşlarımızla dayanışmayı büyütme çağrısı yapıyor. Tüm meslektaşlarımızı Bakırköy Adliyesi önüne çağırıyoruz.

Çağdaş Hukukçular Derneği

İstanbul Şubesi

Tarihi ve Saati: 22 Ocak 2016, Cuma; 12.30.

Toplanma Yeri: Bakırköy Adliyesi Önü