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## **Outgoing Honduran President Leaves Another Prison Massacre For President-elect And Civil Society To Deal With**

*by Mike Leffert*

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A penitentiary shootout between rival gangs left 13 dead and 30 wounded in Honduras on Jan. 6. The mayhem came about a month after an announcement that Honduras and El Salvador had achieved advances in the treatment of imprisoned gang members and more than two and a half years after President Ricardo Maduro had announced comprehensive changes to the penal system for the purpose of preventing this sort of thing.

Since Maduro's May 2003 announcement, a hundred or so prisoners have preceded these 13 into brutal death by fire, bullet, bludgeon, and blade. Authorities said the killings resulted from an armed clash between two rival groups in a dispute regarding drug-dealing territory within the prison. Security Minister Armando Calidonio told reporters he did not know how the arms got into the prison.

The fight broke out in a module known as Casa Blanca, where more than 400 of the most dangerous inmates are housed. These include people convicted of murder, drug trafficking, rape, bank robbery, and kidnapping. Casa Blanca is an area within the Penitenciaria Nacional (PN) of about 110 square meters, with numerous cells, a yard, and a terraza. The PN is in Tamara, about 25 km north of Tegucigalpa. While officials may not know how the weapons entered the prisons, it has been established that two guns found on the premises and used in the slayings belonged to the Policia Nacional de Honduras (PNH).

Following the brawl, authorities sent in investigators, prosecutors, and human rights officials to get an understanding of events. Guards from other prisons were transferred to the PN to reinforce security, and family members were asked to stay away from the prison because, said director of prisons Jaime Banegas, "They won't be allowed to enter owing to the situation we are confronting." Banegas said heightened security measures would include backup from the military, and the system would remain on preventive-alert status, all on orders from the president. The director said they were also investigating reports that prisoners possess fragmentation grenades.

The PN was built 11 years ago to house 1,500 inmates. The present census indicates more than 3,126 inmates are now within its confines. Investigations galore, but evidence washed away Television stations aired images of corpses lying in pools of blood, with ten of the 13 dead showing gunshots to the head, said to have been administered after they had been stabbed to death or hacked with prison-made machetes. These pictures may in the end be all investigators have for evidence.

Soon after the incident, someone washed down the whole scene with water. Investigators are investigating who did that.

The PN is one of 24 state prisons, housing in overcrowded conditions more than 13,000 prisoners. Reports indicate that none is secure; prisoners escape easily. There are no maximum-security facilities.

President-elect Manuel Zelaya told the media, "The jails in Honduras are refuges of insecurity for the prisoners and for those of us outside. Prisoners escape from there or are shot for something bad that they witnessed." Zelaya is to assume the presidency from Maduro on Jan. 27. He campaigned on issues of crime, setting himself apart from his opponent as one who favors a more humane approach to criminal justice (see NotiCen, 2005-12-01, 2005-12-15). He said that one of the first things he would do as president would be to give greater autonomy to the prison service, which is run by the Security Ministry.

Maduro has been ineffective on this score. In May 2003, he transferred management of prisons to a Comision Tecnica Interinstitucional with a plan to create an Instituto Nacional Penitenciario. He said at the time, "Today marks the first day of the construction of a profound transformation of the national penitentiary system." This show of transformation came only after more than 70 people were killed in a gang clash at the Granja Penal de El Porvenir in La Ceiba. Maduro ordered an investigation leading to recommendations that the 2003 announcement was to implement.

Although the investigations revealed many of the same deficiencies that exist today, with the exception that in 2003 there were 10,545 prisoners, some 3,000 fewer than the current count, there has been no "profound transformation."

On May 17, 2004, a year after Maduro's pronouncements, another 103 died in a prison fire (see NotiCen, 2004-05-20). Besides the untenable prison situation itself, the new president will also have to deal with international pressures from countries that have nationals incarcerated in Honduras. In 2004, on an official visit to Honduras, Mexico's President Vicente Fox signed an accord with Maduro that would permit nationals of both countries to finish out their sentences in their respective home countries. In November 2005, a Honduran humanitarian organization reported that a group of Mexican prisoners has been victims of negligence as they await transfer to Mexican jails.

They have begun a hunger strike to bring attention to their plight and have attracted the attention of the Centro de Prevencion de Tortura. Assistant director of the organization Alba de Mejia said, "There is a negligent attitude on the part of the Ministry of Government of Honduras because all the documentation is ready and Mexico has worked out a plan for the transfer," which would be by air. She said there were five men and three women, all convicted of narcotics violations, and all qualified under the terms of the transfer agreement. She said all had records of good behavior in the Honduran prisons, and she pointed out that the three women have been in prison for ten years and have not been able to see their children in all that time.

On Jan. 7, just after the killings at the PN, the US notified Honduras of its concern for US citizens in the prisons. Local papers reported that two embassy officials showed up at the facility on Jan. 6 making inquiries and seeking guarantees for the safety of their countrymen. One is a murderer,

convicted of killing his wife in a Tegucigalpa hotel room, cutting her up, and stuffing her in a suitcase. The other was not identified, but both have been in contact with consular officials.

Zelaya will inherit from Maduro the recommendations of the Comision Interinstitucional, the first of which was to take the system out of the control of the Security Ministry and create an Instituto Nacional Penitenciario. He appears to have committed himself to something like this during the campaign. Other recommendations included: \* Give immediate attention to 13 penitentiaries in need of repair and physical rehabilitation. \* Abolish the Reglamento Interno para la Captacion, Administracion, y Ejecucion de los Fondos no Gubernamentales in all the country's prisons. This reglamento allows prisoners and officials within the prisons to conduct their own businesses. \* Establish a program of selective pardons and commutations that would help clear the institutions of prisoners who don't need to be there, and establish alternatives to prisons. \* Adopt immediate measures to improve the health and hygiene of prisoners. Involve the Health Ministry in introducing these measures into the institutions. \* Initiate a program of purging the penal-process backlog. \* Design programs for the productive reinsertion into society of inmates. \* Create a professional career ladder for penitentiary workers, strengthen the Centro de Capacitacion Penitenciaria, and promote an emphasis on rehabilitation rather than repression.

### *Civil society steps in where government fails*

While the present administration dithers and the next one is not yet on scene, other organizations are taking up the prison situation and the recent killings on their own. The Departamento de Derechos Humanos del Equipo de Reflexion, Investigacion, y Comunicacion (ERIC), a Jesuit organization, announced they would pursue the question of responsibility of the PN authorities in the killings. They also plan to bring a complaint before the Comision Interamericana de Derechos Humanos (CIDH) in Costa Rica.

ERIC attorney Jose Amado Mancia told reporters, "We don't want a repetition of what happened at the prison in La Ceiba, where firearms used by prison police to kill the convicts mysteriously disappeared from the Security Ministry or were altered." He said his organization, together with the Catholic Church and other civil-society organizations, would work to raise standards for prisoners. In the present case, he said, the organizations are completely convinced of the complicity and negligence of the authorities and that they are easily introducing firearms into the prisons.

Amado recounted the unfulfilled promises, plans, and investigations following massacres past, including a report from a CIDH special relator in 2004 condemning the situation and noting official complicity in the commission of drug-related crime within the prisons. He said that in this specific case, there are strong indications of the participation of state agents and of official tolerance for it.

ERIC has investigated the prisons in the past and produced a book, *El sistema penitenciario hondureno, un diagnostico a la luz de los derechos humanos*. In it, they concluded that not one of the 24 state prisons meets the minimum standards to function as intended. They have called for remedying this situation, from physical plant to basic services, in compliance with international requirements. They are demanding many other changes, very similar to those recommended by the Comision Interinstitucional. They agree with decentralization, with removing the prisons from the

control of the Security Ministry, and with professionalizing the penitentiary workforce. They want the state to provide budgets sufficient to implement the reforms.

Now, spurred by this latest episode, they are prepared to raise the matter to the international level, not waiting for the new administration to act.

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