



WORKER RIGHTS CONSORTIUM

January 15, 2009

Dr. Santiago Cantón
Executive Secretary
Inter-American Commission on Human Rights
Washington, DC

Via Fax: +1 202-458-3992

Ref: Evangelina Argueta and Other Members of the Central General de Trabajadores in
Choloma, Honduras
Request for Precautionary Measures
Honduras

Dear Doctor Cantón:

The Worker Rights Consortium, the American Center for International Labor Solidarity of the AFL-CIO, the Washington Office on Latin America, the US Labor Education in the Americas Project, United Students Against Sweatshops, Sweatfree Communities, the International Labor Rights Forum, the Maquila Solidarity Network, and *Central General de Trabajadores de Honduras* (CGT) write to you to respectfully request that the Inter-American Commission on Human Rights (hereinafter “the Commission”) urgently grant precautionary measures to safeguard the life and personal well-being of Ms. Evangelina Argueta and her colleagues at the CGT in Choloma, Honduras in order to avoid irreparable harm to their persons.

I. Background

1. Ms. Evangelina Argueta is an internationally respected human rights defender working in the area of labor rights. She serves as the Coordinator of the Maquila Workers Organizing Project of the CGT, where she defends the rights of garment workers producing apparel for the US market. Based in city of Choloma, Honduras, she has been employed by the CGT since 1988 and has been based in Choloma since 1993. As detailed in this petition, Ms. Argueta and her colleagues at the CGT are the subject of threats of violence relating specifically to their work as human rights defenders – threats which the signatories of this petition consider grave, credible, and requiring of urgent action as described in these pages.

2. The CGT is one of Honduras' three largest trade union confederations. It was founded in 1970 and today works in five sectors, which include traditional formal sector labor union organizing, peasant organizing, advocacy for worker rights in the informal economy, organizing of professional and public service workers, and advocacy for just social policies for the general population. In its work in the formal sector, the CGT is one of the country's primary defenders of labor rights for workers in the export apparel industry who labor in factories known as *maquiladoras*.
3. The City of Choloma, Honduras is a regional hub of the apparel production industry, being the site of the eight free trade zones and the greatest concentration of *maquila* workers and factories in Honduras. The CGT's office in Choloma provides support, orientation, and assistance to *maquiladora* workers to address problems in the workplace and to resolve labor conflicts with employers. While the office organizes unions in the *maquila* sector, its support services are available not only to members of CGT-affiliated unions but to all *maquiladora* workers. It is Ms. Argueta's job to coordinate and execute the organization's work in the Choloma region.
4. Labor rights advocates in Honduras have recently been subjected to campaigns of intimidation and violence – including assassination – for their work as human rights defenders. Most recently, during April 2008, unknown assailants murdered Altagracia Fuentes, the general secretary of Honduras' largest trade union confederation, Confederación de Trabajadores de Honduras (CTH), Yolanda Virginia Sánchez, a former CTH treasurer, and their driver, Juan Bautista Aceituno. The three were gunned down as they drove home from a meeting regarding a dispute related to the closure of a maquila plant. In a meticulously planned attack, masked men armed with high-caliber automatic weapons blasted Fuentes' car with gunfire, forcing it onto the median strip of the highway in a dark patch of the road. They then lit bright flares and proceeded to shoot the three victims dozens of times; 57 automatic rifle casings were found at the scene. Altagracia Fuentes was shot sixteen times. The assassins left Ms. Fuentes' purse containing large amounts of cash, as well as money on the persons of the two other victims, ruling out robbery as the motive for the crime. Prior to their assassination, the union leader and her colleagues received repeated calls on their cell phones from strangers asking their whereabouts.¹
5. In December 2006, Dionisio Díaz García, a lawyer working with the organization Association for a More Just Society (ASJ), was gunned down by unknown assailants. He was murdered while in transit to the Honduran Supreme Court to prepare for a case related to labor rights violations in the private security industry. Prior to his murder, Mr. Díaz García and colleagues at ASJ were subjected to a campaign of harassment and intimidation. He and colleague Dina Meza were followed throughout the city of Tegucigalpa by unmarked cars. Ms. Meza's children were followed home from schools, and personal and derogatory comments about her were posted on the message board of a

¹ This incident has been widely reported. See, for example: Organización Mundial Contra la Tortura. "Asesinatos de las Sras. Rosa Altagracia Fuentes y Virginia García de Sánchez." April 29, 2008 (URL: <http://www.omct.org/index.php?id=OBS&lang=es&articleSet=Appeal&articleId=7759>); La Prensa. "Asesinato de Altagracia Fuentes." April [25], 2008 (URL: <http://www.laprensahn.com/Las%20Claves%202008%20de%20Sucesos%20del%2013%20de%20diciembre%20de%202008/Ediciones/2008/12/15/Noticias/Asesinato-de-Altagracia-Fuentes>)

website run by her organization. Several months later, the organization's president, Carlos Hernández, received a death threat via text message, reading "It would be best for you to leave [a private security company] alone or you'll end up like Dionisio." He was also followed and kept under surveillance by two men on a motorbike. Despite requests by the Inter-American Commission on Human Rights to undertake a thorough investigation, Mr. Díaz García's assailants remain at large.²

6. During the past four months, Ms. Argueta of the CGT and individuals associated with CGT have been the object of behavior and actions which parallel the developments that preceded the murders of the labor activists described above. These include the surveillance of their office by individuals in cars with tinted windows, the pursuit and surveillance of Ms. Argueta by men on motorbikes away from her place of work, and explicit death threats against union leaders. These developments have occurred in the context of several high profile labor disputes involving the closure of apparel factories, including a labor dispute that is currently the subject of substantial international controversy, involving the U.S. corporation Fruit of the Loom. Ms. Argueta and other associated with CGT have been publicly blamed by factory managers and in the popular media for these closures and the consequent mass loss of employment. This has created an environment of tension and hostility toward labor rights advocates in the local *maquiladora* sector that far exceeds what is typically an environment already marked by tension. Labor rights monitors with extensive expertise in regional labor issues and political violence believe that the recent developments indicate a substantial probability that a plot to assassinate Ms. Argueta and/or her colleagues, or otherwise commit violence against them, is already in the works. The threat is considered urgent.

II. Facts

1. Throughout the years 2007 and 2008, Ms. Argueta and the CGT have led campaigns to address labor violations in a number of large apparel factories in the Choloma region. Among those factories are Jerzees Choloma and Jerzees de Honduras (owned by the U.S. corporation Fruit of the Loom) and Confecciones del Valle (owned by the U.S. corporation Hanesbrands). In both of these cases, workers were subjected to campaigns of retaliation for their organizing efforts, including threats, harassment, and the targeted dismissal of worker leaders by factory management, as documented by investigations by the Worker Rights Consortium. In both cases, the organizing campaigns were followed by announcements in late 2008 that the plants were being shut down. The closure of Confecciones del Valle was announced on September 25, 2008. The closure of Jerzees de Honduras was announced on October 8, 2008. Widespread rumors of closure, and in the case of one of the factories, explicit management threats of closure, preceded the official public announcements made by the companies.
2. Ms. Argueta and CGT members have been blamed publicly for the closures. Between September 2008 and the present day, a local news reporter, Edgardo Castro, who anchors

² This incident has likewise been widely reported. See, for example: Amnesty International. "Persecution and Resistance: The Experience of Human Rights Defenders in Guatemala and Honduras." August 2007. (URL: <http://www.amnestyusa.org/document.php?lang=e&id=ENGAMR020012007>)

the Channel 6 San Pedro Sula evening news from 5:30 – 7:00 p.m., has repeatedly blamed Ms. Argueta and the CGT for the closure of Confecciones del Valle. In some of the broadcasts he blamed Ms. Argueta and the CGT of working with international organizations in the United States to wage campaigns against the companies, forcing them to close their operations. Mr. Castro made comments attacking Ms. Argueta and her colleagues approximately six times, with the most recent during the last days of 2008. (Hanesbrands, the owner of the Confecciones del Valle facility, denies the closure is union-related.)

3. Ms. Argueta and the CGT have also been blamed for a factory closure by management of the Jerzees de Honduras factory. The Worker Rights Consortium, a labor rights monitoring organization that represents 180 U.S. and Canadian universities, documented 101 discrete incidents during 2007 and 2008 in which managers and supervisors either threatened workers that the factory was going to be closed because of the workers' efforts to organize a union at the factory or admitted after the announcement that the closure was due to the workers' union activities.³ These incidents increased in frequency following the closure announcement in the final months of 2008. This has contributed to a pervasive view among the factory's workforce and the Choloma community at large that 1,800 workers are losing their livelihoods because of the actions of individuals associated with the CGT. (Fruit of the Loom, the owner of the facility, denies the closure is union-related.) Ms. Argueta has also been publicly harassed by security personnel of the Indhelva free trade zone where Jerzees de Honduras is located. During mid-June 2008, she was detained by a zone security guard, acting upon orders from Fruit of the Loom management, as she sought to leave a meeting at the factory. Subsequently, she was denied entry to the zone on repeated occasions to attend to official union business. (Fruit of the Loom management has denied that inappropriate treatment of Ms. Argueta was directed by the company.)
4. Workers who have assumed leadership roles in the effort to organize a CGT-affiliated union at Jerzees de Honduras have been subjected to explicit death threats. The factory-level union's president has twice returned to his machine after lunch break to find anonymous notes stating, "You're going to die, because, because of you, the factory is closing" ("Te vas a morir, porque por culpa tuya, por culpa de vos está cerrando la empresa."). There has also been threatening graffiti written in the plant's men's and women's restrooms. Shortly after the closure was announced on September 8, a message on the men's rest room wall stated, "We're going to put an AK-47 in the president's chest." ("Al presidente le vamos a poner una AK-47 en el pecho.") Another message directed to the union's president stated, "By God, we're going to cut off your head." ("Por Dios que te vamos a volar la cabeza"). Threats have also been made to a female worker leader who serves on the union's executive committee. In late September, while outside of work, she was approached by another worker who lives in her neighborhood who told her that "the day the factory closes, I'm going to cut off your heads" ("El día que cerrara la planta, ese día las cabezas las iba a volar"). Since this threat, the worker has feared for

³ Worker Rights Consortium. "Assessment re Jerzees de Honduras." November 7 2008. (URL: <http://www.workersrights.org/RussellRightsViolations.asp>)

her personal safety and changes her walking route to and from work each day.⁴

5. Beginning in June 2008, unmarked vehicles have on frequent occasions driven slowly past the CGT offices in Choloma where Ms. Argueta and colleagues at CGT carry out their labor rights advocacy work. This has happened approximately ten times between June 2008 and the present date. The vehicles, usually double cabin pick-up trucks with tinted windows and no other specific markings, drive back and forth in front of the office, slowly, and in some cases a window has been lowered so that (as the CGT representatives believe) a photograph may be taken. Some of these occurrences happened at the time when a union assembly was being held. In other cases they occurred during the regular working hours of Ms. Argueta and her colleagues at the CGT.
6. On August 22, 2008, a car marked with the letters “PCI” drove back and forth in front of the entrance to the CGT offices approximately four times. The “PCI” markings were identified by the workers who happened to be at the CGT office at that time as the same markings on vehicles used by the security staff at the Indhelva industrial park in Choloma, where Jerzees de Honduras is located.
7. On the morning of December 24, Ms. Argueta was followed in the city of San Pedro Sula by two men on a motorbike. She was not aware she was being followed until she was informed of this by a security guard at a supermarket where she stopped to shop. The security guard told her that when she left her car in the market’s parking lot and entered the store, two men who had followed her by motorcycle into the parking area inspected her car. They looked into the car from all sides and tried to open the door handles to enter the car. The security guard believed based on the behavior of these individuals that Ms. Argueta was in danger of being physically harmed. After being informed of this by the security guard, Ms. Argueta immediately called the police, who escorted her to her home and she then filed a police report. The security guard later declined to provide a police statement fearing for his own personal safety. An investigator from the Dirección General de Investigación Criminal (DGIC) in the Departamento de Delitos Varios was assigned to this case and promised to keep Ms. Argueta informed about any information that they gathered as a part of the investigation, but to the present has yet to report any news or information to Ms. Argueta or her colleagues at the CGT. Since this incident, Ms. Argueta has feared for her personal safety and has avoided spending time away from her home or office when it is not critical to do so.
8. On January 6, 2009, leaders of the Jerzees de Honduras union affiliated with the CGT and Ms. Argueta were leaving the offices after finishing a meeting at approximately 6:30 p.m. As they were gathered at the gate saying goodbye to one another, a car that had been parked nearby on the street started slowly towards the office and rolled down the polarized window long enough to take a picture of Ms. Argueta and the workers gathered near her before driving off. Additional concerning incidents have occurred since this date.
9. The above-described incidents of surveillance of the CGT office, surveillance of Ms. Argueta by menacing figures away from her place of work and specific death threats against leaders of the CGT affiliate union go well beyond normal occurrence in

⁴ Ibid.

the Choloma, Honduras region. The parallels between these incidents and those that preceded the murders of Altagracia Fuentes and Yolanda Virginia Sánchez of the CTH and Dionisio Díaz García of ASJ are chilling. Experienced labor rights monitors and advocates believe the need for action to protect the safety of Ms. Argueta and her colleagues at the CGT is urgent.

III Basis of Action

Article 25 of the Inter-American Commission on Human Rights' Rules of Procedure establishes that, in serious and urgent cases, the Commission may request that the respective State adopt precautionary measures to prevent irreparable harm to persons.

It is important to note that those States that form part of the Convention, as established by Article 1, are under the obligation to respect and guarantee, without distinction, the rights that are protected there within. This implies that the State is responsible for adopting the necessary measures in order to guarantee the security of all of its citizens. This is particularly relevant to the work carried out by the people and organizations that are dedicated to the defense and promotion of human rights.

We, the petitioners, affirm that the facts described in the previous sections are consequences of the defense and promotion of human rights and for this reason we must infer that the intimidations and threats have been executed in order to inhibit the work of the members of the Central General de Trabajadores in Choloma, Honduras as they defend these rights.

The United Nations, justly recognizing the right and responsibilities of individuals, groups, and institutions to promote the respect and knowledge of human rights and the fundamental freedoms at a national and international level, issued on December 9, 1998, during its 52nd period of sessions, the *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*.⁵

⁵ Specifically it is important to emphasize the following articles of the Declaration:

Article 1. Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels.

(. . .)

Article 6. Everyone has the right, individually and in association with others:

(a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems;

(b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms;

(c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.

(. . .)

Article 8.

1. Everyone has the right, individually and in association with others, to have effective access, on a non-discriminatory basis, to participation in the government of his or her country and in the conduct of

Many of the organs that make up the Organization have made pronouncements on the importance of functions carried out by the defenders of human rights and on many occasions have expressed their concern for the constant violations to which these persons are subjected around the world.⁶

In her 2007 report, the Special Representative of the Secretary-General on the situation of human rights defenders noted that defenders working on economic, social, and cultural rights – which include labor organizers and labor rights defenders – are particularly at risk of attacks and violations of their rights.

"Defenders working in [the field of economic, social and cultural rights] face violations of their rights by the State and/or face violence and threats from non-State

public affairs.
2. This includes, *inter alia*, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.
(...)

Article 12.

1. Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms.
2. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or *de jure* adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.
3. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms. (WRC Translation)

⁶ See the report of the former Special Representative of the Secretary General on the Situation of Human Rights Defenders, Hina Jilani, who emphasized that:

Given the consensus of the international community in recognizing the legitimacy of the important work of human rights defenders, the continuous reporting of violations of the rights of human rights defenders in many parts of the world was considered to be a matter of serious concern. Several United Nations organs have in the past raised the issue of human rights defenders around the world. Reference should be made *inter alia* to General Assembly resolution 54/170 in which the Assembly noted with deep concern that, in many countries, persons and organizations engaging in promoting and defending human rights were facing threats, harassment and insecurity as a result of those activities. The Subcommission on the Promotion and Protection of Human Rights also expressed concern over the situation of human rights defenders around the world. In resolutions 1998/3 and 1999/3, the Subcommission condemned the murders of 17 named human rights defenders and requested the High Commissioner for Human Rights to undertake inquiries about the security of 18 other named individual human rights defenders. In a report to the Subcommission (E/CN.4/Sub.2/2000/5), the High Commissioner provided information on the individuals concerned.

United Nations: Report submitted by Ms. Hina Jilani, Special Representative of the Secretary-General on Human Rights defenders in accordance with Commission resolution 2006/61. **UN Document E/CN.4/2001/94, January 26, 2001, Introduction, paragraph 3.**

actors because of their work. Violations of their rights seem to take all the forms that violations of the rights of defenders working in the field of civil and political rights take. There are some differences though, perhaps the most important being that defenders working in the field of ESCR often have a harder time having their work accepted as human rights work. This might have several effects, including difficulties attracting funding, a lack of coverage from the media to violations of these defenders' rights, and a lack of attention paid to these violations and a hesitation in seeking remedial measures at the domestic or international level."

Hina Jilani, Report submitted by the Special Representative of the UN Secretary-General on human rights defenders to the Human Rights Council, January 24, 2007 (5)

There is significant precedent for the Commission to grant precautionary measures for defenders of labor rights. Notably, on April 19, 2007, in response to a petition from the AFL-CIO and other signatories of the present petition, the Commission granted such measures for members of the *Foro Laboral Obrero Campesino* (FLOC) in Monterrey, an organization that organizes and defends the rights of migrant workers. The measures were granted after a coordinator of the organization's regional office in Mexico (holding the same respective position played by Evangelina Argueta for the CGT) was found murdered with signs that he had been tortured. His murder took place following a campaign of harassment and surveillance of the organization's members and leaders.

Other recent cases in which the Commission has ordered preventative measures for labor rights defenders involve members, leaders, or persons associated with the following organizations: the Trade Union of Workers of the Empresa Portuaria Quetzal (STEPQ) in Guatemala (2007), the Santander Association of Public Servants (ASTDEMP) in Colombia (2006), Popular and Trade-Union Action Unit (UASP) and the Union of Education Workers of Guatemala (STEG) (2005), the University Workers Union of Colombia (SINTRAUNICOL) (2004), ASONAL Judicial in Colombia (2004), and *Central Unitaria de Trabajadores* of Colombia (2003).

Violence against human rights defenders has been on the increase in recent years in Central America, with the grave problems faced by those working in Guatemala and Honduras. In its August 2007 report, "Persecution and resistance: The experience of human rights defenders in Guatemala and Honduras," Amnesty International reports:

The persecution of human rights defenders remains a major concern in Central America. Despite positive advances in the development of international human rights standards on their protection, reports of killings, death threats, harassment and intimidation of human rights defenders in Central America continue. Unfounded investigations and prosecutions, surveillance of offices and homes and the theft of important human rights information and documents are just some of the tactics used to intimidate them and prevent them from continuing their work. Those responsible for violations against human rights defenders often evade justice. Investigations into these abuses are often grossly inadequate.

Principle 5 of the Inter-American Declaration of Principles on Freedom of Expression establishes that "Prior censorship, direct or indirect interference in or pressure exerted upon

any expression, opinion or information transmitted through any means of oral, written, artistic, visual or electronic communication must be prohibited by law.”

The Inter-American Court of Human Rights has also made a pronouncement on the importance of the right consecrated in Article 13 of the American Convention on Human Rights, stating that:

The European Court has also recognized this criterion, when it stated that freedom of expression constituted one of the essential pillars of democratic society and a fundamental condition for its progress and the personal development of each individual. This freedom should not only be guaranteed with regard to the dissemination of information and ideas that are received favorably or considered inoffensive or indifferent, but also with regard to those that offend, are unwelcome or shock the State or any sector of the population.⁷

It is in view of these considerations that we ask the Inter-American Commission on Human Rights to direct the government of Honduras to take immediate action to protect the physical safety of Evangelina Argueta and her colleagues at the CGT based in Choloma, Honduras.

IV. Petition

Given the persistence of the threats and intimidation perpetrated against Ms. Evangelina Argueta and other members of the CGT in Choloma, Honduras, there is a grave possibility of irreparable harm to them. Such harm can be arrested if protective measures of an urgent nature are adopted in their favor. For this reason we respectfully come before the Commission to ask that you request that the Government of Honduras adopt the protective measures described below.

We request that there be an opportunity for the CGT representatives and officials of the Government of Honduras to discuss the measures proposed here prior to any concrete action taking place, in order to ensure the most effective action is taken. We have grave concerns regarding potential corruption in the Honduran police force – a widely recognized problem in the region of Honduras in question. We wish to ensure that this petition is handled in a manner that takes these concerns into account and minimizes any unintended negative consequences of involving the police force in the issue.

Assuming that specific steps are discussed further before they are implemented, the following actions are requested:

1. Bring a prompt, effective, independent, and impartial investigation of the facts, for the purpose of identifying those responsible for the harassment and intimidation of CGT leaders, and their prosecution and punishment in accordance with the law.

⁷ Inter-American Court on Human Rights, Ivcher Bronstein case. Judgment of February 6, 2001, Series C, Number 74, paragraph 152.

2. Install in the CGT offices in Choloma, Honduras a closed circuit system of permanent video recording, body guards, a two-way radio, and arrange for regular police patrols.
3. That you communicate to the State that the measures to be adopted must be discussed with the beneficiaries. Said measures must be effective to guarantee the physical and psychological integrity and the right to life of the members of the CGT.
4. That the Honduran State, at its earliest convenience, report on the adopted measures designed to safeguard the lives and physical and psychological integrity of the defenders of human rights that have been referred to in the present document as beneficiaries.
5. That this Commission order that these measures be maintained until the situation of imminent risk has disappeared or until the victims desire otherwise.

For further information, and contact information for relevant persons, please contact Jeremy Blasi at the Worker Rights Consortium in Washington DC by telephone at 202.387.4884, by fax at 202.387.3292, or by email at jeremy.blasi@workersrights.org.

With nothing further to add, we take this opportunity to express to you our appreciation for your consideration of this request.

Sincerely,

Evangelina Argueta
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Central General de Trabajadores de Honduras

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