

**Congress of the United States**  
Washington, DC 20515

December 15, 2016

The Honorable John Kerry  
Secretary of State  
U.S. Department of State  
2201 C Street, NW  
Washington, D.C. 20520

Dear Secretary Kerry:

We are writing to express our concern regarding the grave human rights situation and continuing deterioration of the rule of law in Honduras. We are particularly concerned with the State Department's certification on September 30, 2016 that the government of Honduras has met conditions Congress placed on 50 percent of the aid to Honduras for Fiscal Year 2016, and ask that you revoke that certification.

As you are aware, the Consolidated Appropriations Act of 2016 required the State Department to investigate and report on whether the Honduran central government is taking effective steps to "combat corruption, including investigating and prosecuting government officials credibly alleged to be corrupt," to implement policies to "improve transparency and strengthen public institutions" including the independence of the judiciary, and to "investigate and prosecute in the civilian justice system members of military and police forces who are credibly alleged to have violated human rights, and ensure that the military and police are cooperating in such cases." It also requires that the government take effective steps to create an accountable police force and to "curtail the role of the military in domestic policing." Absent these findings and a certification by the State Department, Congress required your agency to withhold 50 percent of the foreign aid funding for Honduras.

We believe the State Department was wrong to certify Honduras' compliance with these requirements. There is significant evidence that impunity, corruption, and human rights violations continue unabated in Honduras. For example, President Juan Orlando Hernández and his ruling National Party have admitted that they stole funds from the National Health Service and diverted those funds into their 2013 election campaign coffers; yet the Attorney General has not prosecuted them. Héctor Iván Mejía, Director of Planning and Operations for the National Police (the third highest-ranking position), is documented to have committed gross violations of human rights and is still in office. Most recently, a captain in the Honduran Armed Forces and former DEA informant has charged that Samuel Reyes, the Minister of Defense, is a drug trafficker.

While an ostensible cleanup of the police is being enacted to much fanfare, the government's purging commission itself includes a leader of the 2009 coup. The commission reports that a few hundred allegedly corrupt members of the police have been separated, yet as of this writing not a single case has evidently been forwarded to the Public Ministry for prosecution.

Judicial independence also continues to be undermined, contributing to further impunity. In February 2016, a new Supreme Court was elected by the Honduran Congress in a process widely denounced as non-transparent and illegal. Last October, the government announced it would not restore four judges who were illegally deposed for publicly opposing the coup, although their reinstatement has been ordered by the Inter-American Court of Human Rights. That same month, the Honduran Congress named judges to a new anti-corruption court in a process widely criticized by civil society as non-transparent and failing to incorporate the mandated input of civil society.

The military's role in domestic policing also continues to expand, in violation of the Honduran Constitution. In August 2016, the government announced the creation of two new additional battalions of the Military Police of Public Order (PMOP), which answers to a military command but performs domestic police functions. Human rights groups have documented multiple committed gross violations of human rights by the PMOP, with impunity. In another alarming example of the military's expansion in domestic policing, the important task force FUSINA combines multiple civilian and military agencies, including regular police, in a single body under military supervision.

In addition to the previously mentioned requirements, we note that the 2016 Appropriations Act also mandated that the central government of Honduras create an "autonomous, publicly accountable entity to provide oversight" of the Plan of the Alliance for Prosperity of the Northern Triangle; implement policies guaranteeing the consultation of affected local communities and civil society groups, including Indigenous groups, in any activities of the plan; improve transparency; cooperate with commissions against impunity and regional human rights groups; and protect the right of the political opposition, journalists, trade unionists, human rights defenders and other civil society activists to operate without interference.


Nevertheless, no functioning oversight body for the plan has been enacted. In fact, a new "Law of Secrets" sealing off government records has dramatically decreased transparency. Moreover, the assassination of Indigenous leader Berta Cáceres in March 2016 has highlighted the ongoing and illegal failure of the government to consult with Indigenous and Afro-Indigenous people on the construction of hydroelectric dams and other development projects. Moreover, the freedom of activists such as Cáceres to exercise basic civil liberties continues to be threatened, often fatally. President Hernández himself has repeatedly and publicly charged human rights defenders with undermining the country. The government has still failed to implement an already-weak law designed to protect human rights defenders.

The government has also failed to comply with an order of the Inter-American Commission on Human Rights mandating protection of over 300 Hondurans. This illustrates the Honduran government's ongoing failure to cooperate with regional human rights groups, as Congress's conditions require. A new Support Mission Against Corruption and Impunity in Honduras (MACCIH), formed by the Organization of American States in 2015, has reported that the Honduran government has failed to pass new legislation it has recommended, and that the government does not cooperate with it.

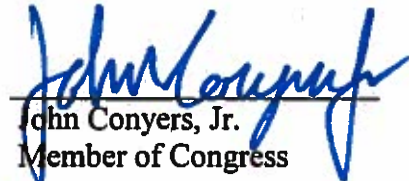
Finally, we are concerned by a recent statement in which the Department of State declared that the United States does not oppose presidential reelection in Honduras, although the Honduran Constitution specifically bars reelection and even makes it a criminal act for a sitting president to advocate it. By issuing this statement just days after President Hernández announced his candidacy for reelection, the State Department signals a disturbing lack of respect for the rule of law in Honduras, along with its support for an administration that has a long track record of undermining it.

We ask that you immediately revoke the certification of the 50 percent of funds allocated under the Consolidated Appropriations Act of 2016 that are subject to compliance with human rights conditions. More broadly, we ask that you rethink U.S. support for a government with such a long, established track record of human rights violations and concerted disrespect for the rule of law.


Sincerely,



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José E. Serrano  
Member of Congress



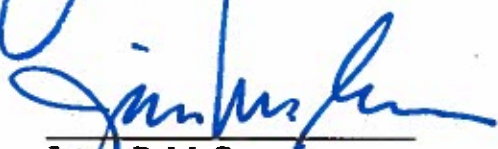
\_\_\_\_\_  
John Conyers, Jr.  
Member of Congress



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Jan Schakowsky  
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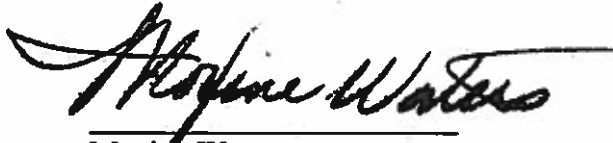
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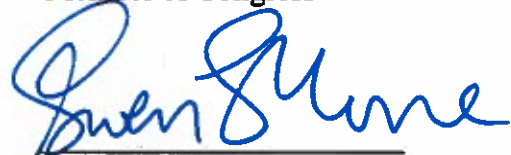
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Rosa L. DeLauro  
Member of Congress



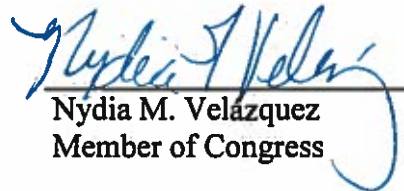
David N. Cicilline  
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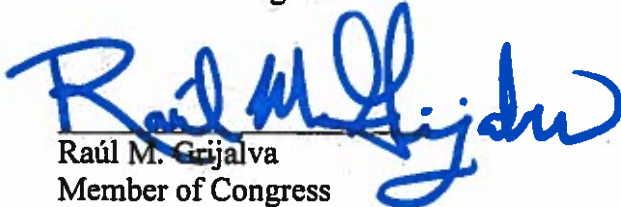
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