

HUMAN RIGHTS IN HONDURAS

HEARING

BEFORE THE

TOM LANTOS HUMAN RIGHTS COMMISSION

HOUSE OF REPRESENTATIVES

ONE HUNDRED AND THIRTEENTH CONGRESS

FIRST SESSION

—————
JULY 25, 2013

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HUMAN RIGHTS IN HONDURAS

THURSDAY, JULY 25, 2013

HOUSE OF REPRESENTATIVES,
TOM LANTOS HUMAN RIGHTS COMMISSION,
Washington, D.C.

The commission met, pursuant to call, at 10:30 a.m., in Room 2255 Rayburn House Office Building, Hon. James P. McGovern [co-chair of the commission] presiding.

Mr. McGovern. Okay, we are going to begin a little bit earlier because we want to get everyone in and they are going to call votes at some point and I want to make sure. I have an opening statement and I will yield to Senator Kaine.

I want to thank everybody for being here this morning. I want to thank you for attending this important hearing on human rights in Honduras. I want to thank JP Shuster and the staff of the Tom Lantos Human Rights Commission for organizing this hearing today. I also want to thank our witnesses, some of whom have traveled from Honduras to be here with us this morning. I appreciate it. I want to thank you for being here to testify and for everything that you do to promote and protect human rights in Honduras.

As a long-time follower of events in Latin America, I am especially honored to engage our distinguished witnesses on the current human rights situation in Honduras. The past few years have been difficult and turbulent ones for the people of Honduras. As many of you know, in June 2009, a coup ousted then-President Manuel Zelaya from office and Roberto Micheletti was appointed interim president. During the period of the Micheletti administration, the human rights situation deteriorated considerably. Public demonstrations were often met with a disproportionate use of force and many people were arbitrarily detained and held in cruel, inhuman, and degrading conditions. Honduras became increasingly militarized and there was a surge in racial and gender discrimination across the country, among other grave violations of civil and political rights.

Regrettably, security and human rights in Honduras have not improved since President Lobo was elected in November of 2009. And if anything, they have deteriorated. As was widely publicized last year, Honduras gained the unwanted title of being the homicide capital of the world with 86 murders per 100,000 people and is viewed as one of the most dangerous in the world right now.

Remember, this is not a country fighting a civil war. It is not somewhere on the other side of the world. Honduras is a neighbor, an ally, and a friend. Among the most wearing aspects of this violence and one I am particularly interested in examining today is the severe threat to oppress freedom and the protection of journalists in Honduras.

According to Honduras' own National Commission for Human Rights, at least 36 journalists and social commentators have been killed since 2003 with 29 of the murders occurring during the current Lobo administration. In the most recent case, the charred and mutilated body of radio journalist Anabel Barrow was discovered just two weeks ago on a river

bank near the city of San Pedro Sula. Exactly one year ago today during a Commission hearing on global press freedom, we heard testimony from Jesuit priest Ismail Moreno Coto, also known as Father Melo who works for the Catholic community radio station, Radio Progreso. Less than two weeks after he returned to Honduras, Radio Progreso was raided by Honduran police and reporters and local campesinos who were there being interviewed were threatened. This was not an extreme or unusual case, but rather the norm faced by many journalists in Honduras.

So I am deeply concerned about the role that the police and military units have played in Honduras' on-going human rights crisis. Elements of the Honduran police are alleged to be carrying out extrajudicial killings of suspected gang members and other perceived criminals as part of the so-called social cleansing operations. Honduran police chief Juan Carlos Bonilla has been linked to 3 homicides and 11 other deaths of disappearances while many of the country's police are suspected to be involved in organized crime. Most troubling for me is the fact that the United States may be bolstering these very same offenders through our foreign assistance which includes \$16 million to fund Honduras police units so far this year.

This is not a new problem. In May of 2011, I felt obligated to leave a letter with 86 members of Congress asking the State Department to suspend U.S. assistance to the military and police in Honduras due to the lack of any mechanism to ensure security forces are held accountable for abuses. Last month, my colleagues in the Senate called into serious question the State Department's certification of Fiscal Year 2012 funds designated for Honduran military and police. That certification effectively told the Honduran government that U.S. human rights conditions in the FY 2012 appropriation bills were sufficiently met. I think this appears far often the case.

I am also concerned about the rule of law in Honduras and especially the justice sector's inability to investigate crimes and capture, try, and convict those responsible. These are all important issues to discuss in light of critical U.S.-Honduras strategic dialogue which I understand is scheduled for next week.

In a National Public Radio story broadcast earlier this month about soaring corruption among Honduras police ranks, the interviewer spoke with the mother of a young man who had gone out to a store one night and was found at 4 o'clock in the morning with two bullets in the back of his head. She told the reporter, we are plagued with questions. We want to know what happened, why it happened. Her enormous suffering is made more severe with the knowledge of only two percent of crimes are solved in Honduras.

So we are here today because we owe it to that mother to ask those same questions, what is happening, and why is it happening. As a government that provides assistance to the Honduran government, we are also obligated to ask what the U.S. can do to improve human rights' protections for the people of Honduras.

Finally, on a sadder note, I wanted to take a moment to recognize that just yesterday, Honduran Judge Mareya Mendoza Peña, a member of the Executive Committee of the Honduran Association of Judges for Democracy was assassinated in Honduras in broad daylight. She was murdered while driving her car by two men on a motorcycle who sprayed her vehicle with 20 bullets according to the initial media reports. I wish to express my deepest sympathies to her family, friends, colleagues, and loved ones, some of whom are here today. Our thoughts and prayers are with all of you.

And I call on the Honduran authorities to investigate and bring to justice the perpetrators of this heinous crime.

With that, I want to acknowledge my colleague, Congressman Frank Wolf, the co-chair

of this commission from Virginia, if he has an opening comments?

Mr. Wolf. Just briefly, I want to thank the chairman and identify with your comments. I want to welcome Senator Kaine. I know he has a lot of experience.

Also, I am interested -- I had a daughter who did the same thing. She worked down in Honduras for two years, taught. And I went down there to visit her a number of times and I think the very fact what you are trying to do, we should send a very, very, very strong message. And so I appreciate Tim coming over and testifying. I yield.

Mr. McGovern. It is now my pleasure to welcome our first witness, Senator Tim Kaine, who represents the people of the Commonwealth of Virginia. Senator Kaine is a long-time advocate for justice and peace in Honduras. We are especially grateful that you are here to share your perspective on these critical issues. The floor is yours.

STATEMENT OF HON. TIMOTHY M. KAINE, A UNITED STATES SENATOR FROM THE STATE OF VIRGINIA

Senator Kaine. Thank you, Co-Chair McGovern and Co-Chair Wolf and members of the Commission and especially to the witnesses who will testify to follow me. I very much appreciate the opportunity to testify in front of the Tom Lantos Human Rights Commission on this very important issue. It is important to the people of Honduras. It is important to the thousands and thousands of Honduran-Americans who live in Virginia and in the United States. It is important to our U.S. foreign policy, but it is also personally important to me. I especially want to thank you both for your invitation to be here today. Congressman Wolf is the senior member of the Virginia delegation and I am the junior member, but I much admire his focus on these issues and love working together with him on them.

Over 30 years ago, I took a year off from law school to live in El Progreso, Honduras and worked with Jesuit missionaries there, the same Jesuit missionaries who courageously operated Radio Progreso now for about four decades. It was 1980 and all of Central America was very, very dangerous in 1980. There was a military dictatorship in power in Honduras. It was the tail end of the Cold War. Civil wars in El Salvador and Guatemala were pouring refugees across the border into the part of Honduras where I lived. The United States was using the southern part of the country as a staging ground for the conflict in Nicaragua. My Jesuit colleagues lived under tremendous threat. So many were threatened. Some were imprisoned and a few even lost their lives during those years.

Once I left Honduras, I stayed in touch and engaged with the Jesuit community in Honduras and was able to visit again in 2004 to introduce my friends in Honduras to my wife, Ann. The experience in Honduras really shaped my world view and the person I am today. It taught me a lot about faith. It taught me a lot about faith's capacity to overcome adversity. It taught me a lot about the way many people in the world live very different than I had grown up in terms of levels of material comfort. But it also taught me a lot about this country. As a young man there, I was able to appreciate more the safety and freedoms of the United States. Particularly in the early 1980s with the military dictatorship, Honduran citizens didn't have the opportunity to vote. That has made me take voting and our democratic institutions more seriously as an adult. And that is why what has happened in Honduras over the subsequent decades is so troubling.

In the early 1980s, it was a military dictatorship. The country has transitioned to democracy, but it is less safe today, sadly. We would hope that the transition to democracy would improve safety and liberty and in some ways it seems that it has gone significantly backward. Honduras faces huge human rights challenges.

The witnesses to follow will give probably more up-to-date and focused testimony than I will, but you know the general security situation in the country has so deteriorated. Human rights abuses including attacks on the press, extrajudicial killings by security forces have dramatically increased. Over the last decade, homicide rates have skyrocketed. As Co-Chairman McGovern indicated in 2012 Honduras had the highest homicide rate in the world. This friend, this ally, this country that has been such a reliable partner with the United States, highest homicide rate in the world with 86 murders for 100,000 residents.

Here is something that I find particularly compelling. It is hard to find another relationship in the 50-year history of the Peace Corps that has been as strong as the relationship between the United States and Honduras, but due to violence, the United States has suspended

Peace Corps operations after 50 years of strong partnership. Some of this has to do with lack of capacity and lack of resources. Obviously, it has to do with the drug trade and demand for drugs which we continue to have to try to reduce in this country. But the troubling part is corruption in Honduran institutions and a lack of accountability for those responsible.

The current administration, the Lobo administration, has taken a number of steps often under U.S. and international pressure to improve human rights in Honduras. That is why hearings like these are so important. To continue the attention on these issues is absolutely critical. For example, in January 2013, the Lobo administration adopted a new human rights policy and plan of action that has been drafted by the Secretariat for Justice and Human Rights. After extensive consultations with civil society, hearings like this and other hearings can have the effect of encouraging more efforts, but many of the reform efforts today have stalled.

Many have questioned whether the Lobo administration has the political will to carry out reforms necessary to clean up and strengthen the country's security forces and justice sector institutions.

Human rights organizations maintain that the president's efforts have been insufficient. The administration has failed to hold sufficiently accountable those responsible for attacks on victims based solely on their profession or activism.

The United States administration and Congress have pursued a number of policies to address this situation. The backbone of the administration's approach is the Central American Regional Security Initiative, CARSI, which has allocated approximately \$60 million to Honduras. Some of this funding has been used to set up a Special Victims Task Force to investigate attacks against journalists and other high profile violent crime cases. There has also been support in the past for police reform, although progress on that reform has stalled.

Just last Tuesday, I heard from the Jesuit community in Honduras with whom I maintain a very good communicative relationship. They recently translated an audit done of the special prosecutor for human rights in Honduras with the hopes of pinpointing places where the Honduran government could invest to combat impunity in human rights abuses by state authority. The audit revealed that already this year the human rights special prosecutor has received nearly 500 complaints of human rights abuses by state officials. There are other human rights abuses, but more than 500 complaints of human rights abuses by state officials, the overwhelming majority inflicted by police. Yet, there is only one investigator who is working full time and that investigator is detailed from the very police that he is tasked with investigating.

I would encourage this commission and I would love to work on this as well to press the administration to engage with the Honduran government as early as next week as a new public prosecutor is chosen. This will be critical to ensuring accountability for state-sponsored human rights infractions and creating some level of lifting confidence among the public that human rights issues will be taken seriously.

Some of the most disturbing individual cases that the Jesuit community in Honduras continues to follow involve the co-opting of state officials and entities to carry out the will of powerful private individuals, specifically mining company coercion and intimidation of campesino communities in the Tela municipality of Atlantida are disturbing. I do commend the State Department and the embassy in Tegucigalpa for responding to some of my concerns and those of my friends in the Jesuit community of Honduras, but more needs to be done.

When I heard that I would have the opportunity to serve on the Senate Foreign Relations Committee in the Senate, I saw it as an opportunity to work on foreign policy issues in the Western Hemisphere. For too long, this is my own personal opinion, the U.S. has focused its

foreign policy on an East-West axis rather than a North-South axis. And more needs to be done to respect the fact that we have so many partnerships and so much work to be done on the North-South axis.

As a member of the Senate Foreign Relations Committee and a member of the Subcommittee on Western Hemisphere, I am proud to work on and hopefully raise the profile of these issues.

Finally, let me just say this, I thank the Commission for your dedication, the very origins of this Commission are an expression of some powerful American values and the belief that if we shine a spotlight on abuses that is one of the most powerful things we can do. So many victims suffer because they are forgotten, they are not paid attention to, and if we can shine a spotlight, we can help them.

Your dedication to educating members of Congress on the most pressing human rights issues of the day is important. And I am honored to participate and have my testimony be submitted for the record on the human rights situation in Honduras.

So to my co-chairs, I thank you. I appreciate the invitation to come be with you today and I look forward to doing any work together with you to address this serious concern.

[The prepared statement of Senator Kaine follows:]

**Testimony to Tom Lantos Human Rights Commission: Human Rights in Honduras
July 25, 2013**

Co-Chairman McGovern, Co-Chairman Wolf, Members of the Commission, I appreciate the opportunity to testify in front of the Tom Lantos Human Rights Commissions on an issue that is not only important to the people of Honduras, and United States foreign policy, but is personally important to me. I want to thank both of Representative McGovern and Representative Wolf for their dedication to shining a light on human rights issues that need Congressional attention.

Over thirty years ago, I took a year off from law school to live in Honduras and work with Jesuit Missionaries. It was 1980, and Central America was dangerous. There was a military dictatorship in power in Honduras. It was the tail-end of the Cold War. Civil wars in El Salvador and Guatemala were pouring refugees into Honduras. The United States was using the northern part of the country as a staging ground for the conflict in Nicaragua. My Jesuit colleagues lived under tremendous threat, and some were imprisoned and even lost their lives.

Once I left Honduras, I stayed in touch and engaged with the Jesuit community in Honduras, and was able to visit again in 2004 with my wife Anne. My experience in Honduras shaped my worldview. As a young man I was able to genuinely appreciate the safety and freedoms of the United States. In the early 1980s in Honduras, citizens did not even have the opportunity to vote. That is why what has happened in Honduras over the subsequent decades is so troubling.

As I said, in the early 1980s, a military dictatorship was in power in Honduras. And as the country has transitioned to a democracy, it may be less safe today. Honduras faces significant human rights challenges. As the general security situation in the country has deteriorated in recent years, human rights abuses—including attacks on the press and extrajudicial killings by security forces—have increased. Over the last decade, homicide rates have sky-rocketed. In 2012, Honduras had the highest homicide rate in the world with 86 murders per 100,000 residents. Due to violence, the United States has suspended Peace Corps operations in Honduras after nearly 50 years of productive partnership. Some of this has to do with a lack of capacity and lack of resources, but the more troubling part is corruption in Honduran institutions, and a lack of accountability for those responsible.

The Lobo Administration has taken a number of steps, sometimes under U.S. or international pressure, to improve human rights in Honduras. That is why hearings such as this one are so important – continued attention on these issues can be effective. For example, in January 2013, the Lobo Administration adopted a new human rights policy and plan of action that had been drafted by the Secretariat for Justice and Human Rights after extensive consultations with civil society. But many of the reform efforts have stalled.

Some have questioned whether the Lobo Administration has the political will to carry out

the reforms necessary to clean up and strengthen the country's security forces and justice sector institutions. Human rights organizations maintain that President Lobo's efforts have been insufficient. His Administration has failed to hold accountable those responsible for attacks on victims based solely on their profession or activism.

The United States Administration and Congress have pursued a number of policies to address the human rights situation in Honduras. The backbone of the Administration's approach is the Central American Regional Security Initiative (CARSI), which has allocated approximately \$60 million to Honduras. Some of this funding has been used to set up a Special Victims Task Force to investigate attacks against journalists and other high profile violent crime cases. There has also been support in the past for police reform, although progress has stalled.

Just this past Tuesday, I heard from the Jesuit community in Honduras. They recently translated an audit done of the Special Prosecutor for Human Rights in Honduras, with the hopes of pinpointing places where the Honduran government could invest to combat impunity in human rights abuses by state authorities. The audit revealed that already this year, the Human Rights Special Prosecutor has received nearly 500 complaints of human rights abuses by state officials -- the overwhelming majority inflicted by police. Yet there is only one dedicated investigator who is working full time, and that investigator is detailed from the police that he is tasked with investigating. I would encourage this Commission to press the Administration to engage with the Honduran government as a new Public Prosecutor is chosen. This will be critical to ensuring accountability for state-sponsored human rights infractions.

Some of the most disturbing individual cases that the Jesuit community in Honduras continues to follow involve the coopting of State officials and entities to carry out the will of powerful private individuals. Specifically, mining company coercion and intimidation of

campesino communities in the Tela municipality of Atlántida are disturbing. I do commend the State Department, and the Embassy in Tegucigalpa, for responding to some of my concerns and those of my friends in the Jesuit community in Honduras. But more certainly can and needs to be done.

When I heard I would be serving on the Senate Foreign Relations Committee in the Senate, I saw it as an opportunity to work on foreign policy issues in the Western Hemisphere. For too long, the United States has focused its foreign policy on an east-west axis, often times neglecting the north-south work that needs to be done. As a Member of the Senate Foreign Relations Committee, and member of the Western Hemisphere subcommittee, I am proud to work on, and raise the profile of, these issues.

I thank the Commission for its continued dedication to the broader calling of educating Members of Congress on the most pressing human rights issues of the day, and I am honored to participate and have my testimony be submitted for the record for this hearing on the human rights situation in Honduras.

Thank you Co-Chairmen McGovern and Wolf, and members of the Commission.

Mr. McGovern. Thank you very much for coming here. I think your presence here is a signal to the Honduran government that we are very concerned about the human rights situation in Honduras. And there must be something in the water in Virginia between you and Frank Wolf where there is a real passion for human rights which is really welcome here in the Congress. And while you are here I just want to acknowledge that Congresswoman Bonamici from Oregon and Congressman Farr from California came in while you were speaking. I know you have a busy schedule, but on behalf of the entire Commission I want to thank you for being here and it is important testimony. Thank you.

Just to kind of let you know what is going on. They called a series of votes just now and we are here to hear from Lisa Haugaard, the Executive Director of Latin America Working Group; Dr. Dana Frank, Professor of History at the University of California-Santa Cruz; Ms. Tirza Flores Lanza, a lawyer, former Magistrate of the Court of Appeals for San Pedro Sula; and Ms. Viviana Giacaman, the Director for Latin America Programs, for Freedom House.

So what I am going to suggest we do because -- the panel can make yourself comfortable up here, but we are going to have go for votes. We will come back as soon as the votes are over. I know I will. I know some others have to catch planes, but does that make -- okay. So we are going to go on hold. I am sorry, but we don't control these votes. Thank you. We will be back.

[Recess]

Mr. McGovern. So I have introduced everybody, so why don't we begin with Lisa Hauggard, the Executive Director of the Latin America Working Group. And appreciate your patience. Thank you.

Ms. Haugaard.

STATEMENT OF LISA HAUGGARD, EXECUTIVE DIRECTOR, LATIN AMERICA WORKING GROUP; DR. DANA FRANK, PROFESSOR OF HISTORY, UNIVERSITY OF CALIFORNIA-SANTA CRUZ; MS. VIVIANA GIACAMAN, DIRECTOR, LATIN AMERICA PROGRAMS, FREEDOM HOUSE; AND MS. TIRZA FLORES LANZA, LAWYER, FORMER MAGISTRATE OF THE COURT OF APPEALS FOR SAN PEDRO SULA

STATEMENT OF LISA HAUGGARD

Ms. Haugaard. Thanks to the honorable co-chairs of the Tom Landis Human Rights Commission for hosting this important hearing and for the opportunity to testify today.

The situation of human rights in Honduras is critical. The 2009 coup undermined already weak institutions intended to protect the citizenry. The Honduran state is failing to protect its citizens in fundamental ways. The government fails to provide effective protection measures for those at risk. The police not only fail to investigate crimes, some members are implicated in corruption and murder. And the judicial system is failing to achieve justice.

The international community can only help Honduras by fully recognizing the extent of the challenges, working with civil society for change and adhering to a strong and principled human rights policy.

Senator Kaine and Mr. McGovern mentioned the problems of violence in Honduras. Indeed, street crime and organized crime are responsible each for a significant share of violence. As drug interdiction in the Caribbean and Mexico disrupted drug routes, trafficking through Honduras increased bringing with it higher levels of violent crime. And that means effective crime prevention strategies including education and job programs that help young people stay out of gangs and programs to reduce the high rate of domestic violence among other kinds of programs.

But it would be a real mistake to look at the surge of violence and describe it as just ordinary crime or drug violence. Journalists, members of the LGBT communities, small farmer activists, lawyers, human rights defenders, and opposition activists are among the victims of targeted crime. This targeted violence is a legacy of the coup.

During the coup and in the months the de facto government ruled, civil liberties were suspended. Police and soldiers violently repressed protests. The army occupied radio stations. Arbitrary detentions were carried on a sweeping scale and people were brutally beaten in detention. A human rights defender told me after the coup people had the idea they could do whatever they wanted, no holds barred. The coup unleashed violence and a sense that any authority or anyone who felt entitled in any way could do whatever they wished without consequences.

The elections that brought Porfirio Lobo to office were seen as illegitimate by some sectors of the Honduran public and many governments, although they were recognized by the United States. After taking office in January 2010, as Senator Kaine mentioned, the Lobo administration has taken some steps intended to strengthen human rights. For example, it established a Ministry of Justice and Human Rights which developed an national action plan for human rights. A Truth in Reconciliation Commission was launched to investigate the 2009 ouster of President Zelaya. That commission concluded that a coup had taken place and that human rights violations by police and military were widespread following the coup. However, almost no one has been held accountable for these abuses and moreover, serious human rights abuses continue.

Now I am going to talk about the abuses under the current government. First, violent

repression of protests continues. For example, in San Pedro Sula in September 2010, police used tear gas and clubs and brutally beat demonstrators. In March 2011, a teacher at a protest was hit by a tear gas canister, fell, and was run over by a truck. She died later that night. These and many other repressive actions are vividly described in a civil society True Commission Report which covers the period of the coup through August 2011 and shows the continuation of such abuses well into the Lobo administration.

Although the scale of repression of protests seems to have subsided at the moment, it has not ended. Just two days ago, protesting students were hit with teargas canisters in front of the National University. Almost no security forces involved in brutality have been dismissed or prosecuted.

Second, from the coup to the present, certain groups have been targeted with violence. The state's responsibility is three-fold. It is failing to protect vulnerable individuals. It is failing to investigate and prosecute these cases, and in some cases, too many, state agents appear to be involved. Thirty-six journalists were killed between 2003 and today, as you mentioned, with 29 killed since the start of 2010. Ninety-seven percent of these cases remain in impunity. At least 57 people, and maybe more, associated with small farmer associations in Bajo Aguan have been killed in the context of the land conflict in the last three years. Security guards on plantations and others have also been killed. Most of these murders remain in impunity and the violence continues.

From 2008 through February 2013, more than 90 LGBTI persons were murdered in Honduras, 24 in 2012 alone. Human Rights Watch notes with concern the alleged involvement of members of the Honduran police in some of these violent abuses. With U.S. support a Special Victims Unit is investigating some of these murders.

Sixty-four lawyers have been killed since January 2010. When I submitted my written testimony last night, it was 63. Ninety-seven percent of these cases remain in impunity.

Human rights defenders have been threatened, beaten, had their office broken into and many have been killed. Sixteen candidates for LIBRE, the opposition party established after the coup have been murdered since June 2012. Violence is not only directed against opposition candidates, but that is a very striking number.

The Inter-American Commission on Human Rights called on Honduras to provide protection measures to hundreds of people at risk because of these situations, but protection is grossly inadequate and effective protection programs should be established in consultation with vulnerable groups. The most effective protection, as we all know, is actually investigating and prosecuting threats and attacks. Yet, of 426 cases of people for whom the Commission issued precautionary measures, a recent study shows that only 15 cases have been concluded.

A third problem is that the justice system more broadly is failing to investigate state agents. The special prosecutor for human rights charged with investigating such abuses as the Senator noted, lacks adequate prosecutors, analysts, and investigators. Investigators are provided by the police and accountable to the police, making it difficult to investigate crimes committed by the police themselves.

A fourth and central problem is that corruption and abuse within the police is rampant. In October 2011, two young men, the son of the rector of the National University, and his friend, were killed by members of the police. These tragic murders which brought to the fore claims of numerous extrajudicial executions attributed to police appeared at first to catalyze police reform efforts. The government created a new agency to evaluate and dismiss officers implicated in crime and corruption and a national commission to propose police reform. However, that reform

effort appears stalled. While the Honduran government says that hundreds of police have been dismissed, the evaluation agency itself reported that of 230 police who failed vetting tests, polygraphs, only 7 were removed and some of those have been reinstated.

Yet, the answer to the problem of the police is not to send the army into the streets. Unfortunately, that is taking place. The congress passed a decree in 2011 granting the military power to police for a 90-day period and that has been renewed ever since. Military troops patrol Tegucigalpa and San Pedro Sula and other areas. Congress just added -- the Honduran congress just added a thousand more military troops to crime-fighting efforts and is considering creating a special military-trained police unit. The ministry that oversaw the police was recently merged with defense.

These measures are all the more tragic because Honduras in the last two decades took some steps to reduce the role of the military and policing and place the police under civilian control. My testimony has not reviewed U.S. policy during this period as another colleague, Dr. Frank, is covering this subject. But I would like to conclude with some recommendations for U.S. policy going forward.

They start from the premise that the United States must thoroughly remake its Honduras policy to achieve a principled, effective human rights policy. The upcoming Bilateral Human Rights Dialogue between the two countries offers an opportunity to reset policy.

The United States should encourage and support strengthening the justice system, including reform such as ensuring the justice system has independent investigators which would permit it to effectively investigate state actors committing abuses. It should press for progress on key cases. The United States should not supply military and training. There is no justification for this. It should urge the Honduran government to remove the armed forces from policing and ensure that the police is subordinate to a civilian agency.

Given the extent of abuse right now, of police abuse right now, the United States should not supply police aid, but should focus on encouraging real progress on measures to purge, reform, and establish functional oversight and controls over the fleet. If, however, security assistance is provided, at a bare minimum it must be attached to human rights conditions and those conditions must be strictly enforced both the specific country conditions and the Leahy law.

In addition, the United States should not contribute to Honduras' human rights problems by promoting counternarcotics operations of a sort that put civilians at risk as happened in a joint operation in Ahuas in May 2012, in which four civilians were killed including a 14-year-old boy. Any counternarcotics operation should obviously adhere to international human rights standards. The State Department and the embassy should speak out in support of human rights in Honduras. That means denouncing threats and attacks against all kinds of human rights defenders, journalists, LGBT community and others at risk. This one seems so easy and I don't know why our embassy and the State Department is not doing a better job at simply speaking out.

The United States should, of course --

Mr. McGovern. I don't either. That was going to be one of my questions, but I will save that until everybody has testified.

Ms. Haugaard. I don't have the answer to that. The United States should obviously maintain a neutral stance in the upcoming elections, encourage fair and transparent elections, and monitor and speak out against any violence in the electoral period.

And finally, and I think this is also an important point, the United States should

diplomatically and finally support the establishment of a stronger UN presence in Honduras. This could mean a CCIG-like mechanism as in Guatemala or an office of the UN High Commissioner on Human Rights in Honduras with a very strong mandate. The Honduran government, it is my understanding, has welcomed the UN presence as have some key civil society actors. Honduras, the United Nations, the United States, and the international community should act promptly to make this a reality and I don't think that the finances should be a bar to making this happen. The international community is investing in Honduras, why not make it go towards a UN presence that might help.

Thank you very much for the opportunity to address the Commission.

[The prepared statement of Ms. Haugaard follows:]

Testimony of Lisa Haugaard
Executive Director, Latin America Working Group Education Fund
before the
United States Congress
Tom Lantos Human Rights Commission
July 25, 2013

Thank you to the honorable co-chairs of the Tom Lantos Human Rights Commission, Representatives Frank Wolf and Jim McGovern, for hosting this important hearing on the human rights situation in Honduras and for the opportunity to testify today.

The situation of human rights in Honduras is indeed critical. The June 28, 2009 coup severely undermined the already weak institutions intended to protect the citizenry. Today, the Honduran state is failing to protect its citizens in the most fundamental ways. State agents are directly involved in human rights violations, including arbitrary detention and extrajudicial executions. The government fails to provide effective protection measures for individuals and groups at risk. The police not only fail to properly investigate crimes, some members are directly implicated in corruption and murder. And the judicial system is failing to achieve justice for crimes and gross human rights violations.

The United States and other members of the international community can only help Honduras by fully recognizing the extent of the human rights challenges in Honduras, working with Honduran civil society for change, and carrying out a strong and principled human rights policy.

Overall Levels of Violence

Honduras is one of the most violent countries in the world today. Indeed, the national rate of homicide per 100,000 inhabitants in Honduras is the highest in the world.¹ Street crime

¹ According to the United Nations Office on Drugs and Crime (UNODC), Honduras's homicide rates per 100,000 inhabitants were 64.7 in 2006, 58.4 in 2007, 61.3 in 2008, 70.7 in 2009, 82.1 in 2010, and 91.6 in 2011. UNODC

and organized crime are responsible for a significant measure of the violence. Femicide is also taking place at alarming rates.²

As drug interdiction in the Caribbean and Mexico disrupted drug trafficking routes, trafficking through Honduras appears to have increased, bringing with it greater levels of violent crime. Gang violence is extensive.

Crime deeply affects the daily lives of Hondurans. When I was recently in Tegucigalpa, people told me they felt were not able to go outside at night even to the corner store, imprisoned in their homes. Effective crime prevention strategies, including youth education, recreation and job programs and basic social services that help young people to stay out of gangs, and programs to reduce domestic violence, are vital for Honduras.

But it would be a mistake to look at the surge of violence and describe it as just ordinary crime or drug violence. A substantial number of crimes are targeted crimes, and journalists, members of the LGBT community, small farmer activists, lawyers and judicial personnel, teachers, human rights defenders, and opposition activists are among those targeted. This increased rate of targeted violence is a legacy of the coup.

The Immediate Aftermath of the Coup

During the coup and in the months during which the de-facto government, headed by Roberto Micheletti, ruled Honduras, widespread human rights violations took place. Civil liberties were suspended. Police and soldiers violently repressed protests. The armed forces invaded and occupied radio stations and other media. Arbitrary detentions were carried out on a sweeping scale, and people were brutally beaten in detention.³

A human rights defender told me, “After the coup, people had the idea that they could do whatever they wanted. No holds barred.” The coup unleashed violence, a sense that any authority or anyone who simply felt entitled could do what they wished without consequences.

As the Inter-American Commission on Human Rights (IACHR) summarized, “While the de facto government was in power in Honduras, the IACHR confirmed that along with the loss of institutional legitimacy brought about by the coup d’etat, serious human rights violations

Homicide Statistics, <http://www.unodc.org/unodc/en/data-and-analysis/homicide.html> . The National Observatory of Violence in the National Autonomous University of Honduras reported that the 2012 rate of homicide was 85.5 per 100,000 inhabitants. Observatorio de la Violencia, Edición no. 28, enero 2013, Boletín Enero-Diciembre 2012.

² Inter-American Commission on Human Rights, *Annual Report 2011*, “Honduras.”

³ See various reports by COFADEH, such as *Cifras y Rostros de la Represión, Segundo Informe en el Marco del Golpe de Estado en Honduras*, October 22, 2009, http://www.cofadeh.org/html/documentos/segundo_informe_situacionl_resumen_violaciones_ddhh_golpe_estado.pdf

had been committed, including the killing of at least seven people; a state of emergency had been arbitrarily declared; force was used disproportionately against public demonstrations; public protest was criminalized; thousands of persons were arbitrarily detained; many Hondurans were the victims of cruel, inhuman and degrading treatment; detention conditions were poor; Honduran territory was militarized; incidents of racial discrimination increased; women's rights were violated, and severe and arbitrary restrictions were imposed on the right to freedom of expression."⁴

The Lobo Administration: Violations Continue

President Porfirio Lobo was elected president in November 2009 and took office in January 2010. These elections were seen as illegitimate by some sectors of the Honduran public and many governments, including most Latin American nations, although they were recognized as free and fair by the United States. The Organization of American States, Carter Center and a number of other organizations often acting as electoral observers declined to monitor them.

In April 2010, the government established a Truth and Reconciliation Commission (TRC) to investigate the 2009 ouster of President Zelaya and human rights violations during the de-facto government. The TRC concluded that a coup d'état had indeed taken place, that human rights violations including by police and military were widespread. It asserted that the Honduran government must apologize for, provide redress for, and "investigate, try, and punish all human rights violations which took place from June 28, 2009 to January 27, 2010." The Commission detailed 20 cases of excessive use of force and killings allegedly by state security forces. It issued a series of recommendations to strengthen the justice system and carry out other necessary structural reforms, but underscored that these reforms did not absolve the Honduran government of the responsibility of investigating and punishing those responsible for the coup and its violent aftermath.⁵

Civil society members established their own truth commission, The True Commission, which presented its report in October 2012. The True Commission documents human rights abuses from June 28, 2009 through August 2011, and reveals the continued pattern of abuses after President Lobo took office. The True Commission collected 1966 complaints which included 5,418 human rights violations and documented in detail 20 cases representative of the major abuses it uncovered. These 20 cases give a vivid, painful sense of the experience of victims, witnesses and survivors. Of the 1966 complaints, 44 percent were allegedly committed by members of the police, 30 percent by members of the armed forces, and 10 percent by other public officials.⁶

⁴ Inter-American Commission on Human Rights, *Annual Report 2012*, "Honduras."

⁵ Comisión de la Verdad y la Reconciliación, *Para que los hechos no se repitan: Informe de la Comisión de la Verdad y la Reconciliación*, July 2011.

[http://www.sjdh.gob.hn/sites/default/files/TOMO-I-](http://www.sjdh.gob.hn/sites/default/files/TOMO-I-FINAL%20Para%20que%20los%20hechos%20no%20se%20repitan%20-%20Informe%20de%20la%20CVR.pdf)

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⁶ Comisión de Verdad, *Informe de la Comisión de Verdad: La voz más autorizada es la de las víctimas*, October 4,

The Lobo Administration has taken some measures intended to strengthen human rights. A state of siege law was repealed in May 2011. The government established a Ministry of Justice and Human Rights, although the power of this agency is limited. The Ministry has developed a National Action Plan for Human Rights.

However, almost no one has been held accountable for the abuses that took place during and in the aftermath of the coup. Roberto Micheletti himself was named “legislator for life” and has not been investigated and prosecuted.⁷ Moreover, repression of protests, targeted threats, attacks and murders continue to take place under the Lobo Administration. The justice system fails to protect; police reform is at a standstill, and allegations of police abuse, including involvement in extrajudicial executions, are rampant; and the military is increasingly being brought into law enforcement functions.

Repression of Protests

Violent repression of protests and criminalization of social protest continued under the Lobo Administration. In San Pedro Sula on September 15, 2010, for example, police used tear gas and clubs and brutally beat demonstrators. They destroyed the instruments of the musical group playing for the crowd. At least 5 people were hospitalized and 37 detained. On March 18, 2011, police and military troops repressed a teachers’ protest. Teacher Ilse Ivania Velasquez Rodriguez was hit by a tear gas canister, fell to the ground and was subsequently run over by a truck. Police followed the truck that took her to the hospital, hosing it with water. She died later that night.⁸

Although the scale of brutal repression of social protests seems to have subsided, it has not ended—just two days ago, protesting students were hit with tear gas canisters in front of the National Autonomous University in Tegucigalpa. Almost none of the members of police and military involved in such brutality have been dismissed, investigated and prosecuted.

Targeted Violence

From the June 2009 coup to the present day, certain groups have been targeted with violence. The violence continues today. The state’s responsibility in this is three-fold: It is failing to protect vulnerable individuals and groups; it is failing to effectively investigate and prosecute the great majority of these cases; and in some, and perhaps a significant number of cases, including since January 2010, state agents appear to be implicated.

Journalists. At least 36 journalists were killed between 2003 and July 2013, according to the

2012, <http://www.comisiondeverdadhonduras.org/?q=node/75>, p. 230-1.

⁷ Center for Constitutional Rights and International Federation for Human Rights, “Impunity in Honduras for Crimes Against Humanity Between 28 June 2009 and 31 October 2012,” November 2012.

⁸ Comisión de Verdad, *Informe de la Comisión de Verdad: La voz más autorizada es la de las víctimas*, October 4, 2012, <http://www.comisiondeverdadhonduras.org/?q=node/75>

Honduran National Commission for Human Rights. Twenty-nine, or 80 percent of these victims, were killed between 2010 and July 2013. Most recently, the TV show host Aníbal Barrow was kidnapped on June 24, his mutilated body found on July 7.⁹ Ninety-seven percent of these cases remain in impunity.¹⁰ As the Honduran press freedom group, C-Libre, explained, journalists are at risk when they cover stories involving corruption or abuse by government authorities or public security forces; land use; mining, logging, water or other environmental topics; drug trafficking; political campaigns, and many other issues. A number of the murdered journalists had received death threats previously whose wording and timing strongly suggested their murders related to their work.

The Honduran government's response to some of the threats and violence against journalists has been to argue that some of the victims are not journalists. The United Nations and Inter-American Commission on Human Rights have made perfectly clear that "social communicators," such as communications personnel for nongovernmental and community groups and community radios, as well as bloggers and on-line communicators, merit the state's protection.

Small Farmer Activists. At least 57 people affiliated or associated with small farmer (*campesino*) associations in Bajo Aguán have been killed in the context of agrarian conflict in the last three years. One farmer was disappeared in May 2011, and journalist Nahúm Palacios, who was covering the land conflict, and his partner who was traveling with him, were killed.¹¹ A number of security guards on plantations and other people have also been killed. Bajo Aguán is a relatively small geographic area where farming cooperatives and landless farmers have been in a tense land conflict with large-scale landowners, mostly African palm producers. When LAWGEF participated in an international verification mission to Bajo Aguán in 2012, our mission heard eyewitness accounts of brutal evictions of peasants. We observed that despite the failure of the government to effectively investigate the vast majority of the murders, the state appeared to have no trouble prosecuting poor landless farmers for occupying land and picking crops.¹² All of these murders should be investigated.

Members of the LGBTI Community. Civil society groups reported that from 2008 through February 2013, more than 90 LGBTI persons were murdered in Honduras. Twenty-four LGBTI persons were murdered in 2012. According to Human Rights Watch, "the alleged

⁹ "Office of the Special Rapporteur Condemns Murder of Kidnapped Journalist in Honduras," Inter-American Commission on Human Rights, Press Release R50/13.

¹⁰ Comisión Nacional de Derechos Humanos, *Informe Annual 2012*.

¹¹ FIAN, CIFCA, OXFAM, FIDH, APRODEV, LAWG, TROCAIRE, et al, "International organizations welcome the World Bank Ombudsman's initiative to scrutinize an investment project of the International Finance Corporation due to allegations of human rights violations of peasant communities in the Lower Aguán valley, Honduras," March 1, 2013, http://www.fian.org/fileadmin/media/publications/International_Statement_CA0_-_Lower_Aguan_Honduras_-_01-.pdf

¹² FIAN, CIFCA, FIDH, APRODEV, LAWG, TROCAIRE, et al, "Declaration of the Public Hearing on the Human Rights Situation in the Peasant Communities of Bajo Aguán, Honduras," Tocoa, Bajo Aguán, May 30, 2012. <http://www.lawg.org/storage/documents/Honduras/declaration%20international%20public%20hearing%20bajo%20aguan.pdf>

involvement of members of the Honduran police in some of these violent abuses is of particular concern.”¹³ LGBTI rights defender Erick Avila Martinez, who was a candidate for the LIBRE party and a member of the sexual diversity board of the National Resistance Front, was disappeared on May 4, 2012 and found murdered on May 7. With U.S. support, the Honduran judicial system’s Special Victims Unit is investigating cases of murders of LGBTI persons.

Lawyers and judicial personnel. Sixty-three lawyers have been killed from January 2010 through mid-June 2013, according to the National Human Rights Commission. The victims are from different sectors of the legal field, ranging from public prosecutors and lawyers for trade unions and campesino organizations, to lawyers for agribusiness companies and judges specializing in family law, traffic and criminal offenses. Ninety-seven percent of these cases remain in impunity, according to the National Human Rights Commission.¹⁴

Teachers. Possibly for involvement in their own labor organizing and for their role in larger social movements, teachers have been targeted or affected by repression of protests. The True Commission documented 13 teachers killed between June 2009 and August 2011.

Human rights defenders. Human rights defenders have been attacked, threatened, beaten, had their offices broken into, and have been murdered. The True Commission documented at least 10 human rights defenders killed between June 2009 and August 2011.¹⁵

Opposition political candidates. Sixteen candidates for LIBRE, the leftist party established after the coup, have been murdered since June 2012, according to the database maintained by Honduran human rights group COFADEH. Violence is not, however, only directed against opposition candidates.

Migrants. While this is not the same kind of targeted violence, it is important to point out the risks faced by Hondurans, often young men, who migrate to the United States via Mexico. They experience brutal abuses, including kidnapping and torture, at the hands of organized crime, sometimes with collusion from public officials in Mexico. LAWGEF visited migrant shelters in northern and southern Mexico in 2012 and was told by shelter workers that the majority transiting through the shelters were at that time Honduran, and the rest from other countries in Central America’s northern triangle. We heard heart-breaking testimony of kidnapping and brutal abuses against migrants by organized crime. Changes in U.S. immigration policies to allow for Central Americans to be reunited with family members in the United States, including legal status for more undocumented Central Americans, would reduce the number of migrants who make the dangerous trek through Mexico.

¹³ Human Rights Watch, *World Report 2013*, Honduras chapter.

¹⁴ Comisión Nacional de Derechos Humanos, “63 Abogados Perdieron la Vida en Forma Violenta,” June 14, 2013, <http://www.conadeh.hn/index.php/7-conadeh/229-63-abogados-perdieron-la-vida-en-forma-violenta>

¹⁵ Comisión de Verdad, *Informe de la Comisión de Verdad: La voz más autorizada es la de las víctimas*, October 4, 2012, <http://www.comisiondeverdadhonduras.org/?q=node/75>.

The Failure to Protect

Given that so many individuals are at risk, Honduras has been charged by the Inter-American Commission on Human Rights to provide protection measures in hundreds of cases. Protection is gravely lacking. The UN Special Rapporteur on the Situation of Human Rights Defenders, Margaret Sekaggya, noted after a February 2012 visit that she was disturbed “that the authorities’ failure to provide effective protective measures has resulted in [defenders for whom precautionary measures had been issued] being victims of killings, attacks and threats.”¹⁶

The Special Rapporteur observed specific problems with protection programs. “I was repeatedly informed by human rights defenders that due to their fear of the police, they abstain from seeking protection as they consider that contact with the police exposes them to increased security risks. The only measures for protection currently available are provided by the police; however it has no specific unit with vetted officers to provide protection. I met several human rights defenders who observed that the police officers assigned to provide their protection were frequently rotated and that not knowing who was assigned to provide protection increased their feeling of insecurity. One human rights defender with precautionary measures commented that the police who were assigned to be providing protection were confused about their task and presumed that the human rights defender was on provisional release. Consequently, the person who was supposed to be receiving protection was treated as a suspect rather than a victim.”¹⁷

An effective protection program should be established in consultation with vulnerable groups, and individual protection schemes must be designed and implemented strictly in consultation with the individuals they are intended to benefit.

The most effective protection, however, is to investigate and prosecute threats and attacks. Yet a recent analysis indicates that of 426 cases of people for which the IACHR issued precautionary measures, only 50 have been investigated at all and of those only 15 have been fully processed through the justice system.¹⁸ The inadequately staffed Human Rights Defenders Unit within the Special Prosecutor for Human Rights’ office is charged with investigating these cases.

The Justice System Is Not Successfully Investigating State Agents

¹⁶ Office of the United Nations High Commissioner on Human Rights, “Statement of the United Nations Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, on the conclusion of her official visit to Honduras,” February 2012, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11830&LangID=E>

¹⁷ Ibid.

¹⁸ Joaquín A. Mejía R., Caritas Honduras, *Informe Final: Proyecto ‘Investigación sobre la capacidad de gestión y eficiencia de la Fiscalía Especial de Derechos Humanos*, April 2013.

Honduras has a weak judicial system, and the independence of the judiciary is limited and has been highly compromised since June 2009 by the arbitrary dismissal of judges.¹⁹ One issue of particular concern is the capacity of the judicial system to achieve justice in cases involving state agents.

The Special Prosecutor for Human Rights (*Fiscalía Especial de Derechos Humanos*, FEDH) is charged with investigating human rights abuses allegedly carried out by state agents. According to a recent study, the FEDH lacks adequate prosecutors, analysts, and investigators. Investigators are provided by the police and accountable to police, rather than Attorney General, structures, which makes it difficult to investigate crimes committed by the police themselves. The FEDH lacks the vehicles and field offices to adequately carry out investigations throughout national territory. While prosecutors, according to this study, have a willingness to carry out their jobs and a positive attitude on human rights issues, they do not have sufficient training in international human rights standards, including precedents in the Inter-American system.

Police, and the Lack of Reform

On October 22, 2011, Rafael Alejandro Vargas, 22, the son of Julieta Castellanos, the rector of the National University, and his friend, Carlos Pineda, 24, were killed by members of the national police. This brought to the fore a broader set of allegations of extrajudicial executions, particularly of young men, attributed to members of the police. The Associated Press reported in 2013 that Honduran prosecutors had received “as many as 150 formal complaints about death squad-style killings in the capital of Tegucigalpa, and at least 50 more in the economic hub of San Pedro Sula.”²⁰

The tragic murders of the rector’s son and his friend appeared at first to catalyze police reform efforts. In November 2011 the Directorate for Investigation and Evaluation of the Police Career (DIECP) was created. This agency, which replaced a dysfunctional Internal Affairs department, was intended to evaluate and where needed dismiss officers implicated in crime and corruption.

In June 2012, President Lobo established a national commission to propose reforms for the police force.

However, a year later, the reform effort appears stalled. Police Chief Bonilla, heading up the reform effort, continued to face allegations that he was involved in social cleansing killings

¹⁹ See recommendations on judicial reform and other issues from a coalition of Honduran human rights and nongovernmental groups, Coalición contra la Impunidad, “Pronunciamiento por la Justicia y contra la Impunidad,” May 3, 2013.

²⁰ Associated Press, “Honduras Police Accused of Death-Squad Style Killings,” March 17, 2013, <http://bigstory.ap.org/article/honduras-police-accused-death-squad-killings>

in the past, although he was acquitted in 2004 in the case that went to trial.²¹ While the Honduran government says that 652 police have been fired as part of the reform process, the director of the DIECP reported that of 230 police who failed vetting tests, only 7 were removed, and some of those have been reinstated.²²

In a visit to Honduras in February 2013, LAWGEF heard concerns that indicated that members of the police and the military at times appear to be acting at the service of private interests, such as mining, African palm plantations and other large-scale economic projects, rather than their proper role of protecting the citizenry and the nation at large.

Finally, private security firms are also playing an outsized and unmonitored role in Honduras. The United Nations Working Group on Mercenaries visited Honduras in February 2013 and noted that, “With over seven hundred private security companies operating in Honduras, the government should ensure that their activities are properly monitored and that they do not become a substitute for competent and accountable police.”²³

The Military in the Streets

The Honduran Armed Forces are increasingly used in law enforcement. The Congress passed a decree in December 2011 which grants the military power to police for a 90-day period. That power has been continuously renewed since 2011. This decree allows the military to “carry out raids, make arrests, disarm people, and act against police officers that are involved in criminal activities.”²⁴

In the major cities of Tegucigalpa and San Pedro Sula, for example, military patrol jointly with police, or even without the presence of police. In the rural area of Bajo Aguán, scene of a tense rural conflict, the military operate multiple checkpoints along the main roads and have a repressive presence throughout the area.

And this trend may intensify. In May 2013, the Congress began to debate a law that would create a specialized police unit, the “Tigers,” which would receive military training and would battle organized crime. In July, the Congress approved a decree that would add 1,000 more army troops to combat organized crime, brushing aside some legislators’ concerns that this was an inappropriate role for the army. The Security Ministry, which oversaw the police, was recently merged with the Defense Ministry.

²¹ Katherine Corcoran and Martha Mendoza, “New Honduras Top Cop Once Investigated in Killings,” *Associated Press*, June 1, 2012. <http://bigstory.ap.org/article/new-honduras-top-cop-once-investigated-killings>

²² Alberto Arce, “Effort to Clean Up Honduras Police Force Stalls,” *Associated Press*, June 11, 2013. Claire O’Neill McCleskey, “Conflicting Statistics Point to Police Reform Problems in Honduras,” *Insight Crime*, April 12, 2013, <http://www.insightcrime.org/news-briefs/conflicting-statistics-point-to-police-reform-problems-in-honduras>

²³ United Nations Office of the High Commissioner on Human Rights, “Private military and security companies in Honduras need robust and effective monitoring, says UN expert group,” February 25, 2013.

²⁴ Peter J. Meyer, Congressional Research Service, *Honduras-U.S. Relations*, February 5, 2013, p. 16.

These measures are particularly tragic because Honduras took important steps to reduce the role of the military in policing and bring the police under civilian control in the last two decades. The police was removed from military control and placed under the Public Ministry. A civilian defense minister was appointed.

There are grave, unresolved human rights issues regarding the Honduran Armed Forces. During the 1980s, members of the Honduran military, particularly members of Battalion 316, were alleged to be involved in arbitrary detentions, torture, and extrajudicial executions, as well as forced disappearances; 184 forced disappearances were documented by Honduras's National Human Rights Commissioner in a seminal report, *The Facts Speak for Themselves*. These crimes were never successfully prosecuted. Members of the Honduran Armed Forces are alleged to have been involved in human rights crimes during and in the aftermath of the coup, and these crimes have also never been prosecuted.²⁵

U.S. Counternarcotics Operations and Human Rights Abuses

From May through July 2012, several joint interdiction operations carried out under Operation Anvil, a binational counternarcotics mission with the DEA and Honduran Special Forces, resulted in the shootings and deaths of trafficking suspects and innocent civilians by either DEA FAST agents or Honduran officers trained, equipped, and vetted by the United States.

The most egregious incident was a raid near the village of Ahuas by Honduran police accompanied by DEA agents on May 11, 2012, resulted in the deaths of four people described by witnesses as innocent passengers on a river taxi.²⁶ The victims were a fourteen-year-old boy, a twenty-one-year old man and two women, at least one of whom was reportedly pregnant.²⁷

These gross human rights abuses during counternarcotics operations carried out jointly by the United States and Honduras must be thoroughly investigated and prosecuted, and measures must be taken to ensure that such abuses never again take place. U.S.-sponsored counternarcotics operations must not put civilians at risk and must adhere to international human rights standards.

This testimony has not covered U.S. policy since the coup more broadly, as another colleague is presenting testimony on this subject. But I would like to conclude with some recommendations for U.S. policy going forward.

²⁵ Such allegations are contained, for example, in the Truth and Reconciliation Commission and True Commission reports.

²⁶ Thom Shanker and Charlie Savage, "Video Adds to Honduran Drug Raid Mystery," *The New York Times*, 22 June 2012, <<http://www.nytimes.com/2012/06/23/world/americas/video-adds-to-mystery-of-drug-mission-in-honduras.html>>.

²⁷ Annie Bird and Alex Main, "Collateral Damage of a Drug War," Center for Economic and Policy Research and Rights Action, August 2012, <http://www.cepr.net/documents/publications/honduras-2012-08.pdf>.

They start from the basic premise that U.S. policy since the coup has failed to effectively defend human rights in Honduras. The United States must thoroughly remake its Honduras policy to achieve a principled, effective human rights policy towards that nation.

Recommendations for U.S. Policy

An assertive, principled human rights stance must be the guidestar for U.S. policy towards Honduras. The upcoming Bilateral Human Rights Dialogue between the United States and Honduras offers an opportunity to press for progress on a range of issues.

1. The United States should press for investigation and prosecution of human rights abuses, including for abuses credibly alleged to have been committed by state agents.
2. The United States government should not supply military aid and training to Honduras via any channel, including State and Defense. It should consistently urge the Honduran government to remove the armed forces from law enforcement, and ensure that the police is subordinate to a civilian agency, not subordinate to the armed forces.
3. The United States should not supply police aid at this time. U.S. policy should focus on encouraging real, tangible progress on comprehensive measures to purge, reform, and establish functional internal and external controls and oversight of the police.
4. If the United States does supply any security assistance, at a minimum it must be attached to human rights conditions and those conditions must be strictly enforced—both the specific country conditions and the Leahy Law.
5. The State Department and Embassy should publicly and vigorously speak out in support of human rights in Honduras. This means denouncing threats and attacks against human rights defenders, in the broad definition, as well as journalists, the LGBT community and others at risk. The Embassy should show visible support for vulnerable groups and individuals.
6. The United States should encourage and support strengthening of the justice system in Honduras, including reforms, such as ensuring that the justice system has independent investigators, which would permit the justice system to effectively investigate and prosecute state actors, including police.
7. The United States should diplomatically and financially support the establishment of a stronger United Nations human rights presence in Honduras, to provide technical advice, monitoring and human rights recommendations. This would mean a CICIG-like mechanism as in Guatemala, or, if this is not possible, an office of the United Nations

High Commissioner on Human Rights in Honduras with a strong mandate. This should include the role of preparing an annual public report with recommendations, and strong staffing, including a field presence. Lessons from CICIG and from other UNHCHR offices, and consultation with civil society, should be used to adapt either mechanism for Honduras. The Honduran government has publicly welcomed a UN presence, as have key civil society actors.²⁸ The United Nations, United States, and international community need to act promptly to make this a reality.

8. The United States should maintain a neutral stance in the upcoming elections, encourage fair and transparent elections, and monitor and speak out against violence in the electoral period.

²⁸ Coalición contra la Impunidad, “Pronunciamiento por la Justicia y contra la Impunidad,” May 3, 2013.

Mr. McGovern. Thank you very much for your testimony. Now we will turn to Dr. Dana Frank, Professor of History at the University of California at Santa Cruz. Welcome.

STATEMENT OF DANA FRANK

Ms. Frank. Thank you so much. I would like to thank the committee for the honor of this invitation, and in particular, thank both chairs for their support for human rights issues in Honduras and for holding this hearing. Although I am going to address you as policy on Honduras, I want to say very clearly that I support Ms. Haugaard's testimony, every word.

Sadly, the United States is continuing to support the current Honduran government of Porfirio Lobo that is, in many ways, responsible for the country's dire human rights situation. While the Obama administration has begun to express concern about issues regarding impunity and police corruption, it remains in quiet partnership with the Lobo administration.

Although exact figures are difficult to obtain, the Obama administration has evidently increased its military and police funding for Honduras every year since 2009, the year of the coup, when it partially and temporarily suspended some funds. Since the coup, the United States' own military presence has also continued to expand, including the expenditure of \$24 million to construct permanent U.S. barracks at Soto Cano Air Force Base for the first time and the construction of at least three new U.S. military bases.

U.S. funding for Honduran security forces continues, despite the fact that President Lobo is increasing the military's role in domestic policing. Neither the U.S. Department of State nor the U.S. embassy in Tegucigalpa has spoken publicly criticizing the militarization of the Honduran police.

I am very sorry to report that the State Department continues to countenance human rights abuses in Honduras. In responses to the human rights conditions placed by the U.S. Congress on 20 percent of police and military aid for Honduras in the 2012 State and Foreign Operations Appropriations Act, the Department of State in August of 2012 reported that it was releasing the funds because the Honduran government, it said, had made adequate progress in address freedom of association, media freedom, due process of law, and prosecution of state security forces allegedly involved in human rights violations.

The State Department did report that it had withheld funds for the Honduran national chief of police, Carlos Bonilla, and anyone under his direct supervision until allegations of his death squad activity are investigated in accordance with the Leahy Act.

As of this writing almost a year later, the Department of State still has not publicly reported as to its conclusions regarding Bonilla. Disturbingly, on May 13th, Assistant Secretary of State Brownfield told the Spanish news service EFE, "I respect the work that Bonilla is doing. I admire him," thus sending a chilling message to the Honduran people.

Other prominent cases also suggest the need for widespread application of the Leahy Act in Honduras. Hector Ivan Mejia, the current director of Preventive Police, the largest body of the Honduran police, for example, is being prosecuted for repressing a peaceful demonstration of the opposition when he was chief of police in San Pedro Sula in 2010. Mejia remains free on his own reconnaissance, has never been suspended from his duties, and has been promoted twice since his prosecution began, and he has been promoted by Juan Carlos Bonilla.

In another prominent example, the U.S.-funded 15th Battalion of the Honduran armed forces has allegedly committed a wide range of documented human rights abuses in the Aguan Valley.

Unfortunately, the Department of State has been tepid at best in responding to the larger

climate of terror and repression of civil liberties in Honduras. In the past year, in large part because of congressional pressure, the State Department has begun to speak publicly about human rights issues including threats to LGBT people, journalists, and lawyers and to call for a clean up of the police judiciary and the prosecutor's office. However, after four years now, brutal repression and threats, the State Department has yet to mention publicly or roundly denounce the pattern of concerted repression of the opposition including the electoral opposition. It has not, for example, spoken forcefully of the pattern of concerted assassinations of campesino or small farmer activists in the Aguan Valley or spoken publicly about the recent death threats to Jose Maria Martinez, a prominent radio journalist and trade unionist.

The present situation is especially alarming as the November 18th elections approach because at least 16 activists and LIBRE, the leading opposition party, have been killed since June 2012. While the State Department does report that it supports a new major crime task force, a special victims unit and other units within the Honduran police, such support remains of questionable value, given the lack of political will on the part of top levels of the Honduran government and the charges against its highest police authority.

In sum, the United States continues, unfortunately, to legitimate and pour military and police funding into a deeply corrupt government that is allegedly committing widespread human rights abuses with near complete impunity and it is countenancing a largely nonfunctional judicial system. While in the past year, the State Department has finally begun to take some of the human rights issues somewhat seriously, its initiatives remain token and by far overshadowed by the larger message it is sending to its military and police funding, its praise for Bonilla, its failure to fully apply the Leahy Act and its greater silence regarding repression of the opposition.

I am sorry to report that in Honduras, the United States is widely perceived as the power behind both the 2009 coup and its continuance and its terrible aftermath and the U.S. embassy is popularly understood by many as a force continuing to undermine human rights and democracy rather than vigorously promoting both.

Here, I would like to propose a more constructive approach that would restore U.S. credibility and send a message throughout Latin America that the United States is serious about human rights. In my opinion, the United States should immediately cut all police and military funding to Honduras until benchmarks demonstrating serious progress in human rights have been met. The conditions placed by Congress on current aid in the Appropriations Act should be thoroughly respected and the Leahy Act immediately observed in full. More broadly, the United States needs to clearly and publicly distance itself from the Lobo administration and publicly criticize the corruption at the top of the Honduran government in all its branches.

As the November 18th presidential election approaches, it is imperative that the State Department announce publicly and unequivocally that it does not support any specific candidate, publicly or privately, and that it will do everything in its power to ensure not only a free and fair election in November, but also guarantee that in the next four months leading up to the elections, Hondurans can campaign and debate freely in a climate free of repression. The State Department should also publicly and roundly condemn the concerted pattern of the repression including LIBRE human rights defenders, journalists, lawyers, and indigenous campesino activists, LGBT people and trade unionists.

The State Department should also speak out immediately against the participation of the Honduran military and policing activities and call attention to the alarming increases of such practices and their dangerous outcomes. It should help restore the integrity of the judiciary and

prosecutors and an end to impunity by first demanding that the four judges and magistrates who were deposed for opposing the coup be immediately be restored to their positions and that includes Judge Tirza Flores Lanza. Second, supporting the call of the human rights groups for an independent, UN-sponsored commission on impunity using the model of the International Commission Against Impunity in Guatemala. And third, demanding the removal of all corrupt police at the top most level.

The United States should vigorously support a system of full protectionary measures for all Hondurans in the human rights community in opposition broadly defined, who received death threats. And finally, I believe the United States should publicly apologize for the role of the Drug Enforcement Administration in the incident in Moskitia in May 2012 in which four civilians were killed and four were injured. And it should provide reparations to the victims and their families.

It is my great hope that U.S. policy regarding Honduras will now take a new path and that a commitment to human rights will be the starting point from now on. Thank you for contributing to that change.

[The prepared statement of Ms. Frank follows:]

Testimony of Dana Frank

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**Tom Lantos Human Rights Commission
United States House of Representatives**

Human Rights in Honduras

July 25, 2013

To begin, I would like to thank the committee for the honor of this invitation. In particular, I would like to thank Co-Chairs McGovern and Wolf for their enthusiastic support for human rights issues in Honduras, and Representatives Schakowsky and Farr for their continuing dedication to the issue. Let me say personally, as someone who has worked on Honduras for over a decade and followed the tragedy of the past four years very closely, that I am deeply moved that you have chosen to hold this hearing to help shed light on human rights in that country.

I have been asked to address U.S. policy in Honduras, and that will be the focus of my statement here today. I will first discuss current U.S. policy in Honduras, then briefly point to challenges in the near future, and then convey my own policy recommendations.

Before doing so I would like to reiterate the enormity and breadth of the human rights crisis the other speakers have identified. I just returned from Honduras yesterday. When I arrived a few days before, I was picked up at the airport by a young father in his early thirties. He is not particularly involved politically, but quite well-informed. When I told him I was going to testify in the U.S. Congress about human rights in Honduras, he volunteered--without any

further words on my part: “There are no human rights in Honduras. They don’t exist.”

The enormity of that human rights crisis in Honduras was underscored yesterday, when an upstanding young Honduran judge, Mireya Mendoza Peña, was assassinated in her car in El Progreso. She was a member of the Executive Board of the Honduran Association of Judges for Democracy and one of the few honest judges in Honduras who are not corrupt or tied to organized crime.¹

Sadly, the United States is continuing to support the current Honduran government that is largely responsible for this dire situation. The United States, in contrast to most countries in Latin America and the Caribbean, immediately recognized the current President of Honduras, Porfirio Lobo, when he came to power through an illegitimate election in 2009. The election was managed by the very same military and government figures that perpetrated the coup, and boycotted by most opposition candidates. Since then, the U.S has continued to support Lobo, although his government is allegedly interlaced with drug traffickers at the highest levels, the judiciary and prosecutors are widely known to be corrupt--many of them linked to organized crime and drug traffickers--and the police are themselves largely corrupt and have participated in well-documented extrajudicial killings.²

Both the Honduran Congress and the Lobo administration continue to run roughshod over the rule of law. For example, in December 2012, in what is now known as the “technical coup,” the Congress completely illegally deposed four members of the Supreme Court at three in the morning, and replaced them the next day.³

¹ http://www.oas.org/en/iachr/media_center/PReleases/2013/055.asp; <http://www.elheraldo.hn/Secciones-Principales/Sucesos/Sicarios-acribillan-a-jueza-en-norte-de-Honduras>.

² Dana Frank, "Honduras Gone Wrong," *ForeignAffairs.com*, October 16, 2012; "Honduras: Which Side Are We On?", *The Nation*, June 11, 2012; Peter J. Meyer, "Honduras-U.S. Relations," Congressional Research Service, February 5, 2013.

³ <http://www.bloomberg.com/news/2012-12-12/honduras-ousts-supreme-court-justices-as-lobo-warns-of-09-coup.html>; http://abcnews.go.com/ABC_Univision/News/honduran-congress-fires-supreme-court-

While the Obama administration has expressed concern about issues regarding impunity and police corruption, it has not roundly denounced the corruption at the very top of the Honduran government, and remains in close cooperation with the Lobo administration.⁴ The State Department's public response to the technical coup, for example, largely involved weak references to the rule of law and hopes that the Hondurans would work out their differences in a democratic manner--although the technical coup was clearly a complete rejection by the Honduran Congress of the rule of law.

Despite continued concerns expressed by the U.S. Congress, the Obama Administration has evidently increased its military and police funding for Honduras every year since 2009 (the year of the coup), when it partially and temporarily suspended some funds.⁵ (Exact figures are difficult to obtain.⁶ Currently, to the best of my knowledge, Senator Leahy does apparently still maintain a hold on \$10.3 million in military aid, of a total of at least \$30 million in police and military aid he placed on hold a year ago.⁷) Since the coup the United

judges/story?id=; <http://www.elheraldo.hn/Secciones-Principales/Al-Frente/Congreso-de-Honduras-asesta-golpe-tecnico-a-la-CSJ>; Alberto Arce/Associated Press, "Honduran Congress Dismisses Supreme Court Justices," December 12, 2012.

⁴ United States Department of State, Bureau of Democracy, Human Rights, and Labor, Country Reports on Human Rights Practices for 2012: Honduras," at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>; United States Department of State, "Maria Otero: Remarks at the Opening of the Bilateral Human Rights Working Group," September 13, 2012, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>; United States Department of State, Maria Otero, "Remarks at a Press Conference in Honduras," September 14, 2012, <http://www.state.gov/j/197827.htm>; United States Department of State, Bureau of Conflict and Stabilization, "Newsletter on Reducing Violence and Impunity in Honduras," February 26, 2013, <http://www.state.gov/j/cso/releases/other/2013/205261.htm>; Peter J. Meyer, "U.S.-Honduran Relations."

⁵ Peter J. Meyer, "U.S.-Honduran Relations," p. 21; *New York Times*, "U.S. Suspends Some Funds to Honduras," September 3, 2009, <http://www.nytimes.com/2009/09/04/world/americas/04honduras.html>; John Lindsay-Poland, Fellowship of Reconciliation, "Honduras and the U.S. Military," September 21, 2011, <http://forusa.org/blogs/john-lindsay-poland/honduras-us-military/9943>.

⁶ For example, on May 25, 26, and 27, at the State Department Daily Press Briefing, a reporter repeatedly asked the State Department's spokesperson what the amount of U.S. funding was for Honduran security forces. Only on the third day did the spokesperson, Patrick Ventrell, reply, and he only said that between 2008 and 2013 the U.S. gave \$500 million to the Central American Regional Security Initiative (CARSI), and of that half went to the Northern Tier countries of Guatemala, El Salvador, and Honduras. United States Department of State, Daily Press Briefing, May 25, 26, 27, 2013, <http://www.state.gov/r/pa/prs/dpb/>.

⁷ *New York Times*, "In Honduras, Deaths Make US Rethink Drug War," October 13, 2012, <http://www.nytimes.com/2012/10/13/world/americas/in-honduras-deaths-make-us-rethink-drug->

States' own military presence in Honduras has continued to expand, as well. The U.S. has allocated \$24 million to construct permanent US barracks at Soto Cano Air Force Base for the first time, and constructed at least three new military bases.⁸ In addition, the presence of the U.S. Drug Enforcement Administration in Honduras (DEA) remains unclear and controversial, especially in the aftermath of the participation of DEA agents in the killing of four civilians and the injuring of four others in the Moskitia region of Honduras on May 11, 2012. The case remains unresolved, and the victims and their families have still not received reparations.⁹

While the Obama Administration has continued to fund military and police aid for Honduras, the government of Porfirio Lobo is increasingly inserting the Honduran military directly into domestic policing. In clear violation of the Honduran constitution, Lobo has now extended "temporary" military participation in policing into 2014.¹⁰ Military personnel now routinely and randomly patrol residential neighborhoods in the large cities, much to the alarm of

war.html?_r=0&adxnnl=1&pagewanted=all&adxnnlx=1375243989-8W0to3KeYnhIEAJ2by4glQ; Martha Mendoza, Associated Press, "U.S. Military Expands its Drug War in Latin America," February 3, 2013, <http://bigstory.ap.org/article/us-military-expands-its-drug-war-latin-america>.

⁸ John Lindsay-Poland, Fellowship of Reconciliation, "Honduras Grows as Pentagon Hub in Latin America: Analysis of U.S. Military Contracts in Latin America and the Caribbean," March 1, 2012, <http://forusa.org/blogs/john-lindsay-poland/honduras-grows-pentagon-hub-central-america/10311>; *New York Times*, "Lessons of Iraq Help U.S. Fight a Drug War in Honduras," May 6, 2012, http://www.nytimes.com/2012/05/06/world/americas/us-turns-its-focus-on-drug-smuggling-in-honduras.html?pagewanted=1&_r=2&; Martha Mendoza, Associated Press, "U.S. Military Expands its Drug War in Latin America," February 3, 2013, <http://bigstory.ap.org/article/us-military-expands-its-drug-war-latin-america>; David S. Vine, "The Lily-Pad Strategy: How the Pentagon Is Quietly Transforming Its Overseas Base Empire and Creating a Dangerous New Way of War," *TomDispatch.com*, July 16, 2012, <http://www.tomdispatch.com/archive/175568/>.

⁹ Annie Bird and Alexander Main, with research contributions by Karen Spring, "Collateral Damage of a Drug War: The May 11 Killings in Ahuas and the Impact of the U.S. War on Drugs in La Moskitia, Honduras," Rights Action/Center For Economic and Policy Research, August 2012; Alexander Main and Annie Bird, "Still Waiting for Justice: An Assessment of the Honduran Public Ministry's Investigation of the May 11, 2012 Killings in Ahuas, Honduras, April, 2013, Center for Economic and Policy Research, <http://www.cepr.net/index.php/publications/reports/still-waiting-for-justice>

¹⁰ "Consejo de Ministros aprueba que militares participen en operativos policiales hasta 2014," www.presidencia.gob.hn/index.php?option=com_content&view=article&id=1498:consejo-de-ministros-aprueba-que-militares-participen-en-operativos-policiales-hasta-enero-de-2014&catid=66:gabinete&Itemid=70#.UfiYXVOhDfY.

residents, who describe the military's presence as an "occupation."¹¹ In May, newly-appointed Minister of Security and Defense Arturo Corrales named three retired *military* colonels to top positions in the police, including Vice Minister of Security.¹² The dangers of this militarization of the police are evident: On May 26, 2012 the Honduran military chased down, shot, and killed a 15-year old boy who had passed through a checkpoint, and then ordered a high-level coverup.¹³ Just ten days ago, on July 15, the military shot and killed Tomás García, a nonviolent indigenous activist, at a peaceful protest against a hydroelectric dam project in Rio Blanco, and seriously injured his son.¹⁴ Neither the U.S. Department of State nor the U.S. Embassy in Tegucigalpa has publicly criticized the militarization of the Honduran police.

The State Department has indeed continued to countenance widespread human rights violations in Honduras, as its response to congressional concerns makes clear. In December, 2011, the U.S. Congress placed human rights conditions on 20% of police and military aid for Honduras in the 2012 State and Foreign Operations Appropriations Act. In August, 2012, in accordance with the requirements of that Act, the Department of State reported that it was releasing the funds, because the Honduran government had made adequate progress in addressing freedom of association, freedom of expression, due process of law, and prosecution of state security forces allegedly involved in human rights violations, as required by the conditions. In that statement, the State Department also reported that it had withheld funds for Honduran National Chief of Police Juan Carlos Bonilla and anyone under his direct supervision, until

¹¹ Associated Press, "Honduras Government Deploys Soldiers to Help Fight Crime in Two Most Violent Cities," February 8, 2013; "Inicia Operación Libertad," *La Tribuna*, February 8, 2013, <http://www.latribuna.hn/2013/02/08/inicia-operacion-libertad/>; Personal conversations with Hondurans living in Tegucigalpa and San Pedro Sula.

¹² "Tres Militaries Asumen Altos Cargos en Seguridad," *La Tribuna*, May 3, 2012.

¹³ Alberto Arce, "Dad Seeks Justice for Son Killed in Broken Honduras," Associated Press, November 12, 2012, <http://bigstory.ap.org/article/dad-seeks-justice-son-slain-broken-honduras-0>.

¹⁴ Amnesty International, Army Fires on Protesters in Honduras, July 23, 2013, <http://www.amnestyusa.org/sites/default/files/uaa18813.pdf>.

allegations of his death squad activity in 1998-2002 are investigated, in accordance with the Leahy Act. Until then, it reported, the U.S. is limiting assistance to “special Honduran law enforcement units, staffed by Leahy-vetted Honduran personnel who receive training, guidance, and advice directly from U.S. law enforcement, and are not under Bonilla’s direct supervision.”¹⁵

As of this writing, almost a year later, the Department of State still has not reported publicly as to its conclusions regarding Bonilla. In March, the Associated Press published two investigative articles documenting current death squad activities by the Honduran police, similar to those allegedly committed under Bonilla’s command in 1998-2002. The second of the articles also established that all Honduran police are under Bonilla’s supervision, and called into question the State Department’s earlier assertion that it was only funding units not under Bonilla’s supervision.¹⁶ Assistant Secretary Brownfield subsequently announced that the United States was still withholding funds from Bonilla and all supervisors one level below him (approximately 20 officers), but that it was still funding other Honduran police--thus maintaining, in Brownfield’s words, “two degrees of separation” from Bonilla.¹⁷ However, on May 13, Assistant Secretary of State Brownfield told the Spanish news service EFE: “I respect the work that Bonilla is doing. I admire him.”---thus sending a chilling message to the Honduran people.¹⁸ Previously, the State Department had only acknowledged that Bonilla was indeed being investigated, and never gone so far as to support him so clearly and enthusiastically.

¹⁵ United States Department of State, "Report on the Government of Honduras' Protection of Human Rights and the Investigation and Prosecution of Security Services Personnel Credibly Alleged to Have Violated Human Rights," August 8, 2012.

¹⁶ Alberto Arce, "Honduran Criminals Missing After Arrest," Associated Press, March 13, 2013; <http://www.foxnews.com/world/2013/05/13/honduran-criminals-missing-after-arrest/>; Alberto Arce and Katherine Corcoran, "U.S. Aids Honduran Police Despite Death Squad Fears," Associated Press, March 23, 2013, <http://bigstory.ap.org/article/us-aids-honduran-police-despite-death-squad-fears>.

¹⁷ Internet Press Conference, William R. Brownfield, "LiveAtState: Civilian Security in Central America," March 28, 2013, <http://www.state.gov/r/pa/ime/206808.htm>

¹⁸ "EU alaba el trabajo de 'El Tigre' Bonilla, *Proceso Digital*, May 5, 2013, <http://www.proceso.hn/2013/05/13/Nacionales/EEUU.alaba.el/68604.html>

As the human rights crisis deepens in Honduras, continued US funding for the Honduran police and military suggests multiple additional applications of the Leahy Act, in its expanded 2012 form. The current head of the Preventive Police, Héctor Iván Mejía, has been documented to have supervised the repression of a peaceful demonstration of the opposition and the tear gassing of an opposition radio station on September 15, 2010 (Independence Day), when he was in charge of the police force in San Pedro Sula, the country's second-largest city. In September, 2012 Mejía was charged in a legal case filed by the Convergence for Human Rights (Convergencia por los Derechos Humanos), composed of the Jesuit Research Center ERIC, the Association of Honduran Judges for Democracy, the Broad Movement for Dignity and Justice (Movimiento Amplio por la Dignidad y Justicia), and the Women's Forum for Life (Foro de Mujeres por la Vida). Mejía is currently being prosecuted, and is under a court order not to come near any of these groups, nor the National Front of Popular Resistance, while the case is pending. He remains free on his own recognizance.¹⁹ Astonishingly, Mejía has never been suspended from his duties, although the law requires that he be suspended. At the time of his initial prosecution he was National Spokesman for the Honduran police; since then he has been promoted twice--by Juan Carlos Bonilla himself--to topmost positions in the national police, first to Commissioner (director) of the Transit Police and then to Commissioner of the Preventive Police, the largest body of the Honduran police.²⁰

The Honduran military as well as the police have committed documented human rights abuses. In February, the U.S.-Canadian human rights group Rights Action issued a 64-page

¹⁹ "Dictan Auto de Prision Para Hector Ivan Mejia," *La Prensa* October 18, 2012; <http://www.laprensa.hn/Secciones-Principales/Sucesos/Dictan-auto-de-prision-para-Hector-Ivan-Mejia#.UfihE1OhDfZ>; Convergencia por los Derechos Humanos Zona Noroccidental, "Protesta Social y Libertad de Expresion en Honduras: El Caso de 15-S, (Tegucigalpa: Editorial Guaymuras, May 2012).

²⁰ "Nuevo emezon en la policia acional/ Policia da tumbos con segundo rotation de directores en 15 Dias," *El Heraldo*, May 14, 2013, <http://www.elheraldo.hn/Secciones-Principales/Sucesos/Nuevo-remezon-en-la-Policia-Nacional>.

report documenting a wide range of alleged human rights abuses by the XVth Battalion of the Honduran Armed Forces, in the Aguán Valley.²¹ As I noted above, on July 15, the Engineers Battalion of the Honduran Armed Forces shot and killed Tomás García, an indigenous activist, while he was engaged in peaceful protest, and seriously injured his son.

I am very sorry to report that in the four years since the coup, the U.S. Embassy in Tegucigalpa and the Department of State have been tepid, at best, in denouncing human rights abuses by the Honduran government, including by its police and military, and in responding to the larger climate of terror and repression of civil liberties. In the past year, in part because of Congressional pressure, the State Department has begun to speak publicly about human rights issues in Honduras, including threats to LGBTI people, journalists, and lawyers, and to call for a cleanup of the police, the judiciary, and the prosecutors' office. However, it has yet to mention publicly, or roundly denounce, the pattern of concerted repression of the opposition, including the electoral opposition. The present situation on this front is especially alarming as the November 18 elections approach, because at least sixteen activists in LIBRE, the leading opposition party, have been killed, according to COFADEH (Committee of Families of the Detained and Disappeared of Honduras), the country's leading human rights group.²² Disturbingly, the State Department has not forthrightly denounced Juan Carlos Bonilla or Héctor Iván Mejía, despite the documentation of their human rights abuses. It remains on publicly friendly terms as well with Juan Orlando Hernández, who, while he was president of the Honduran Congress, led the "technical coup" deposing four members of the Supreme Court; who is the National (ruling party) Party candidate for President; and who has increasingly called for

²¹ Annie Bird, "Human Rights Abuses Attributed to Military Forces in the Bajo Aguan Valley in Honduras," Rights Action, February 20, 2013, <http://rightsaction.org/action-content/human-rights-violations-us-backed-honduran-special-forces-unit>

²² Bertha Oliva, Director of COFADEH (Committee of Families of the Detained and Disappeared of Honduras), to the author, March 23, 2013.

increased militarization of the police, promising most recently that he would provide a member of the military “on every corner.”²³

While the State Department reports that it is funding a special Major Crimes Task Force, a Special Victims Unit, and other units within the Honduran police, such support, in the absence of political will on the part top levels of the Honduran government, remains of limited value; and, indeed, in the context of otherwise strong support by the Obama Administration for the current government, may serve to legitimate the Lobo administration’s weak and ineffectual promises to clean up the police, judiciary, and prosecutors’ office, or suggest that viable progress is being made in addressing the human rights crisis.²⁴ The U.S. has refrained from publicly supporting the four judges and magistrates who were deposed by the Lobo administration for opposing the coup, despite their very strong case currently advancing before the Inter-American Commission on Human Rights.²⁵

Unfortunately, the U.S. Embassy in Honduras has only rarely spoken out publicly regarding dire human rights threats to journalists, trade unionist, and religious communities. Let me give just one example, involving a prominent trade unionist and journalist. A month ago, on June 25, José María Martínez, the Communications Director of the Honduran Federation of Agroindustrial Unions, began to receive death threats related to the radio program, “Trade Unionist of the Air,” that he has conducted weeknights for nineteen years on Radio Progreso. Radio Progreso is the Jesuit-owned radio station directed by Father Ismael Moreno (known as Padre Melo), who testified before this commission a year ago. After Martínez and his wife received repeated phone calls threatening to kill him, a car without license plates began circling

²³ "Hernández: En mi gobierno haremos lo que haya que hacer para resolver el tema de seguridad," *Proceso Digital*, July 10, 2013, <http://www.proceso.hn/2013/07/10/Pol%C3%ADtica/Hern.C.A/71578.html>.

²⁴ See footnote 4, above.

²⁵ Center for Justice and International Law (CEJIL), "CIDH Admite Caso de Jueces Destituidos en Honduras," April 6, 2011, <http://cejil.org/comunicados/cidh-admite-caso-de-jueces-destituidos-en-honduras-0>.

around the radio station as he left the station at night.²⁶ The Embassy's public silence regarding the threats against Martínez is emblematic of a larger silence regarding the concerted pattern of repression of members of the opposition. It would send a powerful message if the U.S. Embassy were to publicly condemn these threats and call for thorough prosecution of the perpetrators.

Let me give another example, on a much larger scale. In the period since the coup, 104 campesinos (small farmers) have been killed for their role in defending land rights in the Bajo Aguán Valley. Many of those killings have allegedly been at the hands of private security guards working for Miguel Facussé (the richest and most powerful man in Honduras), his business associates, and the Honduran police and military. At least seven others, including three security guards, have also died in the conflict.²⁷ U.S. Ambassador Lisa Kubiske, in her public statements, has yet to condemn the pattern of concerted assassinations of campesino activists; instead, in infrequent comments on the dire situation, she has only spoken in general terms of the conflict, equating all actors. Most recently, in a visit to the region, she called for the prosecution of those *advocating* land recuperations, but did not address the lack of prosecution and conviction of landholders, private security guards, or state security forces allegedly involved in the continuing massacre of campesinos.²⁸

In September, 2012, Assistant Secretary of State Mario Otero traveled to Honduras, where she signed a Memorandum of Understanding with the Honduran government outlining further cooperation in the drug war and a commitment to increasing investigative and

²⁶ Brian Finnegan, "Honduras: Death Threats Against Union Activist, Radio Host," July 16, 2013, AFL-CIO NOW, <http://www.aflcio.org/Blog/Global-Action/Honduras-Death-Threats-Against-Union-Activist-Radio-Host>; Multiple interviews with José María Martínez, July 8-23, El Progreso, Yoro, Honduras, and by telephone.

²⁷ Annie Bird, "Human Rights Abuses Attribute to Military Forces in the Bajo Aguan Valley in Honduras"; Dana Frank, "Wikileaks Honduras: US Linked to Brutal Businessman," *TheNation.com*, October 21, 2011, <http://www.thenation.com/article/164120/wikileaks-honduras-us-linked-brutal-businessman#axzz2aY3PiIgB>.

²⁸ "Preocupa a EUA conflicto en el Bajo Aguán," *La Prensa*, June 27, 2013, laprensa.hn/Secciones-Principales/Honduras/Tegucigalpa/Preocupa-a-EUA-conflicto-en-el-Bajo-Aguan#.UfktiFOhBwJ; "Lisa Kubiske: 'Tenemos un Interés en lo que pase en el Bajo Aguán,'" *La Tribuna*, July 28, 2013, <http://www.latribuna.hn/2013/06/28/lisa-kubiske-tenemos-un-interes-en-lo-que-pase-en-el-bajo-aguan/>

prosecutorial capacity and to strengthening the juvenile justice system. At that time the U.S. and Honduras created a new Bilateral Commission on Human Rights, the efforts of which remain obscure, according to the human rights defenders with whom I consulted while in Honduras this past week.²⁹

In sum, the United States continues, sadly, to legitimate and pour military and police funding into a deeply corrupt government, that is allegedly committing widespread human rights abuses with near-complete impunity and countenancing a largely nonfunctional judiciary system. While in the past year the State Department has begun finally to take some of the human rights issues somewhat seriously, its initiatives remain token, and far overshadowed by the larger message it is sending through its funding for the Honduran police and military, its silence regarding the militarization of the police, its praise for Mr. Bonilla, its failure to fully apply the Leahy Act, and its greater silence regarding repression of the opposition.

I have been asked to present in my testimony today my opinion as to how Hondurans view the United States. I am sorry to report that in Honduras, the United States is widely perceived as the power behind both the coup and its terrible aftermath, while the U.S. Embassy is understood by many as a force continuing to undermine human rights and democracy, rather than vigorously promoting both.

Let me turn, now, to the future, and my recommendations. I would like to propose a more positive and constructive approach would restore U.S. credibility and send a message through Latin America that the United States is serious about human rights.

In my opinion, the United States should immediately cut all police and military funding to Honduras, until benchmarks demonstrating serious progress in human rights have been met.

²⁹ United States Department of State, "Maria Otero: Remarks at the Opening of the Bilateral Human Rights Working Group."

The conditions placed by Congress on current aid in the Appropriations Act should be thoroughly respected. The Leahy Act should be immediately observed in all cases regarding human rights abuses by U.S.-funding Honduran state security forces, including Juan Carlos Bonilla, Héctor Iván Mejía, the XVth Battalion, and the Engineers division that allegedly killed Tomás García, if applicable.

More broadly, the United States needs to clearly and publicly distance itself from the Lobo administration, and publicly and roundly criticize the corruption at the top of the Honduran government, in all branches.

On November 18, Hondurans will hold presidential elections. For the first time in Honduran history, the candidate of a broad-based popular opposition party (Xiomara Castro Zelaya) is leading in the polls by a strong margin. Her strongest opponent is Juan Orlando Hernández, the former President of Congress who led the technical coup overturning the Supreme Court in December, and who is advocating ever-increasing militarization of the police. As the elections approach, it is imperative that the State Department state publicly and unequivocally that it does not support any particular candidate, publicly or privately, and that it will do everything in its power to ensure not only a free and fair election in November, but to ensure that in the months leading up to the elections, Hondurans can campaign, debate, and discuss their choices freely, in a climate free of repression. As part of its public position, the State Department should publicly and roundly condemn the concerted pattern of repression of the opposition, including the killing of at least 16 activists from LIBRE. It should continue to speak regularly and forcefully against repressive of the opposition, broadly defined, including human rights defenders, journalists, lawyers, indigenous and campesino activists, LGBTI people, and trade unionists.

The State Department should speak out immediately against the participation of the Honduran military in any policing activities, and call attention to the alarming increase of such practices and their dangerous outcomes. It should help restore the integrity of the judiciary and prosecutors and end impunity by: first, demanding that the judges and magistrates who were deposed for opposing the coup be immediately restored to their positions; second, supporting the call of human rights groups for an independent United Nations-sponsored commission on impunity, on the model of the International Commission Against Impunity Guatemala (CICIG, in Spanish); third, advocating for the ability of the Special Prosecutor for Human Rights to effectively prosecute without government interference; and fourth, demanding the removal of all corrupt police at the topmost levels. The United States should vigorously support a system of full protectionary measures for Hondurans in the human rights community and the opposition, broadly defined, who have received death threats. The protection should follow procedures of the individual's own choosing. Finally, the United States should publicly apologize for the role of the DEA in the incident in the Moskitia in May, 2012, and provide reparations to the victims and their families.

It is my great hope that we are now at a turning point in U.S. policy regarding Honduras, and that a commitment to human rights will be the starting point from now on. I hope that some day, in the future, when I arrive in the country I will be told that yes, indeed, there are human rights in Honduras, and they are vigorously respected, along with the rule of law. Thank you, again, for your attention to these issues.

Mr. McGovern. Thank you very much.

Now we will hear from Viviana Giacaman who is the Director for Latin American Programs at Freedom House and we welcome you here.

STATEMENT OF VIVIANA GIACAMAN

Ms. Giacaman. Thank you for the opportunity to testify before the Commission today and provide my thoughts on the situation of violence against journalists in Honduras. I am aware that the Commission and vigil members of Congress have been engaged in these situations in Honduras in the past, particularly after the 2009 coup and I commend your efforts to highlight this issue.

Basically, few people can locate Honduras on a map or name its capital, yet this Central American country beats some world records including having the highest murder rate in the world and hosting the most violent city in the world outside of a war zone with 177 killings per 100,000. By comparison, the U.S. has a rate of 5 killings per 100,000 people.

Honduras is also one of the most dangerous countries in the world to practice journalism.

In my remarks I will focus precisely on the situations in Honduras and drawing from the analytical and programmatic work of Freedom House and also from the extensive interviews that I conducted two months ago in Honduras with civil society.

First, the situation of oppressed freedom. Freedom House, the oldest human rights organization in the United States has been systematically tracking the state of press freedom in each country of the world since it published the first edition of its freedom of the press survey in 1980. The study shows a steady decline in press freedom across Latin America in the past few years as the deepest and fastest maturation of any other region in the world. In its 2013 edition, 5 out of the 35 countries did not have a not free press: Cuba, Ecuador, Paraguay, Venezuela and Honduras. Based on the numerical scores assigned in the survey, Honduras ranks 140 out of 153 countries analyzed in the world. In Latin America, only Cuba and Venezuela has worse press situation than Honduras.

Press freedom in Honduras shows a sharp decline after the 2009 coup making it the ninth fastest deteriorating country in the world. The violent climate including intimidation, threats, attacks, and killings of journalists are the most active problems along with the rampant impunity.

I will discuss briefly some of the causes of this violence. Like many countries in the world where violence against the press stems from governmental repression against citizens, violence against journalists in Honduras is multi-dimensional, complex, and more obscure and because of that, it is more difficult to tackle. Transnational criminal organizations, drug traffickers, select economic groups all of which have economic resources and power are likely to hide the facts to the press. In addition, public officials, police forces and other security sector personnel often act in complicity with illegal groups, have also an interest in silencing the press.

Impunity in Honduras is particularly worrisome and is a decisive factor contributing to violence. The judiciary's capacity to investigate cases brought to them is limited to about 60 percent of the complaints they receive. Of that 60 percent, only 20 percent are actually investigated. And only 1 percent of that 20 percent result in convictions. Without a deterrence, violence only spirals.

A fundamental question one has to ask when analyzing attacks against the press is whether the violence is a direct consequence of the journalists' work. In the case of Honduras where judicial investigations into these crimes is almost nonexistent it is a difficult answer to

provide. But an analysis of the available data show that the vast majority of the 55 cases of violence against journalists which includes murders and attacks since 2009, all journalists were reporting or investigating organized crime activities, drug trafficking, local government corruption, land distribution disputes or issues related to 2009 coup.

It is also important to know, co-chairs, that there are those who argue that the trafficking of drugs throughout Honduras territory has increased, so has the overall violence that typically accompanies this illicit activity. Journalists in this view are not being specifically targeted, but are victims of the environment.

The next important question is whether these acts of violence have affected the quantity, quality, and issues journalists report on. In the case of Honduras, the answer is yes. So regardless of its process, violence has resulted in a great deal of self-censorship. And there, Mr. Co-Chairs, is where the most important things are lies.

All of us who care about human rights have the imperative to prevent Honduras from turning into another Mexico. In Mexico, the challenges for the press are similar, but the situation has reached such levels that several states are now information black holes. There is simply no reporting, no information available about any issue related to organized crime or narco trafficking. Even worse, many newspapers barely report when one of their own journalists is killed.

Some of the reactions and responses to this violence -- violence with action strategies require a comprehensive and long-term commitment including assistance and financial resources. They also require the political will to address the underlying causes of violence including institutional weakness, corruption, lack of transparency of the judicial process, impunity, poverty, and social exclusion. The G-16, or Group of 16, Countries and its national organizations blast the government of Honduras of which the U.S. is a part, has engaged in a number of initiatives related to security sector reform, judicial reform, citizen security, crime prevention, economic growth and more. In this process, the Honduran government has performed below expectations and has shown neither strong leadership nor robust political will to expect that they'll carry out reform.

In October of 2012, a 22-year-old son of Julieta Castellanos, the director of Honduras' largest university and a well-known political figure was killed, along with a friend, as they left a party. The perpetrators were several police officers and there is an on-going judicial process against them thanks to the persistence of Ms. Castellanos to push for the investigation and trial of his son's case. The case represents a milestone for Honduras society and the issue of press freedom. The prominence of director and her determination in pushing for an investigation and trial of those responsible made the case extraordinarily prominent. Regular citizens' demonstrated empathy with Castellanos' pain and admired her courage. For the first time, individuals in civil society organizations mobilized against impunity while she firmly stood in front of the courts demanding justice. The institutions then responded.

Whether the fight against cartels in Honduras is successful, analysts say will depend in large part precisely on persuading the public to stand up to the intimidation that has been impeded investigations and justice.

I have four recommendations to conclude. First, with general elections coming up in November, it is critically important to keep an eye on each candidate's stand on press freedom. So far, violence against journalists has not been a part of the campaign agenda for any of the political parties although some of them have expressed their commitment to solve the issues related to organized crime. The U.S. Congress and the administration are urging candidates to

specifically focus on addressing violence against journalists could have a tremendous impact.

Second, the U.S. government has created a number of initiatives targeting human rights specifically, some of which have been mentioned here. The Bilateral Human Rights Working Group bring together the Honduran government and also the creation of the Special Victims Task Force.

While the real impacts of this effort is yet to be seen, they are a step in the right direction and the U.S. Congress should encourage the administration to continue this effort, but monitor their impact and improve them as appropriate.

Third, while supporting long-term and comprehensive strategies to address the underlying process of violence, it is equally important to avoid the slaughter of journalists by providing some level of support.

One of the recommendations the Honduran government received at the Universal Periodic Review at the United Nations in 2010 was the creation of a national mechanism for the protection of journalists and other vulnerable population. The Honduran government and civil society worked actually on a law to create such mechanism, but it is currently unimplemented, allegedly due to a lack of funding. The U.S. Congress should specifically target part of its aid to Honduras for the effective implementation of this mechanism. Assistance should include technical advise from the Colombian government which has already experience in managing a similar program.

And finally, the U.S. Congress should encourage the administration to build local capacity by providing technical, financial, and political support to the newly-created Ministry of Human Rights and Justice. In particular, for the implementation of the national human rights plan and human rights public policy as well as to implement decisions by international ports or organizations including International Commission on Human Rights. Thank you, so much.

[The prepared statement of Ms. Giacaman follows:]



Testimony of

**Viviana Giacaman
Regional Director for Latin America Programs
Freedom House**

Violence against Journalists in Honduras

**Tom Lantos Human Rights Commission Hearing
Human Rights in Honduras**

Thursday, July 25, 2013

Introduction

Mr. Chairman, Honorable Members, thank you for the opportunity to testify before the Commission today and provide my thoughts on the situation of violence against journalists in Honduras. I am aware that this Commission and individual members of Congress have been engaged in the human rights situation in Honduras, particularly after the 2009 coup, and I commend your efforts to highlight this issue.

Very few people can locate Honduras on a map or name its capital, yet, this Central American country of eight-and-a-half million inhabitants beats some world records, including having the highest murder rate in the world and hosting the most violent city in the world outside of a war zone, San Pedro Sula, with 177 killings per 100,000 inhabitants. (By comparison, all of Honduras has a rate of 86 murders per 100,000, the U.S., 5 and the UK, 1). Honduras is also one of the most dangerous countries in the world to practice journalism.

In my remarks, I will focus precisely on the situation of the press in Honduras, drawing from the analytical and programmatic work of Freedom House in Honduras, as well as the information I gathered in extensive interviews with local stakeholders during my last trip to the country two

months ago.

I will structure my comments around four topics. First, I will describe the situation of press freedom and violence against journalists in the country, particularly after the 2009 coup. Second, I will present some of the arguments that explain this persistent violence against media. Third, I will show some of the hopeful reactions and responses that the violence against the press has triggered. And, to conclude, I will offer some recommendations for how to address the problem.

1. The Situation: Deterioration of press freedom

Freedom House – the oldest human rights organization in the United States – has been systematically tracking the state of press freedom in each country of the world since it published the first edition of its Freedom of the Press survey in 1980. The study, which looks at the entire enabling environment for media freedom, has shown a steady decline in press freedom across Latin America in the past few years, the deepest and fastest deterioration of any other region in the world.

In its 2013 edition of the survey, 5 out of the 35 countries of the Americas were considered to have a “Not Free” press: Cuba, Ecuador, Paraguay, Venezuela and Honduras. Based on the numerical scores assigned in the survey, Honduras ranks 140 out of 153 countries analyzed. In Latin America only Cuba and Venezuela have a worse press situation than Honduras. Press freedom in Honduras showed a sharp decline after the 2009 coup, making it the ninth fastest deteriorating country in the world. The violent climate, including intimidation, threats, attacks and killings of journalists are the most acute problems, along with a rampant impunity and self-censorship.

2. The Causes of Violence

Unlike many countries in the world – where violence against the press stem from governmental repression against dissident voices – the threat to journalism in Honduras is more multidimensional, complex and obscure, and because of that, it is more difficult to tackle. Transnational criminal organizations, drug traffickers and select economic groups, all of which wield considerable economic resources and power are likely behind attacks to the press. In addition, public officials, police forces and other security sector personnel – a often acting in complicity with illegal groups – a also have interests in silencing the press. Through their work, journalists affect the interests of many different powerful groups and individuals and open so many flanks simultaneously that it is challenging to pinpoint the sources of the threats.

Impunity in Honduras is particularly worrisome and is a decisive contributing factor to violence. According to local human rights groups, there have been 82,000 killings in Honduras since 1990 and only 2% of those cases have resulted in convictions. Moreover, the acknowledged capacity of the judiciary to investigate cases brought to them is limited to about 60% of the complaints

they receive. Of them, only 20% are actually investigated and 1% of them result in convictions. Without a deterrence, violence only spirals.

A fundamental question one has to ask when analyzing attacks against the press is whether violence is a direct consequence of the journalists' work. In the case of Honduras, where judicial investigations into these crimes is almost non-existent, an analysis of the press may provide some insights. Is there strong investigative journalism in Honduras? No. Is the press particularly savvy and combative? No. However, an analysis of the available data shows that in the vast majority of the 55 cases of violence against journalists since 2009, the targeted journalists were reporting or investigating organized crime activities, drug trafficking, local government corruption, land distribution disputes or issues related to the 2009 coup.

It is also important to note, Mr. Chairman, that there are those who argue that as trafficking of drugs through Honduran territory has increased, so has the overall violence that typically accompanies this illicit activity. Journalists, in this view, are not being specifically targeted, but are victims of the environment.

The next important question is whether these acts of violence have affected the quantity, quality and issues journalists report on. In the case of Honduras the answer is: Yes. Regardless of its causes, violence has resulted in a great deal of self-censorship, and there, Mr. Chairman, is where the most important danger lies. All of us who care about human rights have the imperative to prevent Honduras from turning into another Mexico. In Mexico, the challenges for the press are similar, but the situation has reached such levels that several states are now information "black holes": there is simply no reporting, no information available about any issue related to organized crime or narcotrafficking. Even worse, many newspapers barely report when one of their own journalists is killed. Without an effective press, citizens cannot participate in the decisions that affect them and the very basis of democracy is compromised.

3. Reactions and Responses

Violence-reduction strategies require a comprehensive and a long-term commitment, including technical assistance and financial resources. They also require the political will to address the underlying causes of violence, including institutional weakness, corruption, lack of transparency of the judicial process, impunity, poverty, and social exclusion. The G-16, or group of 16 donor countries and international organizations plus the government of Honduras, of which the U.S. is a part, has engaged in a number of initiatives related to security sector reform, judicial reform, citizen security, crime prevention, economic growth and more. In this process the Honduran government has performed below expectations and has shown neither strong leadership nor robust political will to effectively carry out reforms.

The Honduran government did make an important step with the creation of the Ministry of Human Rights, which has taken the initiative of establishing a National Human Rights Plan and a Human Rights Public Policy.

But how has society responded to violence? Are there reasons for hope?

In October of 2012, the 22-year-old son of Julieta Castellanos, the rector of Honduras' largest university and a well-known public figure was killed, along with a friend, as they left a party. The perpetrators were several police officers, and there is an ongoing judicial process against them thanks to the persistence of Ms. Castellanos to push for the investigation and trial of her son's case.

The case represents a milestone for Honduran society. The prominence of the rector and her determination in pushing for an investigation and trial of those responsible made the case extraordinarily prominent. Regular citizens empathized with Castellanos' pain and admired her courage. For the first time, individuals and civil society organizations mobilized against impunity while she firmly stood in front of the government and the courts demanding justice. And the institutions responded.

Whether the fight against cartels in Honduras is successful, analysts say, will depend in large part, precisely on persuading the public to stand up to the intimidation that has impeded investigations and justice.

4. Recommendations

1. With general elections coming up in November, it is critically important to keep an eye on each candidate's stand on press freedom. So far, violence against journalists has not been a part of the campaign agenda of any of the political parties, although some of them have expressed their commitment to solve the issues related to organized crime. The U.S. Congress's role urging candidates to specifically focus on addressing violence against journalists could have a tremendous impact.
2. The U.S. government has created a number of initiatives targeting human rights specifically. First, the bilateral Human Rights Working Group brings together the U.S. and the Honduran government to discuss strategies and programs to improve the human rights situation of the country. Also, the U.S. has supported the creation of the Special Victims Task Force, which aims to break the cycle of impunity against vulnerable groups, including journalists. While the real impact of these efforts is yet to be seen, they are steps in the right direction and the U.S. Congress should encourage the administration to continue these efforts, monitor their impact and improve them as appropriate.
3. While supporting long-term and comprehensive strategies to address the underlying causes of violence, it is equally important to avoid the slaughter of journalists by providing some level of protection. One of the recommendations the Honduran government received at its Universal Periodic Review at the United Nations in 2010 was

the creation of a national mechanism for the protection of journalists, to provide timely and effective preventative measures for at-risk journalists. The Honduran government and civil society worked on a law to create such a mechanism, but it is currently unimplemented, allegedly due to a lack of funding. The U.S. Congress should specifically target part of its aid to Honduras for the effective implementation of this mechanism. Assistance should include technical advice from the Colombian government, which has over a decade of experience managing a similar program.

4. The U.S. Congress should finally encourage the administration to provide technical, financial and political support to the Ministry of Human Rights, in particular for the implementation of the recently created National Human Rights Plan and human rights public policies.

Mr. McGovern. Thank you very much.

We are thrilled that you were here, Tirza Flores Lanza, former magistrate of the Court of Appeals for San Pedro Sula and we welcome you here and are interested in your testimony, so thank you.

STATEMENT OF TIRZA FLORES LANZA

[The following testimony was delivered through an interpreter.]

Ms. Lanza. Good morning, everyone. I thank the Tom Lantos Human Rights Commission for this opportunity to inform you on the situation of human rights in Honduras.

I am very sorry to begin my testimony this morning with very painful news. Yesterday, in the city of El Progreso, Honduras, Judge Mireya Mendoza was murdered. She was a professional with an unassailable record who forms part of the Board of Directors of the Association of Judges for Democracy for which I work. This irreparable loss fills us with deep concern and once again shows evidence of the profound security crisis which we currently face in which the life of human beings has no value, not even the life of a woman who is so great and committed to strengthening the rule of law as is the case with my colleague.

I requested this Commission issue a formal statement to demand an immediate investigation of this crime. This crime aggravates the climate of precariousness and threats to the work of honest judges.

Going to the matter of my testimony, I can say that the coup d'état in June 2009 left a deep impact on the institutions of justice. These institutions supported the breakdown of the constitutional order and became a tool to repress the civilian population's protest of opposition. From this moment to the present day, far from reestablishing the credibility and legitimacy of these institutions, their fragility, politicization, negligence and corruption have deepened.

With regards to the national police, the Office of Investigation and Evaluation of the Police Profession was created in November 2011 and the law to clean up the police was approved in January 2012. Nonetheless, to date, there have not been effective results. In order to prevent criminal acts, corruption, and violations of the human rights of the population, just as occurred with the illegal detention and ill treatment perpetrated against a human rights prosecutor in the west of the country and the violent repression of a peaceful protest by university students two days ago, for its part the Office of the Public Prosecutor presents unacceptable rates of non-investigation of reported cases.

According to official statistical data accepted by the attorney general himself, in some 80 percent of cases, there has been no investigation and no judicial charges. There are also widespread questions of the capacity of the public prosecutors due to their corruption. In terms of the judicial branch, it is worth highlighting the high level of politicization and how judges and magistrates are nominated. This is due to the fact that the judges of the Supreme Court of Justice are nominated by the National Congress, not for their abilities and honesty, but rather based on their connections and obedience to political parties.

Furthermore, the chief justice of the Supreme Court of Justice designates through political recommendations the appellate judges and magistrates, placing these nominations on people without independent criteria and without professional preparation to exercise their positions. Given this scenario of collapsed institutions, the National Congress in the month of April 2013, called for the appearance of the Director of Investigation and Evaluation of the Police Profession, the Director of the National Police, the Minister of Security, the Attorney

General of the Republic, and the Chief Justice of the Supreme Court of Justice to give explanations for their work for the Congress. These appearances clearly demonstrated the absolute inefficiency of all of these institutions and the incapacity of the officials who directed them.

Nonetheless, instead of taking measures to clean up and reform and restructure all of these institutions, the Congress only suspended the Attorney General and the Deputy Attorney General and named the Comptroller Commission which still directs the Office of the Public Prosecutor. This action of auditing by the Office of the Public Prosecutor could have been the start of the process of reorganization. Nonetheless, this possibility has once again been cut short. The National Congress has shown its true intentions by seeking to name the new authorities of the Office of the Public Prosecutor for five years. Although according to the constitution, this election should be completed in March of 2014 by the National Congress which will be elected next November. To move forward, this election is clearly a usurpation of the representation of the people.

The current National Congress presided over by Juan Orlando Hernandez, presidential candidate for the National Party, what he seeks to do is to name an attorney general and deputy attorney general who obey his partisan opinions and guarantee them that they will not be investigated in the future for possible acts of corruption and abuse of authority. This is why I must note my concern with Senator Kaine's comments that the new attorney general will be elected next week. Furthermore, I have learned that the most strong candidate to occupy this position is the current ambassador of Honduras in Washington which causes one to hope that this does not mean that the Department of State is giving its approval to this illegal choice.

And the National Congress, far from naming judges, prosecutors, and human rights commissioners or other officials with standards of ability and honesty, has always seen these institutions as a payoff that can be distributed among the political parties. This has also been shown in the refusal to nominate the members of the Council of the Judiciary. This is an independent and technical entity which would assume the responsibility for nomination and removal of judges which would strengthen the independence of the judicial branch. This nomination has not get been completed by the Congress, because there is not yet political consensus, partisan political consensus for how these positions will be distribution.

In conclusion. the Institutions for the Administration of Justice are at the mercy of manipulation and partisan political control. This directly impacts the protection and promotion of human rights in the country as it leads to total impunity for human rights violations and abuses. Consequently, it is important to bear in mind that if the institutions function correctly, international aid strengthens them. But if the institutions are politicized and linked to organized crime and corruption as currently happens on Honduras, any financial aid, far from helping to strengthen democracy favors organized crime and corrupt politicians.

For this reason and so that the assistance from the United States may be effective and will not constitute a fraud for the donors, I respectfully recommend that before financial assistance is paid to Honduras, it is necessary to review certain objective indicators of performance of actions that strengthen the rule of law such as the following: a true process of reforming and cleaning up the national police that will begin with the highest senior officers and will include the prosecution of those responsible for criminal acts; the election of an attorney general of the republic and his deputy in March of 2014 as is established by the constitution; and that he be elected according to criteria of aptitude and capacity and not as a product of partisan political handouts; also, the reform and restructuring of the Office of the Public Prosecutor, including the

creation of a technical body for investigation; nomination of the members of the Council of the Judiciary, guaranteeing that they are independent and are suitable. This Council should promote clear and objective proceedings for the nomination, promotion, dismissal, and disciplinary actions for members of the judiciary. The nomination in March of 2014 of a National Human Rights Commission that is independent, honest, impartial, and with extensive experience in the production and promotion of human rights, that is the National Human Rights ombudsperson.

I reiterate that if there are not strong and independent democratic institutions, there will not be protection or promotion of human rights. Thank you.

[The prepared statement of Ms. Lanza follows:]

Testimony of Ms. Tirza Flores Lanza
Tom Lantos Human Rights Commission
Hearing: “Human Rights in Honduras”
July 25, 2013

Buenos días a todos y a todas

Agradezco a la Comisión Tom Lantos esta oportunidad que me brindan para informarles sobre la situación de derechos humanos en Honduras.

Lamento mucho tener que comenzar mi testimonio esta mañana con una noticia sumamente dolorosa: el día de ayer fue asesinada en la ciudad de El Progreso, en Honduras, la jueza Mireya Mendoza, una profesional con una trayectoria intachable y quien formaba parte de la junta directiva de la Asociación de Jueces por la Democracia con la cual trabajo. Esta irreparable pérdida nos llena de profunda preocupación y pone en evidencia nuevamente la profunda crisis de seguridad que actualmente enfrentamos, en donde la vida de los seres humanos no tiene ningún valor, ni siquiera tratándose de una mujer valiente y comprometida con el fortalecimiento del Estado de Derecho, como es el caso de esta colega jueza. Solicito a esta Comisión que se pronuncie exigiendo la investigación inmediata de este hecho.

Respeto al tema sobre el cual se ha solicitado mi testimonio puedo decir, que el golpe de Estado de 2009 representó un quebrantamiento del Estado de Derecho que dejó impactos profundos en estas instituciones, las que olvidando su deber de imparcialidad, de objetividad y de tutela de derechos fundamentales se parcializaron, apoyando el rompimiento del orden constitucional e instrumentalizándose para reprimir las manifestaciones de oposición de la población civil.

A partir de ese momento hasta la fecha, lejos de restablecerse la credibilidad y legitimidad de estas instituciones, se ha profundizado su fragilidad, politización, negligencia y corrupción.

En relación a la Policía Nacional, se creó la Dirección de Investigación y Evaluación de la Carrera Policial en el mes de noviembre de 2011 y se aprobó una Ley para la Depuración de la Policía en enero del 2012. Sin embargo, hasta la fecha no existen resultados efectivos de esa depuración, antes bien continúan los actos delictivos, la

corrupción y las violaciones a los derechos humanos de la población, tal como ocurrió con la detención ilegal y los malos tratos infringidos a un Fiscal de Derechos Humanos en el occidente del país y la represión violenta a una manifestación pacífica de estudiantes universitarios hace dos días

Por su parte, el Ministerio Público presenta índices inaceptables de falta de investigación de los casos denunciados. Según datos estadísticos, aceptados por el propio Fiscal General, hay un 80% de casos sin investigación ni judicialización. Además existen fuertes cuestionamientos hacia la labor de los fiscales por su ineficacia, falta de objetividad y corrupción.

En cuanto al Poder Judicial, se destaca el alto nivel de politización en el nombramiento de jueces y magistrados. El problema central radica en que los magistrados de la Corte Suprema de Justicia, nombrados por el Congreso Nacional, no son electos por su capacidad y honestidad sino en base a su vinculación y obediencia a los partidos políticos. Además, el Presidente de la Corte Suprema de Justicia designa, por recomendaciones políticas, a los jueces y magistrados de apelaciones, recayendo estos nombramientos en personas sin criterios independientes y sin preparación profesional para el ejercicio de sus cargos.

Ante este escenario de instituciones colapsadas, el Congreso Nacional en el mes de abril 2013, llamó a comparecer a las altas autoridades de las mismas para dar explicaciones sobre sus gestiones. Se presentaron el Director de Investigación y Evaluación de la Carrera Policial, el Director de la Policía Nacional, el Ministro de Seguridad, el Fiscal General de la República y el Presidente de la Corte Suprema de Justicia.

Estas comparecencias evidenciaron claramente la ineficacia absoluta de todas estas instituciones y la incapacidad de los funcionarios que se encuentran dirigiendo las mismas. Sin embargo, en lugar de tomar medidas de depuración y reestructuración en todas estas instituciones, sobre todo en la Policía Nacional y en el Poder Judicial, el Congreso únicamente suspendió al Fiscal General y al Adjunto y nombró una Comisión Interventora que todavía se encuentra dirigiendo el Ministerio Público.

Esta acción de intervención del Ministerio Público pudo haber sido el inicio de un proceso de reorganización, sin embargo, esta posibilidad se ha visto nuevamente truncada pues luego de aceptar las renuncias del Fiscal General y el Adjunto en fecha 1 de julio, el Congreso Nacional ha mostrado sus verdaderas intenciones, pues la actual legislatura pretende nombrar las nuevas autoridades del Ministerio Público por cinco años, cuando de acuerdo con la Constitución, esta elección debería ser hecha en marzo del 2014 por el Congreso Nacional, que será elegido el próximo noviembre. Adelantar esta elección es claramente una usurpación de la representación popular

Lo que pretende el actual Congreso Nacional presidido por Juan Orlando Hernández, candidato presidencial del Partido Nacional, es nombrar un Fiscal General y Adjunto que obedezcan a sus criterios partidarios y que les garanticen que no serán

investigados en el futuro por posibles actos de corrupción y de abuso de autoridad.

Y es que el Congreso Nacional, lejos de nombrar a los funcionarios con criterios de capacidad y honestidad, siempre ha visto en estas instituciones un botín que debe ser repartido entre los partidos políticos. Esto ha quedado evidenciado también en la negativa, sin justificación válida, de nombrar a los integrantes del Consejo de la Judicatura, órgano técnico e independiente, que asumiría la atribución de nombramiento y remoción de los jueces, lo que vendría a fortalecer la independencia del Poder Judicial. Este nombramiento no se realiza en el Congreso porque todavía no hay consenso político partidario en la repartición de dichos cargos.

En conclusión, las instituciones de administración de justicia se encuentran a merced de la manipulación y el control político partidario, lo cual impacta directamente sobre la protección y promoción de los derechos humanos en el país puesto que provoca total impunidad de las violaciones y abusos.

En consecuencia, es importante tener en cuenta que si las instituciones funcionan correctamente, la cooperación internacional las fortalece, pero si las instituciones están politizadas y vinculadas al crimen organizado y a la corrupción, como sucede actualmente en Honduras, cualquier cooperación financiera, lejos de ayudar al fortalecimiento democrático, favorece al crimen organizado y a los políticos corruptos.

Por tal razón, a efecto de que la cooperación de los Estados Unidos sea efectiva y no constituya un fraude para los contribuyentes, me permito recomendar que, previo a que la misma sea desembolsada, es necesario que se revisen algunos indicadores objetivos de cumplimiento de acciones que fortalezcan el Estado de Derecho, como las siguientes:

- a) El impulso y consumación de un verdadero proceso de depuración de la Policía Nacional que arranque desde los mandos superiores y que incluya el juzgamiento de los responsables de hechos delictivos.
- b) La elección de un Fiscal General de la República y su adjunto en marzo del 2014, tal como lo establece la Constitución y que éste se elija bajo criterios de idoneidad y capacidad y no como producto de un reparto político partidario. Así como la depuración y reestructuración del Ministerio Público
- c) El nombramiento de los integrantes del Consejo de la Judicatura, garantizando que los mismos serán independientes e idóneos. Desde este Consejo se deben impulsar procedimientos claros y objetivos para el nombramiento, la promoción, la destitución y las sanciones disciplinarias de los miembros de la judicatura.
- d) El nombramiento en marzo del 2014 de un Comisionado Nacional de Derechos Humanos independiente, honesto, imparcial y con amplia experiencia en materia de protección y promoción de derechos humanos.

Reitero que si no existen instituciones democráticas fuertes e independientes no habrá protección ni promoción de los derechos humanos

25 de julio de 2013.

**Testimony of Ms. Tirza Flores Lanza
Tom Lantos Human Rights Commission
Hearing: “Human Rights in Honduras”
July 25, 2013**

Good morning, everyone.

I thank the Tom Lantos Commission for this opportunity to inform you on the situation of human rights in Honduras

I regret that I have to begin my testimony this morning with very painful news: yesterday in the city of El Progreso, Honduras, Judge Mireya Mendoza was murdered. She was a professional with an unassailable record who formed part of the board of directors of the Association of Judges for Democracy, for which I work. This irreparable loss fills us with deep concern and once again shows evidence of the profound security crisis which we currently face, where the life of human beings has no value, not even the life of woman so brave and committed to strengthening the Rule of Law, as is the case with my colleague.

I request that this Commission speak up to demand an immediate investigation of this crime, which aggravates the climate of precariousness and threats to the work of honest judges.

The coup d’etat in June 2009 left a deep impact on the institutions of justice, which supported the breakdown of the constitutional order and became a tool to repress the civilian population’s opposition protests.

From that time until today, far from reestablishing the credibility and legitimacy of these institutions, their fragility, politicization, negligence and corruption have deepened. With regards to the National Police, the Office of Investigation and Evaluation of the Police Profession (*Dirección de Investigación y Evaluación de la Carrera Policial*) was created in November 2011 and the Law to Clean up the Police (*Ley para la Depuración de la Policía*) was approved in January 2012. Nonetheless, to date there been no effective results before criminal acts, corruption and violations of the human rights of the population continue, as occurred with the illegal detention and ill-treatment perpetrated against a Human Rights Prosecutor in the West of the country and the violent repression of a peaceful protest by university students two days ago.

For its part, the Office of the Public Prosecutor (*Ministerio Público*) presents unacceptable rates of non-investigation of cases reported. According to statistical data accepted by the Attorney General (*Fiscal General*) himself, in some 80% of cases there

has been no investigation and no judicial charges.

In terms of the Judicial Branch, it is worth highlighting the high level of politicization in how judges and magistrates are nominated, due to the fact that the judges of the Supreme Court of Justice, nominated by the National Congress, are not elected for their abilities and honesty, but rather based on their connections and obedience to political parties. Furthermore the Chief Justice (*Presidente*) of the Supreme Court of Justice, designates, through political recommendations, the appellate judges and magistrates, placing these nominations on people without independent criteria and without professional preparation to exercise their positions

Given this scenario of collapsed institutions, the National Congress in the month of April 2013, called for the Director of Investigation and Evaluation of the Police Professor, the Director of the National Police, the Minister of Security, the Attorney General of the Republic, and the Chief Justice (*Presidente*) of the Supreme Court of Justice to give explanations for their work before the Congress. Their appearance clearly demonstrated the absolute inefficiency of all of these institutions, and the incapacity of the officials who direct them. Nonetheless, instead of taking measures to clean up and restructure all these institutions, the Congress only suspended the Attorney General and the Deputy and named a Comptroller Commission, which is still directed by the Office of the Public Prosecutor (*Ministerio Público*).

This audit of the Office of the Public Prosecutor (*Ministerio Público*) could have been the start of a process of reorganization, however, this possibility has been cut short again since after accepting the resignation of the Attorneys General/Prosecutors (*Fiscales*) on July 1st, the National Congress has shown its true intentions by seeking to nominate new officials of the Office of the Public Prosecutor (*Ministerio Público*) for a period of five years, in contravention of the provisions of the Constitution of the Republic. That election should be carried out in March of 2014 by the new National Congress, a product of the elections next November. Moving this election forward is clearly a usurpation of the representation of the people.

What the current National Congress – presided over by Juan Orlando Hernández, presidential candidate of the National Party (*Partido Nacional*) – seeks to do is to name an Attorney General and Deputy AG who obey his partisan opinions and guarantee them that they will not be investigated in the future of possible acts of corruption and abuse of authority.

And the National Congress, far from naming judges, prosecutors, human rights commissioners or other officials with standards of ability and honesty, has always seen these institutions as a payoff to be shared among the political parties

This has also been demonstrated by the refusal, without a valid justification, to name the members of the Judicial Council (*Consejo de la Judicatura*), an independent and technical entity, which would assume the responsibility of nomination and removal of judges, which would strengthen the independence of the Judicial Branch. This

nomination is not carried out in the Congress because there is still not partisan political consensus about the distribution of these positions.

In conclusion, the institutions for the administration of justice finds themselves at the mercy of manipulation and partisan political control, which directly impacts the protection and promotion of human rights in the country, as it leads to total impunity for human rights violations and abuses

Consequently, it is important to bear in mind that if the institutions function correctly, international assistance strengthens them, but if the institutions are politicized and linked to organized crime and corruption, as is currently the case in Honduras, any financial aid, far from helping to strengthen democracy, favors organized crime and corrupt politicians.

For this reason, and so that the assistance from the United States may be effective and will not constitute a fraud for the donors, I respectfully recommend that, before financial assistance is paid out, it is necessary to review certain objective indicators of performance of actions that strengthen the Rules of Law, such as the following

- a) A true process of cleaning up the National Police that will begin with senior officers and will include the prosecution of those responsible for criminal acts.
- b) Electing an Attorney General of the Republic and his Deputy in March of 2014, as established by the Constitution, and that he be elected according to criteria of aptitude and capacity and not as a product of partisan political hand-outs. Also Cleaning up and restructuring the Office of the Public Prosecutor (*Ministerio Público*)
- c) Nominating the members of the Council of the Judiciary (*Consejo de la Judicatura*), guaranteeing that they are independent and suitable. This Council should promote clear and objective proceedings for the nomination, promotion, dismissal, and disciplinary sanctions of the members of the judiciary
- d) Nominating, in March of 2014, a National Human Rights Commission that is independent, honest, impartial and with extensive experience in the protection and promotion of human rights

I reiterate that if there are not strong and independent democratic institutions there will not be protection or promotion of human rights

July 25, 2013.

Mr. McGovern. Thank you very much and Ms. Flores, as I said at the outset of my statement that we are terribly concerned about the assassination of Judge Mareya Mendoza Peña and I will promise you this Commission will issue a statement and demand that there be an honest investigation and that those who are accountable for this terrible crime be held to justice. So I want to let you know we will do that immediately.

I want to thank everybody for your testimony here today. You have given me a comprehensive summary of the state of human rights of Honduras and it is terribly sad. And things, from what I am hearing, continue to deteriorate. And what is particularly maddening for me is that it doesn't sound like the U.S. government is playing a very constructive role in trying to promote human rights, challenge the culture of impunity, protect journalists or any of the things that I think this Commission thinks is very, very important. And so I guess the challenge is and you have given some recommendations is what do we do?

And let me ask generally to any of you or all of you who would like to answer this question, what would be the impact if the United States stopped, suspended all military and security assistance to Honduras? What would the impact of that be? Does everyone agree that that is something that we should do, right? What do you think the impact of that would be?

Dr. Frank, do you want to begin?

Ms. Frank. Well, I think first of all, it would send a huge message to the Honduran elites and to organized crime about the position of the United States. It would be a huge reversal because up to now the messages have been weak and ambivalent and it would send a huge message that the money is not going to continue to flow. There are those that say well, then we would lose our power, but I think it seems naive to think the United States is going to lose its power over a country that has been consistently with which the United States has been so consistently in partnership. I don't think that is immediately going to change, clean up the situation. I think it would have to become part of many other policy recommendations and I won't repeat them, but I think it would certainly send a huge and powerful message that the United States is serious and it is not going to continue in this ostensibly friendly partnership which would seem to be more deeply and deeply engaged with every day.

Mr. McGovern. Ms. Flores?

Ms. Lanza. Really, I do not ask directly for the suspended of all aid from the United States. But the real objective of the subject of my testimony is to what extent the aid from the United States strengthens the rule of law? For example, the election of an attorney general under partisan criteria which will possibly happen next week, it represents a terrible impact which would provoke further impunity.

There is intervention, supposedly, there is an audit under way to reorganize the Office of the Public Prosecutor to give it greater integrity. But all of this is a new frustration for the people of Honduras who are seeking justice. The naming of this new attorney general would not signify justice.

If that happens, supporting the new office of the Public Prosecutor would be useless.

Mr. McGovern. I guess the point is we have been providing assistance to the government of Honduras. It doesn't seem like it has produced any of the results that you have called for. And I think what I am trying to figure out and especially in light of the certification language that it is hard for me to believe the administration has certified that the aid should go forward. I think if we do not send a strong message to the government of Honduras, then they are going to think we are a cheap date, that they are going to think the money will keep coming no matter what they do, no matter what the conditionality is, no matter what we say about human rights, no matter

how many Commission hearing we have. If you can still operate in a culture of impunity, if you can still go after and target journalists who you disagree with, if you can still go after human rights defenders and people who are trying to engage legitimately in a democratic process, and still get the money, then there is no incentive for those people to change.

You mention the special prosecutor for human rights. Apparently, he has opened up more than 400 cases into police abuse, misconduct, murder in the first five months of the year alone, 300 cases this year. You mentioned how this might be undercut by the election of a very partisan attorney general, but is the government of Honduras given the special prosecutor the resources and support necessary to address all these complaints? That is probably the tip of the iceberg. Is this something that we ought to be supporting more of here in the United States? Are there other Honduran government initiatives that are good that we should be supporting?

Ms. Lanza. I would only like to clarify that the special prosecutor for human rights is under the supervision of the attorney general.

Mr. McGovern. If you get a bad attorney general, this guy can't do anything.

Ms. Lanza. That is it.

Ms. Frank. I would also just say I just got back from Honduras last night and I did ask people specifically about the question of funding for the special prosecutor's office and they said not under these circumstances, but also that they do support the new head of that office and think that they are clean and this is important and also the prosecutor for money laundering. But under the current political will and the power is not there at the top and so at this point further funding would only legitimate the current government. I myself don't see any Honduran government initiatives that are real that one would want to support and the problem is you go down that road and then it starts looking like -- look, they are improving when, in fact, the larger situation is really terrifying and getting worse.

Ms. Giacaman. What I would add is that limiting funding should come hand in hand with revised strategy of engagement with Honduras where it is not only a negative message of we don't want you to do this, but also we want to see these other priorities and that discussion should include civil society organizations in Honduras.

Mr. McGovern. I assume the United States government is engaging, but not engaging the way we want them to right now.

Ms. Giacaman. Yes.

Mr. McGovern. We are sending aid. We are certifying human rights progress. So I mean I agree with you. I mean I am just trying to figure out how you get everybody's attention here that the status quo in Honduras cannot continue, that we are going to do something. And maybe what we need to do when the foreign aid appropriations bill comes up before the House Floor, if it ever comes up before the House Floor, maybe one of the amendments ought to be a suspension of military and security assistance and just put it out there that look, we have had enough.

People in Honduras have been through a lot. There have been too many deaths, too many human rights abuses and I think the message needs to be clear that we are not going to support a government or its security forces that has such a blatant disregard for the human rights of their own people. And we have this strategic dialogue next week. Are there any specific developments that -- we will raise the issue of your murdered colleague that ought to be talked about in that strategic dialogue. Are there any specific things that ought to come out of that dialogue next week that are real and tangible?

Ms. Haugaard. Well, it sounds like raising the issue of the attorney general would be an

important one, if that is right in front of us as Judge Flores has just mentioned. Supposedly, this is a bilateral dialogue on human rights, so it should -- there should be a really tough discussion about specific human rights cases including those involving state agents moving forward and how the government plans to do that and how the government actually plans to purge the police.

One of the things I am watching in police reform is that there is all this talk about purging the police and it is not happening. So that has to be a really central issue in this dialogue and if there isn't something concrete that comes out about that, then I don't know what it is that they really can talk about.

Mr. McGovern. Have you made, any of you, provided the administration with your kind of to do list of what needs to be raised in this dialogue this week?

Ms. Frank. There were NGOs that are being asked during the meeting tomorrow, but I asked to be part of that and was told there wasn't more space. So I actually haven't had the formal opportunity to do that. I do want to underscore what you said about we are engaged. We are not only funding them, but we are legitimating this government. The ambassador is seen regularly in public and on friendly terms with Juan Carlos Bonilla, with Hector Ivan Mejia, and with Juan Orlando Hernandez who was the leader of the technical coup in December that overthrew four members of the Supreme Court and named new ones the next day. So we are legitimating as well as funding the Honduran government. So we are, in fact, engaged.

I want to call attention just to another date to pay attention to which is last year the report from the State Department on whether the human rights conditions had been met was issued in early August, so we want to see are they going to say again those human rights are going to be met? Are they going to say they are still investigating El Tigre Bonilla, so we want to pay attention to that.

Mr. McGovern. We are expecting a new report in a matter of weeks?

Ms. Frank. Yes. It came out on August 8th last year, so that is a benchmark to pay attention to.

Mr. McGovern. And tomorrow, NGOs are meeting with the --

Ms. Frank. Yes, in the morning, some NGOs, others were not --

Mr. McGovern. I hope it is a comprehensive -- we should talk about this about that. But let me, I think what might be helpful with us is if we can get, I assume there will probably be a consensus among NGOs about what needs to be raised at the strategic dialogue, I am hoping. I think it would be very helpful for us to have that so that we can follow up immediately, you know, and reinforce the need for some of these questions to be addressed.

What would also be helpful for me to know, and Ms. Flores, or any of you might, the role of the United States Embassy and is our Human Rights doing what it is supposed to do? Are we visiting people who have been threatened? Are we pressuring the government of Honduras to investigate cases where people have been murdered? Are we speaking out when journalists are targeted? Is our embassy regularly meeting with people who care about the justice system, human rights advocates? Is it a welcoming place for the people who share the concerns that you have outlined here? Because that is important, too. Our embassy is our government in particular countries. And is our embassy responding to the human rights crisis?

Ms. Giacaman. I am not going to respond directly to that question. It is a difficult question. But I wanted to add that yes, you are right in terms of the engagement. There is an engagement and the problem seems to me that there isn't a strategic for engagement. And the engagement happens on an ad hoc basis and many times benefits those that we don't want to benefit. So the opportunity of the strategic dialogue is to start from scratch that discussion and

reestablish priorities and how things are going to take place.

I also wanted to say that one concrete recommendation for the bilateral human rights dialogue will be to create some structures and formal mechanisms for civil society to participate in the dialogue. It seems that it is behind closed doors kind of conversation and the input of civil society should be considered.

Mr. McGovern. Could I just ask about the embassy?

Ms. Frank. I want to say something, too.

Ms. Lanza. I live in Honduras. And I may feel that the role of the embassy of the United States is not enough, it is not sufficient. I believe that they could do a lot more. For example, the experience of our association is that we have very good relationships with the embassies of the European Union which in some cases have made statements at key moments in defense of threats to people who defend human rights. But in reality, we haven't had the same access or communication with the embassy of the United States.

I would also like to reiterate my position on the participation of civil society in these dialogues. I have heard it said that the Secretariat of Human Rights has developed a plan for human rights with the participation of civil society, but that is not entirely true. Really, due to the polarization that was produced by the coup d'état, there is a part of civil society that does support numerous government initiatives, but it is a minority; and a different part of civil society in which I actively participate in which we are not included in these spaces. And that should be taken into account at the moment when the Secretariat on Human Rights does take note of participation.

Mr. McGovern. Yes.

Ms. Frank. I can't speak for everything that the embassy has done in private, obviously, since the coup, but I have read almost every public word they have said in the newspapers and every public statement I have got my hands on every day for four years. And I have to say it has been a deafening silence. There have been a few statements about prominent assassinations, but very rarely and usually after the person is dead.

For example, Jose Maria Martinez, a prominent trade unionist and radio broadcaster who has had a year for 19 years on Radio Progreso, the Jesuit station, has been receiving death threats since June 25th and a car has been circling around the radio station after his show. The embassy is aware of this and has yet to speak publicly denouncing the death threats against him.

And this is just an example of -- well, although it has spoken about the killing of Anibal Barrow after he was kidnapped and then found dismembered, tortured, and killed, obviously. So it is sad. I think there have also been statements that have sent mixed signals that are even dangerous.

For example, Lisa Kubiske, went to Tocoa in the Aguan Valley a couple of weeks ago and said that she was concerned about the crisis and violence in the area. Did not denounce the pattern of the killing of the campesinos including the alleged killings by state security guards working allegedly for Miguel Facusse, but also said that those who are advocating land recuperation should be prosecution. And this is the ambassador speaking about freedom of speech in another country. And someone was arrested the next day for advocating land occupations.

I don't know anything about that case, but this is really disturbing, both the silence and also these very deliberate mixed signals about which side the embassy is on. And we are not hearing what he said was so beautiful about what the United States should be doing, we should be there as a vigorous advocate at every turn for freedom of the press and also we should be

speaking out against this incredibly pattern of repression of the opposition for four years now and we haven't heard a peep about the concerted repression of the opposition. And that is very dangerous about the messages that this embassy is sending about what it will tolerate.

Mr. McGovern. Any last words?

Ms. Haugaard. The embassy, I am sure has its concerns about police reform and other issues, but in terms of actually getting out there and supporting human rights vocally, this embassy is not doing it. I totally agree with my colleagues here. They pick only very rare cases where they will speak publicly. They may be following up on something privately, but in terms of getting out there and having a strong and positive presence in favor of human rights and in favor of threatened and attacked journalists, human rights defenders, campesino activists, whatever, it is just not happening.

Mr. McGovern. Well, I regret that very much. And I also regret the fact, quite frankly, that many of us in Congress haven't been more focused on Honduras and haven't been speaking up more loudly. That will change and I think what you saw here today along with Senator Kaine coming here, but also Congressman Wolf who is a Republican, talked to me about sending a letter to the State Department as well as putting more pressure on the Honduran government to recognize the importance of human rights, so you can have a bipartisan growing effort here in the Congress which I hope will be helpful and I hope will be added pressure.

What I would appreciate is that we will do the statement on the assassination of the judge. We will see that we get that out today or tomorrow morning, but when this meeting happens tomorrow, it would be very helpful if you get back in touch with the Commission to tell us what would be helpful to reinforce.

I appreciate the fact that you are on the ground. You work with all the people that are at risk and if things are going to change, we are going to have to change and we are going to have to make it clear to the Honduran government that enough is enough and so I appreciate your testimony. I appreciate your patience.

I apologize for the interruption with votes, but that is the way this place works. There is no sense to the way this place works sometimes, but in any event, thank you very much and hearing has come to a close. Thanks.

[Whereupon, at 12:53 p.m., the commission was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD



Tom Lantos Human Rights Commission Hearing

Human Rights in Honduras

**Thursday, July 25, 2013
10:30 AM – 12:30 PM
2255 Rayburn HOB**

Please join the Tom Lantos Human Rights Commission (TLHRC) for a hearing on human rights in Honduras.

Honduras has long faced significant human rights challenges. However, many observers maintain that the situation deteriorated considerably in the aftermath of the June 2009 coup that ousted then-President Manuel Zelaya. According to the Inter-American Commission for Human Rights, the interim government that followed Zelaya committed serious abuses, including grave violations of political rights, arbitrary restrictions on the right to freedom of expression and the arbitrary detention of thousands of people in grossly inadequate conditions. The current government of President Porfirio Lobo has lifted some restrictions on civil liberties, as well as created several initiatives to improve the protection of human rights in Honduras. In particular, a new Secretariat for Justice and Human Rights was established in 2010 to promote, coordinate and evaluate justice and human rights in the country.

Despite such efforts, Honduras' human rights situation has remained serious, as the general security situation in the country continues to deteriorate. In 2012, Honduras had the highest homicide rate in the world with 86 murders per 100,000 residents. Victims included journalists, union leaders, human rights defenders and leaders of poor farming communities. Meanwhile, certain elements of the Honduran police are alleged to be carrying out extrajudicial killings as part of "social cleansing" operations that target gang members and other perceived criminals. Moreover, the government and courts routinely fail to investigate crimes and try those responsible.

This hearing will review Honduras' current human rights situation and U.S. policy with a view toward improving US cooperation on security and human rights in Honduras.

The following witnesses will testify:

Panel I

- Senator Timothy M. Kaine

Panel II

- Ms. Lisa Haugaard, Executive Director, Latin America Working Group
- Dr. Dana Frank, Professor of History, University of California Santa Cruz
- Ms. Tirza Flores Lanza, Lawyer, Former Magistrate of the Court of Appeals for San Pedro Sula
- Ms. Viviana Giacaman, Director for Latin America Programs, Freedom House

If you have any questions, please contact the Tom Lantos Human Rights Commission at 202-225-3599 or tlhrc@mail.house.gov.

James P. McGovern
Co-Chair, TLHRC

Frank R. Wolf
Co-Chair, TLHRC