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October 2, 2012

The Honorable Hillary R. Clinton
Secretary
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Dear Madam Secretary:

I wrote to you almost a year ago to express concern about pouring U.S. tax dollars into the highly volatile nation of Honduras. At the time, the country was still reeling and acutely polarized in the aftermath of the June, 2009 events that the State Department itself has described as a coup d'etat. Since then, the news is unfortunately anything but good.

Today, the Honduran legal system barely functions and the rule of law is under siege. The judiciary is in many ways corrupt; journalists and opposition media outlets continue to be threatened; and state security forces are credibly known to be perpetrators of murders both low and high profile. Vicious crimes against the Honduran human rights and LGBT communities, both linked to the anti-coup movement, have skyrocketed. Honduras has the highest homicide rate in the world. Impunity for these crimes is the order of the day. The situation has deteriorated to the point that the Peace Corps announced it is suspending operations in the country.

Two recent prominent assassinations of opposition lawyers underscore the still escalating human cost of the situation in Honduras. On September 22, Antonio Trejo Cabrera, attorney for the Movimiento Auténtico Reivindicador de Campesinos del Aguán (MARCA) of the Bajo Aguán valley, was shot five times and killed in front of a church where he had just officiated a wedding. A leading international human rights organization said "this outrageous murder sows fear in the Honduran community and must be a wake-up call for the authorities."

On September 24, unknown assailants shot and killed Manuel Eduardo Díaz Mazariegos, a prosecutor in the government's human rights office, who had been among the

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lawyers who staged a heroic hunger strike in 2008 protesting corruption in the prosecutor's office.

Your personal commitment to human rights, the rule of law, and democracy is clear to all, but our policy in Honduras at times remains overshadowed by perceptions that our opposition to the 2009 coup was less than heartfelt. The visible face of U.S. policy is overwhelmingly our stepped up anti-narcotics efforts, which is premised upon partnership with some of the same elements that supported the 2009 coup and that have been tolerant of rights violations and corruption since then. The problems are legion. Security forces, with whom we are forced to ally, are astonishingly corrupt. The national police chief, to whom we currently refuse to give U.S. taxpayer dollars, is dogged by allegations of death squad activity. The military and police are joining forces, creating what we know to be a combustible mixture. Honduran pilots, using U.S. tracking information, recently shot down two suspected drug-trafficking planes without due process, in contravention of three different international agreements. Our Drug Enforcement Agency (DEA) agents are increasingly in harm's way, themselves drawn more and more into actual shootings and violent drug-related encounters.

I do not minimize Honduras's security situation and its growing problem with drug trafficking. This demands a strong response, which we are beginning to develop. President Lobo is willing to work with us and needs our support to press against abusers, but, frankly, he is being undermined by elements of society that ousted his predecessor. It is critical that the U.S. be exceedingly careful not to confuse our allies in the "war on drugs" with individuals who aid and abet the narcotics trade.

Unfortunately, this is not the first time the U.S. government has come perilously close to an overly militarized strategy toward a country too small and institutionally weak for its citizens to challenge the policy or to call for a change.

So it falls to us to say it: U.S. policy in Honduras needs a re-set.

As you know well, I am in good company calling for a change. More than 100 House members and seven Senators have appealed to you regarding Honduras policy in the past year. The policy re-set I am urging must recast all our actions in terms that clearly stand for the values and objectives that we hold, and that we share with the vast majority of Hondurans. I applaud Under Secretary Maria Otero's recent trip to Honduras. The agreement she signed, and the forthcoming action plan that accompanies it, are solid building blocks of a new direction in our policy. But the U.S. needs to announce it as such and build further.

First, the single biggest failing of our policy is that we have not convinced Hondurans that the rule of law, human rights and ending impunity for violations of those rights are our guiding principles. Strikingly, the biggest human rights organization in Honduras, Comité de Familiares de Detenidos Desaparecidos en Honduras (COFADEH), does not trust the U.S. government and will not speak to any U.S. officials. Many of us were taken aback when the

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State Department recently granted Honduras a human rights certification to free up a relatively small amount of U.S. assistance. At a minimum, it was a lost opportunity to publicly and forcefully signal a course correction.

Second, it is time to stop pretending the coup never happened. In a recent State Department Honduras conflict resolution document, the coup is not mentioned. It hardly needs pointing out that more than three years after a coup d'etat in Honduras, no one has been punished for it. Its military perpetrators have been promoted, and the main general who managed the coup holds a top office in the current government. We all know the traditional elites of Honduras have tried very hard to erase this event from history. But, while it is clear that former President Zelaya had many flaws, there is no reason our government needs to contribute to this disappearing act. Indeed, doing so carries significant costs. If we pretend the coup is not directly related to the current violence, we will fail in helping to resolve it.

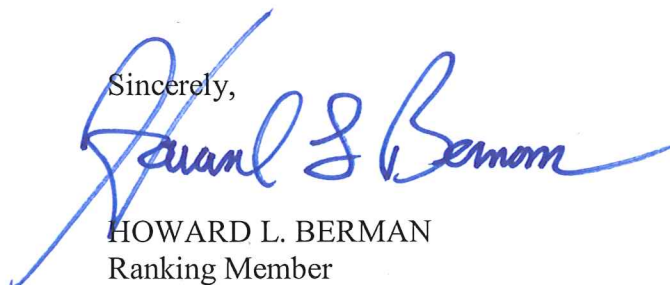
The Trejo assassination was more than a horrific crime. He had successfully represented campesinos who were reclaiming land illegally obtained by Miguel Facussé, who the U.S. Embassy has described as "the wealthiest, most powerful man in Honduras" and whose security guards are charged with allegedly killing dozens of land rights activists in the past three years. Trejo had received repeated death threats on his cell phone, and announced that if he were killed, Facussé was responsible. Yet Trejo never received mandated government protection despite repeated pleas. Facussé and his guards, meanwhile, have never been investigated or prosecuted.

Under Secretary Otero stated on her trip that "the message must be clear that the law applies to everyone—from the common pickpocket to the powerful government official or the wealthy business person." I hope this will extend to an investigation of Mr. Facusse as well.

The situation in Honduras, which will likely be with us for some time, forces us to make a choice. We can view the terrifying human rights situation through the lens of "threats to citizen security," as the State Department recently characterized it; or we can understand the same human violations through the prism of the coup and indeed of a lockdown on the political process by long-entrenched elites. If we choose the latter, Honduran chaos begins to look like something much closer to political repression. Until the U.S. begins to embrace this view, we will not get our Honduras policy right.

I look forward to working with you to reevaluate and recast our Honduras policy to more effectively reflect our interests and values, and better serve the vast majority of Honduran citizens.

Sincerely,



HOWARD L. BERMAN
Ranking Member