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Human Rights in Honduras

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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 am 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 to 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

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. (Exact figures are difficult to obtain. 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. Since the coup the United 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. 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.

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. Military personnel now routinely and randomly patrol residential neighborhoods in the large cities, much to the alarm of residents, who describe the military's presence as an "occupation." 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. 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 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.

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. 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.

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 report documenting a wide range of alleged human rights abuses by the XVth Batallion of the Honduran Armed Forces, in the Aguán Valley. As I noted above, on July 15, the Engineers Batallion 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 24 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 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 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 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 than 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. 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 24, 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.

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² Dana Frank, "Honduras Gone Wrong," ForeignAffairs.com, October 16, 2012;

[&]quot;Honduras: Which Side Are We On?, *The Nation*, June 11, 2012; Peter J. Meyer,

[&]quot;Honduras-U.S. Relations," Congressional Research Service, February 5, 2013.

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-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

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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,

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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-war.html?_r=0&adxnnl=1&pagewanted=all&adxnnlx=1375243989-8W0to3KeYnhlEAJ2by4glQ; 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,

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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.

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