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

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 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."

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 defacto government. The TRC concluded that a coup d'etat 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

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. 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 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. 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. 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. 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

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.

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."

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. 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

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. 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."

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 in the past, although he was acquitted in 2004 in the case that went to trial. 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.

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 outsize 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.

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. 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. 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.

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.

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.

- 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.

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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 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,

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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.

⁶ 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, 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.

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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.

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,

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.

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.

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

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