

**House Foreign Affairs Committee
Tom Lantos Human Rights Commission**

**Hearing
on
Human Rights and Corruption in Honduras**

**December 11, 2019, 2:00 p.m.
2255 Rayburn House Office Building**

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Thank you to Co-Chairs James McGovern and Christopher Smith and members of the Tom Lantos Human Rights Commission for the opportunity to testify today and for your attention to the serious situation in Honduras.

In Honduras, the Hernández Administration and the legislature are putting into place laws and policies to limit oversight and action by judicial authorities, human rights defenders, civil society activists, anti-corruption crusaders, and journalists to expose and protest abuses, while sweeping away obstacles to their own corruption. Those who seek to block and expose such corruption are at grave risk.

There are clear steps the United States and the broader international community should take to address the widescale and interconnected corruption and human rights abuses in Honduras. This starts with a firm stance urging the Honduran government to renew the mandate of the Mission of Support against Corruption and Impunity in Honduras (MACCIH) and supporting efforts by MACCIH and the Special Prosecutor's Unit against Corruption and Impunity (UFECIC) to expose and ensure prosecution of corrupt acts. It includes a rigorous application of the Global Magnitsky Act to corrupt officials in Honduras. The United States should also strongly support the office of the United Nations High Commissioner for Human Rights in Honduras, with its current leadership, which plays a crucial role documenting patterns of abuse and recommending and providing technical support for policy changes to support human rights and the rule of law.

But it does not end there. The U.S. government needs to step back from its embrace of the Hernández Administration, all the more urgent since the revelations from New York prosecutors' case against the President's brother regarding alleged drug cartel [payments](#) to the President's [campaigns](#).¹

And the U.S. government must stand with the human rights defenders, journalists, LGBTQ+ and women activists, indigenous and Garifuna community leaders, environmental activists, union leaders and anti-corruption crusaders who are risking their lives to build a better nation. They need and deserve our support.

The forces of corruption are advancing in Honduras

Today, members of the Honduran Congress as well as the executive branch are working overtime to protect corruption as well as limit rights of those seeking to expose corruption and abuse or defend their communities. To give just a few recent examples:

- The President of Honduras is delaying renewing the mandate of MACCIH, which expires shortly in January 2020. Taking a cue from Guatemala, on December 5 some Honduran legislatures launched a commission to evaluate MACCIH, prompting a pro-MACCIH group of legislators to [note](#) that the Congress “did not have the moral authority to evaluate MACCIH.”² The mandate urgently needs to be renewed now, for another four-year term and with a strengthened mandate. A shorter term and a weaker mandate will not provide MACCIH with the power it needs to combat entrenched corruption.
- The Honduran legislature passed in September 2019 a penal code reform containing controversial provisions [reducing penalties](#)³ for [corruption](#),⁴ [misuse](#) of public funds, and money laundering. The head of the National Anti-Corruption Council Gabriela Castellanos [said](#), “A Honduran who robs a cellphone will now face more serious penalties than the government official who robs their agency’s budget.”⁵ Civil society groups are organizing a citizen initiative to delay the Penal Code’s implementation.
- The legislature passed in October 2019 a measure granting immunity to members of Congress for actions taken as part of their legislative duties, allowing them to be judged only by fellow legislators (as part of the *Ley Orgánica del Poder Legislativo*). This protects members of Congress implicated in corrupt use of public funds after MACCIH and UFECIC exposed these abuses in the set of cases known as “*Red de Diputados*.” The Public Ministry subsequently [challenged](#) the law’s legality on procedural grounds. A separate law, the Special Law for Public Funds for Social, Community, Infrastructure, and Social Programs, authorized funding members of Congress could use for projects in their districts while weakening controls over corruption. It [established](#) that legislators’ corruption could only be prosecuted by the regular judicial system if the weak Superior Court of Auditors first ruled their actions corrupt.⁶ In the meantime, other legal cases against them—including the *Red de Diputados* cases—would be suspended.

Closing space for civil society

As these legislative and executive branch initiatives to restrain anti-corruption efforts advance, the situation of human rights defenders, environmental activists, and LGBTQ+ and women activists, has become ever more constrained and dangerous. What is happening to human rights defenders is not a series of isolated events but rather is part of a larger picture of corrupt elites who are using legal and illegal means to hide their corruption and limit the actions of those who seek to stop them. These means include passing laws to protect corruption, using their political sway over judges and prosecutors, and using threats and violence.

Threatening, harassing, killing, and silencing human rights defenders & journalists

Human rights defenders—including environmental activists, union leaders, LGBTQ+ and women activists, Garifuna, indigenous, and other community leaders—face a daily onslaught of threats,

harassment, specious prosecution, attacks—and murders. According to the Inter-American Commission on Human Rights, which notes that human rights defenders are in a situation of “extreme risk” in Honduras, [65](#) human rights defenders were killed between 2014 and 2018.⁷ [Twenty](#) human rights defenders were killed to date in 2019, according to the civil society observatory of the National Protection System.⁸

Environmental defenders are the most at risk. In defending their lands and communities from the impact of unwanted, unconsulted, and environmentally damaging development projects, these defenders come up directly against entrenched corruption in Honduras, including corrupt local and national officials, public security, private security, judges, organized crime, and hired hitmen. As Donald Hernández of the National Coalition of Environmental Networks and Organizations (CEHPRODEC) describes it, projects, including over 300 mining concessions, are being awarded by the Honduran government “to national and international businesses on thousands of hectares of land, affecting populations that are rarely consulted. Rivers are being [appropriated](#) in many regions of the country to generate electricity. Projects are also often granted ... without consultation, as a payback for favors made for political campaigns. Thousands of hectares of land are being used to plant African palm, transgenic corn and sugar cane for biofuels. This is displacing traditional agriculture, and also causing displacement of populations from their territories to urban centres within and outside the country.”⁹ In many parts of Honduras, communities are challenging these often corrupt concessions. They are organizing to carry out popular consultations on mining, hydroelectric, and other projects, to defend their farmlands from encroachment by palm plantations or coastal lands from hotel developments, to defend their rights to potable water and their access to land, and to defend their core labor rights.

A disturbing new development is that the government has granted the military via executive decree a new role in [agricultural](#) production, which is deeply concerning to small farmer organizations.¹⁰ Over 140 subsistence farmers have been killed in the last decade in the context of land conflicts in the Bajo Aguán region. A further [militarization](#) of agricultural activities would likely intensify these conflicts and place rural social leaders at greater risk.¹¹

The UN Special Rapporteur on the Situation of Human Rights Defenders, Michel Forst, noted after a visit to Honduras, “I am appalled by the number of conflicts related to the protection of natural resources and land rights.... During my visit in Honduras, I had the opportunity to meet with many individuals and communities who are engaged in the protection of their land and who opposed large-scale projects such as mining, dams, logging or tourism. I did not see in these people the terrorists, criminals, or anti-development often depicted in the media. Instead, I saw humble farmers, indigenous and peaceful communities who are genuinely worried about the future of their children because the forests that surround their communities are disappearing or the water they drink is poisoned. In many situations, these persons became human rights defenders out of necessity because they did not have choice other than to speak up to defend their very livelihood.”¹²

Recent cases. To highlight a few examples of human rights defenders harmed in the last few months: Honduran union leader Jorge Alberto [Acosta](#)¹³ was [murdered](#) on November 16, 2019.¹⁴ Due to threats against his life he had been accepted into the Honduran government’s limited protection program, but effective protection measures were not implemented. Acosta’s murder took place just three weeks after the [kidnapping](#) and torture of Jaime Atilio Rodríguez, former president of the union of middle

school teachers that had played a role in massive protests against education and health system cuts.¹⁵ Rodriguez fortunately survived.

Garifuna community leader Mirna Teresa Suazo Martínez was [shot](#) to death September 8, 2019 by two men who approached her in the restaurant that she owned and without a word opened fire.¹⁶ Oscar Francisco Guerrero Centeno, who had been providing security and support to Suazo's family, was murdered on October 21 by unidentified assailants. According to the records of the National Network of Women Human Rights Defenders in Honduras, Mirna Teresa Suazo is the fourth Garifuna woman murdered in the month of September. This year alone, 17 Garifuna people were [murdered](#), six of them women community leaders.¹⁷

Legal harassment. Threats and attacks are not the only way in which the forces of corruption seek to limit human rights defenders. Inappropriate use of the judicial system to jail and harass human rights defenders is a widespread problem in Honduras. This has affected student activists, for example, with 70 students subject to legal proceedings and at least 24 expelled from universities due to activities related to protests.¹⁸ And it very seriously affects environmental defenders. For example, community leaders defending the Guapinol community from environmental harm caused by a mining project are in jail. As the Inter-American Commission on Human Rights [notes](#), this kind of criminalization does not only limit the rights of the individual activist. It also “has social effects that impact structures, leadership, the capacity of groups to organize and collective symbolism,” damaging the collective ability for groups and communities to defend their rights and mobilize against corruption and human rights abuses.¹⁹

Prosecutors seem adept at bringing charges against human rights defenders while cases of attacks against defenders are prosecuted slowly. A new special unit to investigate attacks against defenders was opened in 2018, which is positive, but needs budget and backing to produce results. According to the civil society observatory of the National Protection System, of 200 complaints [presented](#) to the special unit, only 15 have moved forward.²⁰

U.S. government attention to the most high-profile attack on a human rights defender, the 2016 murder of indigenous activist Berta Cáceres, motivated by a massive global expression of sorrow and outrage, helped produce results. Yet even in this case, while seven perpetrators were convicted, they were sentenced only a year after they were convicted, and the trial of one alleged intellectual author has just begun. U.S. government attention, from the multiple congressional statements and letters and the introduction of the Berta Cáceres Act, to the visit of a high-level State Department delegation to Honduras shortly after the crime, and to the persistent attendance of the U.S. Embassy human rights officer at the trials, has definitely contributed to progress. But this attention by the U.S. government to the situation of defenders in Honduras needs to go far beyond one or two exemplary cases.

The situation of journalists. Honduras [ranks](#) 146 out of 176 countries in terms of press freedom around the globe in 2018, and security forces, especially the army and Military Police, are [responsible](#) for the majority of abuses against journalists, according to Reporters without Borders.²¹ There are multiple reports of members of the security forces threatening and beating journalists engaged in covering protests. For example, UNE TV journalists Leonidas Maradiaga and Víctor Rodríguez on May 30, 2019 were threatened by members of the Military Police who then [beat](#) them as the journalists were covering the arbitrary detention of a young man.²²

Eighty-two journalists were killed over the last decade, according to press freedom group C-Libre. Seven journalists were killed in 2019. Twenty-one-year-old Johana Alvarado was shot and [killed](#) right outside the Public Ministry building in Catacambo, just two weeks after she started as a journalist in training at Canal 45.²³ On November 25, 2019, TV host José Ariza was [shot](#) by two identified individuals after he finished his “Hour of Truth” broadcast.²⁴ Fifteen journalists have gone into [exile](#) in 2019, according to journalist and human rights advocate Dina Meza.²⁵ Journalists’ ability to obtain information is greatly limited by the so-called “Law of Secrets” (*Ley de Secretos*) limiting access to information.

Situation of LGBTQ+ Hondurans. LGBTQ+ Hondurans face frightening levels of violence. No fewer than [337](#) LGBTQ+ Hondurans were murdered from 2009 – 2019 as of November 30, 2019, according to the observatory of Red Lesbica Cattrachas.²⁶ In some cases attacks appear to be hate crimes motivated by the victim’s gender and activism, as in the cases of the November 9, 2019 beating of LGBTQ+ activist [Alejandra Vega Balenciaga](#)²⁷ in San Pedro Sula and the murder of trans woman [Bessy Michelle Ferrara](#) who was killed with 8 shots on July 8, 2019 in Comayagua.²⁸ U.S. support for LGBTQ+ rights and for resolving cases of violence against LGBTQ+ Hondurans has been significant in the past, and that visible and technical support should increase, not fade away.

Limiting the right to protest

The Hernández Administration continues to crack down on widespread rounds of social protest. Protests exploded in the aftermath of the November 2017 elections in which President Hernández was reelected amidst accusations of fraud and continue today over issues of corruption, cuts in health and education spending, conflicts with communities over mining and other projects, and other issues.

During the post-electoral protests in late 2017 and early 2018, nongovernmental groups reported [33](#) dead, the majority of whom were protesters allegedly killed by members of the Military Police of Public Order.²⁹ The United Nations High Commissioner for Human Rights office in Honduras investigated cases of at least [16 people](#) allegedly killed by government security forces.³⁰

Two years later, only two security officers have been indicted for these killings, and none convicted. No new protocol for handling protests has been developed. The role of the armed forces continues to expand, with new powers granted even for the army to play a role in [agricultural development](#).³¹ Excessive use of force by security forces during protests continues. In a September 2019 hearing before the Inter-American Commission on Human Rights, Honduran human rights groups asserted that 9 people were [killed](#) in the context of protests in 2019 and that firearms and excessive use of tear gas were regularly employed by security forces in repressing protests.³²

People turn to protest especially when they have few other ways to express their discontent. It matters when even this avenue is blocked. And on the issue of the right to protest in Honduras, the U.S. government has been largely silent.

U.S. Policy

Despite this toxic mix of corruption and human rights abuses in Honduras, the main thrust of U.S. policy towards Honduras is a laser focus on cooperation on migration. U.S. aid to Honduras was held up in 2019 by the White House not because of the terrible toll of human rights abuses, the massive corruption, or even the testimony in New York courts of alleged drug cartel payments to the President

of Honduras. No, what held up assistance was the White House's concern that Honduras was not cooperating fully in preventing its people from fleeing and seeking asylum in the United States.

The week after the President's brother was convicted in New York courts, a large delegation of Department of Homeland Security and State Department personnel arrived to hammer out the details of a safe third country [agreement](#) with Honduras.³³

Signals of full U.S. support for the Hernández Administration and the security forces of continued, including President Trump's recent remarks noting President Hernández is working "[very closely](#)" with the United States on "stopping drugs."³⁴

Recent public statements by Acting Assistant Secretary of State for Western Hemisphere Affairs Ambassador Michael Kozak and by the chargé d'affaires in Honduras, Colleen Hoey, regarding the importance of renewing the MACCIH mandate are helpful. Over the past three years, the actions by the State Department, Embassy officials regarding the Berta Cáceres case have been essential to advance the case. The human rights officer at the embassy has been regularly attending the Cáceres trials and the unwarranted trials against community leaders from Guapinol. These U.S. actions do help.

But these positive signals are obscured by the overall thrust of U.S. policy.³⁵ At the highest level, the State Department, Embassy, need to distance themselves immediately from this government and stand with the civil society activists and organizations working to build a more accountable, transparent, and rights-respecting government. Congress should amplify its own messages and actions in support of those fighting for human rights in Honduras.

Finally, the White House policy on Honduras is self-defeating in terms of reducing migration. Human rights abuses and corruption are a major driver of forced migration from Honduras. Massive corruption robs the state of resources to help an impoverished population. Corrupt and drug trafficking-fueled campaign financing and likely election fraud reduces citizens' faith that a future can be better. Corruption and abuse force people off their lands and destroy their livelihoods. Corrupt or ineffectual police leave communities at the mercy of gangs and organized crime. The United States should not be pressuring the Honduran government to agree to a charade that it is a safe third country for asylum seekers from anywhere on earth, or strengthening its border forces to discourage migration. Rather, the U.S. government should be urging the Honduran government to serve and protect its citizens so that they can choose to stay.

Recommendations for U.S. Policy

- **The State Department and the U.S. Embassy should:**
 - immediately insist that the President of Honduras agree to a four-year renewal of MACCIH's term with at least as strong a mandate;
 - end public expressions of support for President Hernández and his administration to send clear signal that corruption, drug trafficking, and repression are not tolerated;
 - more vigorously implement the Global Magnitsky Act in Honduras, applying it to high-level officials involved in corruption and gross human rights abuses;
 - increase public statements, social media, and actions in support of Honduran human rights defenders and journalists, stressing concerns about criminalization of Honduran

- human rights defenders, including the Guapinol community leaders; push for effective prosecution of the intellectual authors of Berta Cáceres' murder;
- urge effective prosecutions of the security forces involved in the killings of protesters, an end to the use of the armed forces and Military Police in responding to protest, and the development and use of an appropriate protocol in protest situations for the civilian police. The embassy should also make strong public statements when abuses against protesters take place;
 - continue supporting the office in Honduras of the UN High Commissioner for Human Rights with its current leadership;
 - express concerns regarding restrictions on nongovernmental organizations and journalists and monitor application of the penal code; and
 - release aid to civil society and accountable local governments for violence prevention, poverty reduction, opportunities for youth at risk, women's and LGBTQ+ rights, anti-corruption efforts and human rights initiatives, while withholding all security assistance and suspending arms sales and commercial licenses for exporting tear gas and other crowd control items to Honduras.

The Congress should:

- urge the State Department to carry out these recommendations:
- make public statements immediately urging renewal of MACCIH's term in Honduras for four years with at least as strong a mandate;
- place a hold on security assistance to Honduras based on lack of compliance with human rights conditions in law;
- carry out vigorous oversight of safe third country agreements with Honduras, as well as Guatemala and El Salvador, and discourage the administration from advancing with these plans; and
- through letters, statements, and social media, express support for the human rights defenders at risk in Honduras.

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