

**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'état 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 have 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 1<sup>st</sup>, 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.