

116TH CONGRESS
1ST SESSION

H. R. 1945

To suspend United States security assistance with Honduras until such time as human rights violations by Honduran security forces cease and their perpetrators are brought to justice.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2019

Mr. JOHNSON of Georgia (for himself, Ms. KAPTUR, Mr. SERRANO, Ms. SCHAKOWSKY, Ms. OCASIO-CORTEZ, Ms. MOORE, Mr. RASKIN, Mr. FOSTER, Mrs. NAPOLITANO, Ms. PINGREE, Ms. SPEIER, Ms. BONAMICI, Mr. PANNETTA, Mr. LOWENTHAL, Ms. OMAR, Mrs. DINGELL, Ms. ESHOO, Mr. RUSH, Mr. TONKO, Ms. LEE of California, Mr. LYNCH, Miss RICE of New York, Mr. KHANNA, Mr. GRIJALVA, Ms. LOFGREN, Mr. MCGOVERN, Ms. HAALAND, Mr. POCAN, Mr. CICILLINE, Mr. BLUMENAUER, Mr. DANNY K. DAVIS of Illinois, Mr. PALLONE, Ms. JAYAPAL, Mr. THOMPSON of Mississippi, Ms. JUDY CHU of California, Ms. NORTON, Mr. CLEAVER, Mr. HIMES, Ms. MCCOLLUM, Mr. LIPINSKI, Mr. BEYER, Mr. KIND, Mr. PAYNE, and Mr. TED LIEU of California) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To suspend United States security assistance with Honduras until such time as human rights violations by Honduran security forces cease and their perpetrators are brought to justice.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Berta Cáceres Human
5 Rights in Honduras Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The Honduran police are widely established
9 to be deeply corrupt and commit human rights
10 abuses, including torture, rape, illegal detention, and
11 murder, with impunity.

12 (2) The New York Times revealed documents
13 on April 15, 2016, indicating that top officials of the
14 Honduran police ordered the killings of drug-crime
15 investigators Julián Arístides González and Alfredo
16 Landaverde in 2009 and 2011, respectively, with the
17 subsequent knowledge of top police and, evidently,
18 high-ranking government officials. The Times sug-
19 gested in a subsequent article that the revelations
20 were being manipulated by the President of Hon-
21 duras for his own corrupt purposes. Both cases re-
22 main in impunity.

23 (3) Individuals in the police with documented
24 records of having committed gross human rights
25 abuses with impunity continue to serve in, and be

1 appointed and reappointed to high positions with the
2 police. Former general in the Armed Forces Julian
3 Pacheco Tinoco, the Minister of Security, was the
4 highest ranking official in charge of the repression
5 of protesters by the police following the November
6 27, 2017, election, and has been twice named in
7 United States Federal court as overseeing drug traf-
8 ficking. He was reappointed to his position by Presi-
9 dent Juan Orlando Hernández in December 2018.

10 (4) Other individuals who previously served in
11 high-ranking positions and who are documented to
12 have committed gross human rights abuses continue
13 in impunity.

14 (5) International human rights bodies have re-
15 ported that the Honduran military and police com-
16 mit human rights abuses, including killings, with im-
17 punity. The Associated Press has documented death
18 squad activity by police. Human Rights Watch has
19 reported: “The use of lethal force by the national po-
20 lice is a chronic problem.”. In its report for 2018 it
21 concluded that “Violent crime is rampant in Hon-
22 duras”. It noted that: “Marred by corruption and
23 abuse, the judiciary and police remain largely inef-
24 fective. Impunity for crime and human rights abuses
25 is the norm.”.

1 (6) The Department of State’s 2018 Human
2 Rights Report for Honduras reported: “Civilian au-
3 thorities at times did not maintain effective control
4 over the security forces.”. It summarized: “The most
5 significant human rights issues included alleged ar-
6 bitrary and unlawful killings; a complaint of torture;
7 harsh and life-threatening prison conditions; arbi-
8 trary arrest or detention; unlawful interference with
9 privacy; killings of and threats to media members,”
10 and other issues.

11 (7) Repeated efforts to clean up the Honduran
12 police have largely failed. A recent commission
13 charged with cleaning up the police reports that it
14 has cleaned up over 5,000 members, but the great
15 majority of those were separated for reasons of re-
16 structuring, retirements, or disabilities. Only ap-
17 proximately 100 cases of alleged criminal activity
18 have been forwarded to the Public Ministry for pros-
19 ecution. Few of those are being prosecuted. The ac-
20 tions and results of the police cleanup commission
21 have not been independently verified, moreover, and
22 its directors include Julian Pacheco Tinoco, the Min-
23 ister of Security, named as a drug trafficker, and
24 Vilma Morales, one of the top two negotiators for

1 the leader of the 2009 coup. Long-lasting, funda-
2 mental reform of the police still needs to be enacted.

3 (8) Evidence indicates that topmost officials in
4 charge of the police have been allegedly involved in
5 drug trafficking. The National Director of the Police
6 and his top two lieutenants have been documented
7 by the Associated Press to have previously partici-
8 pated in cocaine trafficking. Julian Pacheco Tinoco,
9 the Minister of Security, reappointed in December
10 2018, has been twice named in United States Fed-
11 eral court as overseeing drug trafficking.

12 (9) Rights Action has documented that the Fif-
13 teenth Battalion of the Honduran Armed Forces al-
14 legedly participated with police and private security
15 forces in some of the killings of over 100 small-farm-
16 er activists in the Aguán Valley beginning in 2010.
17 In 2015, Human Rights Watch confirmed that the
18 killings of Aguán farmers were met with no con-
19 sequences. To date there has been one confirmed
20 conviction of a private security guard. Assassinations
21 of key activists continue. In October 2016, José
22 Angel Flores, the president of the Unified
23 Campesino Movement of the Aguán (MUCA), and
24 Silmer Dionisio George, another MUCA member,
25 were assassinated, with impunity.

1 (10) Further examples abound of human rights
2 abuses by the military: in July 2013 members of the
3 Armed Forces shot and killed Tomás García, a
4 Lenca Indigenous activist, and injured his son while
5 they were peacefully protesting a dam project; in
6 May 2014, nine members of the Ninth Infantry re-
7 portedly tortured and killed Amado Maradiaga
8 Quiroz and tortured his son, Milton Noe Maradiaga
9 Varela. The cases remain in impunity. In an em-
10 blematic case, on December 27, 2015, the Honduran
11 Navy reportedly killed Joel Palacios Lino and Elvis
12 Armando García, two Garífuna Afro-Indigenous men
13 who were engaged in digging a car out of the sand
14 on a beach. Ten members of the Honduran military
15 were convicted of the killing of these 2 men, under-
16 scoring that egregious human rights are committed
17 by state security forces.

18 (11) The current Government of Honduras has
19 expanded the military's reach into domestic policing,
20 including the creation of a 4,300-member Military
21 Police in clear violation of the Honduran constitu-
22 tion and with disastrous results, including the
23 killings of a 15-year-old boy, Ebed Yanes, in 2012
24 and a student, Erlin Misael Carías Moncada, in
25 2014, after they had passed unarmed through check-

1 points, and the January 2, 2017, killing of 17-year-
2 old Edgardo Moreno Rodriquez. While one member
3 of the armed forces was convicted and sentenced in
4 the case of Yanes, the case of the United States-
5 trained colonel who allegedly subsequently ordered a
6 cover-up remains in impunity. Since the creation of
7 the Military Police, “allegations of human rights
8 abuses by the military have increased notably”, re-
9 ports Human Rights Watch. The Military Police
10 now count 9 battalions and plan 2 additional battal-
11 ions.

12 (12) During the crisis that erupted following
13 the highly contested November 2017 Presidential
14 election, massive protests against electoral fraud and
15 the disputed re-election campaign of President Juan
16 Orlando Hernández emerged throughout the coun-
17 try. The United Nations and the Committee of Fam-
18 ilies of the Detained and Disappeared in Honduras
19 (COFADEH) have documented that in response,
20 Honduran state security forces killed at least 16
21 people, many of them protesters and bystanders; one
22 additional person remains forcibly disappeared by
23 state security forces. The great majority of the vic-
24 tims, according to the UN and COFADEH reports,
25 were killed by the Military Police. All these cases re-

1 main in impunity. In addition, 3 people accused of
2 crimes while protesting remain in prison awaiting
3 trial under dire, life-threatening conditions and a
4 fourth remains in exile.

5 (13) The Military Police continue to commit se-
6 rious human rights abuses. On November 30, 2017,
7 Daniel Isaac Varela, age 12, was wounded by mem-
8 bers of the military police in Comayagüela during a
9 post-election demonstration while he was purchasing
10 candy with friends and the military opened fire. On
11 December 3, 2017, Manuel de Jesús Bautista Sal-
12 vador disappeared while held in detention by the
13 Military Police in Cofradía, Cortés, and his where-
14 abouts remain unknown.

15 (14) The Honduran judicial system has been
16 widely documented to be rife with corruption.
17 Judges, prosecutors, and other officials are inter-
18 connected with organized crime and drug traffickers,
19 contributing to near-complete impunity.

20 (15) The Department of State in its 2018
21 Human Rights Report for Honduras reports that
22 “Corruption and impunity remained serious prob-
23 lems within the security forces.”. It noted that “Im-
24 punity existed in many cases . . . as evidenced by
25 lengthy judicial processes, few convictions of per-

1 petrators, and failures to prosecute intellectual au-
2 thors of crimes.”.

3 (16) Overall, the judicial system remains inef-
4 fective and corrupt. The Department of State re-
5 ported for 2017 that it was “often ineffective, and
6 subject to intimidation, corruption, politicization and
7 patronage . . . Powerful special interests, including
8 organized crime groups, exercised influence on the
9 outcome of some court proceedings.”.

10 (17) Summarizing the situation, Human Rights
11 Watch reported for 2018 that “Judges face inter-
12 ference from the executive branch and others, in-
13 cluding private actors with connections in govern-
14 ment.”. It concludes: “Efforts to reform the institu-
15 tions responsible for providing public security have
16 made little progress. Marred by corruption and
17 abuse, the judiciary and police remain largely inef-
18 fective.”.

19 (18) The March 2, 2016, assassination of
20 prominent Lenca Indigenous and environmental ac-
21 tivist Berta Cáceres, world-renowned recipient of the
22 2015 Goldman Environmental Prize for her work
23 defending Indigenous land rights against a hydro-
24 electric dam project, illustrates the human rights cri-
25 sis in Honduras, and the deep complicity of the

1 Honduran government. Cáceres, the leader of
2 COPINH, the Council of Indigenous and Popular
3 Organizations of Honduras, had reported to authori-
4 ties 33 threats previous to her killing, but none had
5 been investigated, and the government had failed to
6 provide adequate protection measures as mandated
7 by the Inter-American Commission on Human
8 Rights, with protection by Honduran security being
9 withdrawn the day of her death.

10 (19) As of November 2018, seven men have
11 been convicted in the killing of Cáceres. One of them
12 was an active duty officer in the military at the time
13 of his arrest and two others are former military. A
14 third former officer and the president of the DESA
15 Corporation, the dam construction company, has
16 been charged and is awaiting trial. The convictions
17 raise serious questions about the role of the Hon-
18 duran military in her assassination, including the
19 higher chain of command within the military as well
20 as the identity of the intellectual authors of the as-
21 sassination. Evidence in the documents in the case
22 file indicate that members of the Honduran elite
23 were responsible for ordering Cáceres's assassina-
24 tion, and remain in impunity. Evidence also indi-
25 cates possible involvement of individuals of higher

1 rank in the military, but there is no indication that
2 prosecutors are investigating these individuals.

3 (20) The Government of Honduras continues to
4 unduly limit legally mandated access by Ms.
5 Cáceres's family to participation in the prosecution
6 as permitted under Honduran law.

7 (21) In this context of corruption and human
8 rights abuses, trade unionists, journalists, lawyers,
9 Afro-Indigenous activists, Indigenous activists,
10 small-farmer activists, LGBTI activists, human
11 rights defenders, and critics of the government re-
12 main at severe risk; and previous human rights
13 abuses against them remain largely unpunished.

14 (22) Journalists continue to be attacked with
15 impunity. On May 2, 2016, prominent opposition
16 journalist Félix Molina was shot multiple times in
17 the legs hours after he had posted information po-
18 tentially linking Cáceres's killing to a top govern-
19 ment official, members of an elite family, and one of
20 the prosecutors in the case. Those who report on
21 protests against the government are threatened and
22 attacked by state security forces. On November 26,
23 2018, journalist Geovanny Sierra from the UNETV
24 opposition television station was in the process of re-
25 porting on the repression by security forces of a pro-

1 test marking the one-year anniversary of the dis-
2 puted 2017 elections when he was fired upon by
3 members of the police assigned to the National Peni-
4 tentiary. He survived the attack but suffered exten-
5 sive injuries to his right arm. Both cases remain in
6 impunity.

7 (23) United States agencies allocated approxi-
8 mately \$39 million that Congress appropriated
9 through the Consolidated Appropriations Act, 2017,
10 to the Honduran police and military for fiscal year
11 2017.

12 (24) The Inter-American Development Bank
13 lent \$60,000,000 to the Honduran police between
14 2012 and 2018, with United States approval.

15 **SEC. 3. SUSPENSION AND RESTRICTIONS OF SECURITY AS-**
16 **SISTANCE EXTENDED TO REPUBLIC OF HON-**
17 **DURAS UNLESS CERTAIN CONDITIONS HAVE**
18 **BEEN MET.**

19 (a) **SUSPENSION OF SECURITY ASSISTANCE.**—No
20 funds may be made available to provide assistance for the
21 police or military of the Republic of Honduras, including
22 assistance for equipment and training.

23 (b) **LOANS FROM MULTILATERAL DEVELOPMENT**
24 **BANKS.**—The Secretary of the Treasury shall instruct
25 United States representatives at multilateral development

1 banks to vote no on any loans for the police or military
2 of the Republic of Honduras.

3 **SEC. 4. CONDITIONS FOR LIFTING SUSPENSIONS AND RE-**
4 **STRICTIONS.**

5 The provisions of this Act shall terminate on the date
6 on which the Secretary of State determines and certifies
7 to the Committee on Foreign Affairs of the House of Rep-
8 resentatives and the Committee on Foreign Relations of
9 the Senate that the Government of Honduras has—

10 (1) pursued all legal avenues to bring to trial
11 and obtain a verdict of all those who ordered and
12 carried out—

13 (A) the March 2, 2016, murder of Berta
14 Cáceres;

15 (B) the killings of over 100 small-farmer
16 activists in the Aguán Valley;

17 (C) the killings of 22 people and forced
18 disappearance of 1 person by state security
19 forces in the context of the 2017 postelectoral
20 crisis; and

21 (D) the May 3, 2016, armed attack on
22 Félix Molina, and the November 26, 2018,
23 shooting of Geovanny Sierra.

24 (2) investigated and successfully prosecuted
25 members of military and police forces who are

1 credibly found to have violated human rights, and
2 ensured that the military and police cooperated in
3 such cases, and that such violations have ceased;

4 (3) withdrawn the military from domestic polic-
5 ing, in accordance with the Honduran Constitution,
6 and ensured that all domestic police functions are
7 separated from the command and control of the
8 Armed Forces of Honduras and are instead directly
9 responsible to civilian authority;

10 (4) established that it protects effectively the
11 rights of trade unionists, journalists, human rights
12 defenders, the Indigenous, the Afro-Indigenous,
13 small-farmers, LGBTI activists, critics of the gov-
14 ernment, and other civil society activists to operate
15 without interference; and

16 (5) taken effective steps to fully establish the
17 rule of law and to guarantee a judicial system that
18 is capable of investigating, prosecuting, and bringing
19 to justice members of the police and military who
20 have committed human rights abuses.

○