

115TH CONGRESS
1ST SESSION

H. R. 1299

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 2, 2017

Mr. JOHNSON of Georgia (for himself, Mr. CONYERS, Ms. KAPTUR, Mr. SERRANO, Ms. SCHAKOWSKY, Mr. ELLISON, Ms. LEE, Mrs. DAVIS of California, Ms. SPEIER, Ms. MOORE, Ms. MCCOLLUM, Mr. LIPINSKI, Mrs. DINGELL, Mr. POCAN, Ms. NORTON, Mrs. NAPOLITANO, Ms. BONAMICI, Ms. DELAURO, Mr. GUTIÉRREZ, Mr. CICILLINE, Ms. PINGREE, Mr. BLUMENAUER, Mr. RUSH, Mr. TONKO, and Mr. GRIJALVA) 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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

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

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

20 (3) Individuals in the police with documented
21 records of having committed gross human abuses
22 with impunity continue to be appointed to high posi-
23 tions within the police.

24 (4) International human rights bodies have re-
25 ported that the Honduran military and police com-
26 mit human rights abuses, including killings, with im-

1 punity. The Associated Press has documented death
2 squad activity by police. Human Rights Watch re-
3 ports: “The use of lethal force by the national police
4 is a chronic problem. Investigations into the police
5 abuses are marred by inefficiency and corruption,
6 little information about them is made public; and
7 impunity is the rule.”.

8 (5) The Department of State’s Honduran
9 Human Rights Report for 2016 reports: “Impunity
10 remains a serious problem, with prosecution in cases
11 of military and police officials charged with human
12 rights violations moving too slowly or remaining in-
13 conclusive.”.

14 (6) Repeated efforts to clean up the Honduran
15 police have largely failed. A recent commission to
16 clean up the police reports that it has separated a
17 number of police. However, to date there has been
18 minimal and only token progress in effectively pros-
19 ecuting members of the police involved in corruption
20 and human rights abuses, and the reported separa-
21 tions have not been independently verified. More-
22 over, long-lasting, fundamental reform of the police
23 still needs to be enacted.

24 (7) Rights Action documented the Fifteenth
25 Battalion of the Honduran Armed Forces allegedly

1 participated with police and private security forces
2 in some of the killings of over 100 small-farmer ac-
3 tivists in the Aguán Valley beginning in 2000. In
4 2015, Human Rights Watch confirmed that the
5 killings of Aguán farmers were met with no con-
6 sequences. To date there has been one confirmed
7 conviction of a private actor. Assassinations of key
8 activists continue. In October 2016, José Angel Flo-
9 res, the president of the Unified Campesino Move-
10 ment of the Aguán (MUCA), and Silmer Dionisio
11 George, another MUCA member, were assassinated.

12 (8) Further examples abound of human rights
13 abuses by the military: in July 2013 members of the
14 Armed Forces shot and killed Tomás García, a
15 Lenca Indigenous activist, and injured his son while
16 they were peacefully protesting a dam project; in
17 May 2014, nine members of the Ninth Infantry re-
18 portedly tortured and killed Amado Maradiaga
19 Quiroz and tortured his son, Milton Noe Maradiaga
20 Varela. The cases remain unresolved. In a recent
21 emblematic case, on December 27, 2015, the Hon-
22 duran Navy reportedly killed Joel Palacios Lino and
23 Elvis Armando García, two Garífuna Afro-Indige-
24 nous men who were engaged in digging a car out of

1 the sand on a beach. The case remains in impunity
2 over a year later.

3 (9) The current Government of Honduras has
4 expanded the military's reach into domestic policing,
5 including the creation of a 3,000-member Military
6 Police in clear violation of the Honduran constitu-
7 tion and with disastrous results, including the
8 killings of a 15-year-old boy, Ebed Yanes, in 2012
9 and a student, Erlin Misael Carías Moncada, in
10 2014, after they had passed unarmed through check-
11 points, and the January 2, 2017, killing of 17-year-
12 old Edgardo Moreno Rodriquez. Since the creation
13 of the Military Police “allegations of human rights
14 abuses by the military have increased notably”, re-
15 ports Human Rights Watch. In 2016 the creation of
16 two new battalions of the Military Police was an-
17 nounced.

18 (10) The Honduran judicial system has been
19 widely documented to be rife with corruption.
20 Judges, prosecutors and other officials are inter-
21 connected with organized crime and drug traffickers,
22 contributing to near-complete immunity.

23 (11) The Department of State in its 2015
24 Human Rights Report for Honduras reports “cor-

1 ruption, intimidation, and institutional weakness of
2 the justice system leading to widespread impunity.”.

3 (12) Summarizing the situation, Human Rights
4 Watch reports in 2016 that “Rampant crime and
5 impunity for human rights abuses remain the norm
6 in Honduras . . . Efforts to reform the institutions
7 responsible for providing public security have made
8 little progress. Marred by corruption and abuse, the
9 judiciary and police remain largely ineffective.”.

10 (13) The March 2, 2016, assassination of
11 prominent Lenca Indigenous and environmental ac-
12 tivist Berta Cáceres, world-renowned recipient of the
13 2015 Goldman Environmental Prize for her work
14 defending Indigenous land rights against a hydro-
15 electric dam project, illustrates the human rights cri-
16 sis in Honduras, and the deep complicity of the
17 Honduran government. Cáceres, the leader of
18 COPINH, the Council of Indigenous and Popular
19 Organizations of Honduras, had reported to authori-
20 ties 33 threats previous to her killing, but none had
21 been investigated, and the government had failed to
22 provide adequate protection measures as mandated
23 by the Inter-American Commission on Human
24 Rights, with protection by Honduran security being
25 withdrawn the day of her death.

1 (14) As of February 2017, eight suspects, four
2 of whom have ties to the Honduran military, have
3 been arrested in the killing of Cáceres, one of whom
4 is a current officer in the military and three others
5 are former military. These arrests raise serious
6 questions about the role of the Honduran military in
7 her assassination, including the chain of command
8 within the military as well as the identity of the true
9 authors of the assassination.

10 (15) The Government of Honduras continues to
11 unduly limit legally mandated access by Ms. Cáceres'
12 family to the case file. In late September 2016, the
13 original case file was allowed to leave the Public
14 Ministry and was stolen.

15 (16) Despite calls from 62 Members of Con-
16 gress, members of the family of Berta Cáceres,
17 COPINH, leaders of the European Union, the Vati-
18 can Pontifical Council on Peace and Justice, and
19 many others, the Honduran government has not per-
20 mitted the Inter-American Commission on Human
21 rights to conduct an independent investigation of the
22 case.

23 (17) In this context of corruption and human
24 rights abuses, trade unionists, journalists, lawyers,
25 Afro-Indigenous activists, Indigenous activists,

1 small-farmer activists, LGBTI activists, human
2 rights defenders, and critics of the government re-
3 main at severe risk; and previous human rights
4 abuses against them remain largely unpunished.

5 (18) The May 2, 2016, shooting of prominent
6 opposition journalist Félix Molina illustrates the con-
7 tinued risk facing activists. Hours before he was
8 shot, Molina had posted information potentially link-
9 ing Cáceres's killing to a top government official,
10 members of an elite family, and one of the prosecu-
11 tors in the case.

12 (19) The Consolidated Appropriations Act,
13 2016 allocated approximately \$18,000,000 to the
14 Honduran police and military, in addition to the Na-
15 tional Defense Authorization Act for Fiscal Year
16 2016 authorizing additional funding. The Adminis-
17 tration's funding request for fiscal year 2017 also
18 calls for an increase in security funding for Hon-
19 duras.

20 (20) The Inter-American Development Bank in
21 2012 lent \$59,800,000 to the Honduran police, with
22 United States approval.

1 **SEC. 3. SUSPENSION AND RESTRICTIONS OF SECURITY AS-**
2 **SISTANCE EXTENDED TO REPUBLIC OF HON-**
3 **DURAS UNLESS CERTAIN CONDITIONS HAVE**
4 **BEEN MET.**

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

9 (b) **LOANS FROM MULTILATERAL DEVELOPMENT**
10 **BANKS.**—The Secretary of the Treasury shall instruct
11 United States representatives at multilateral development
12 banks to vote no on any loans for the police or military
13 of the Republic of Honduras.

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

16 The provisions of this Act shall terminate on the date
17 on which the Secretary of State determines and certifies
18 to the Committee on Foreign Affairs of the House of Rep-
19 resentatives and the Committee on Foreign Relations of
20 the Senate that the Government of Honduras has—

21 (1) pursued all legal avenues to bring to trial
22 and obtain a verdict of those who ordered and car-
23 ried out—

24 (A) the March 2, 2016, murder of Berta
25 Cáceres;

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

3 (C) the December 27, 2015, killings of
4 Joel Palacios Lino and Elvis Armando García;
5 and

6 (D) the May 3, 2016, armed attack on
7 Félix Molina;

8 (2) investigated and successfully prosecuted
9 members of military and police forces who are
10 credibly found to have violated human rights, and
11 ensured that the military and police cooperated in
12 such cases, and that such violations have ceased;

13 (3) withdrawn the military from domestic polic-
14 ing, in accordance with the Honduran Constitution,
15 and ensured that all domestic police functions are
16 separated from the command and control of the
17 Armed Forces of Honduras and are instead directly
18 responsible to civilian authority;

19 (4) established that it protects effectively the
20 rights of trade unionists, journalists, human rights
21 defenders, Indigenous, Afro-Indigenous, small-farm-
22 er, and LGBTI activists, critics of the government,
23 and other civil society activists to operate without in-
24 terference; and

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

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