

117TH CONGRESS
1ST SESSION

H. R. 1574

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 3, 2021

Mr. JOHNSON of Georgia (for himself, Ms. SCHAKOWSKY, Ms. KAPTUR, Ms. OMAR, Mr. GARCÍA of Illinois, Mr. CASTRO of Texas, Mr. BEYER, Mr. BLUMENAUER, Ms. BONAMICI, Mr. CICILLINE, Mr. CLEAVER, Mr. DANNY K. DAVIS of Illinois, Mr. DEFazio, Mr. ESPAILLAT, Ms. ESHOO, Ms. GARCIA of Texas, Ms. SCANLON, Mr. GRIJALVA, Ms. NORTON, Mr. HUFFMAN, Ms. JAYAPAL, Mr. KHANNA, Mr. KIND, Mr. KILMER, Mr. LEVIN of Michigan, Mr. LOWENTHAL, Mr. LYNCH, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Mr. MOULTON, Mrs. NAPOLITANO, Ms. OCASIO-CORTEZ, Mr. PANETTA, Ms. PINGREE, Mr. POCAN, Ms. PRESSLEY, Mr. RASKIN, Miss RICE of New York, Mr. RUSH, Ms. TLAIB, Mr. TONKO, Ms. VELÁZQUEZ, Mrs. WATSON COLEMAN, Mr. VARGAS, and Mr. WELCH) 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 military and police are wide-
9 ly established to be deeply corrupt and commit
10 human rights abuses, including torture, rape, illegal
11 detention, and 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 military and police with
24 documented records of having committed gross
25 human rights abuses with impunity continue to serve

1 in, and be appointed and reappointed to high posi-
2 tions with state security forces. Former Army gen-
3 eral in the Armed Forces Julian Pacheco Tinoco, the
4 Minister of Security, was the highest ranking official
5 in charge of the repression of protesters by the po-
6 lice following the November 27, 2017, election, and
7 has been twice named in United States Federal
8 court as overseeing drug trafficking. He was re-
9 appointed to his position by President Juan Orlando
10 Hernández in December 2018.

11 (4) Other individuals who previously served in
12 high-ranking positions and who are documented to
13 have committed gross human rights abuses continue
14 in impunity. In January 2021, United States Fed-
15 eral prosecutors filed new motions with the Depart-
16 ment of Justice in the Southern District of New
17 York that implicate senior military, police, political,
18 and business figures in laundering money, bribery,
19 and murder, including former head of National Po-
20 lice, Juan Carlos “El Tigre” Bonilla Valladares.

21 (5) International human rights bodies have re-
22 ported that the Honduran military and police com-
23 mit human rights abuses, including killings, with im-
24 punity. The Associated Press has documented death
25 squad activity by police. Human Rights Watch has

1 reported: “The use of lethal force by the national po-
2 lice is a chronic problem.”. The United Nations
3 Working Group on Business and Human Rights
4 stated in 2019 that “numerous evictions, seeking to
5 allow business to operate, have been conducted with
6 the excessive use of force by police and military . . .
7 resulting in the loss of life and grave injury to peo-
8 ple”.

9 (6) The Department of State’s 2019 Human
10 Rights Report for Honduras reported: “Civilian au-
11 thorities at times did not maintain effective control
12 over the security forces.”. It summarized: “Signifi-
13 cant human rights issues included: unlawful or arbi-
14 trary killings, including extrajudicial killings; tor-
15 ture; harsh and life-threatening prison conditions;
16 arbitrary arrest or detention.”. In 2020, Human
17 Rights Watch reported that “Security forces com-
18 mitted abuses while enforcing a nationwide COVID-
19 19 lockdown that President Juan Orlando
20 Hernández imposed in March.”.

21 (7) Repeated efforts to clean up the Honduran
22 police have largely failed. A recent commission
23 charged with cleaning up the police reports that it
24 has cleaned up over 5,000 members, but the great
25 majority of those were separated for reasons of re-

1 structuring, retirements, or disabilities. Only ap-
2 proximately 100 cases of alleged criminal activity
3 have been forwarded to the Public Ministry for pros-
4 ecution. Few of those are being prosecuted. The ac-
5 tions and results of the police cleanup commission
6 have not been independently verified, moreover, and
7 its directors include Julian Pacheco Tinoco, the Min-
8 ister of Security, named as a drug trafficker, and
9 Vilma Morales, one of the top two negotiators for
10 the leader of the 2009 coup. Long-lasting, funda-
11 mental reform of the police still needs to be enacted.
12 UN Special Rapporteur on the situation of human
13 rights defenders determined that, “progress (on po-
14 lice clean up) is diminished by the involvement of
15 the armed forces in carrying out police functions and
16 maintaining public order since 2011”. In its report
17 for 2020, Human Rights Watch concludes: “Efforts
18 to reform public-security institutions have stalled.
19 Marred by corruption and abuse, the judiciary and
20 police remain largely ineffective. Impunity for
21 human rights abuses, violent crime, and corruption
22 remains the norm”.

23 (8) Evidence indicates that topmost officials in
24 charge of the police have been allegedly involved in
25 drug trafficking. The National Director of the Police

1 and his top two lieutenants have been documented
2 by the Associated Press to have previously partici-
3 pated in cocaine trafficking. Julian Pacheco Tinoco,
4 the Minister of Security, reappointed in December
5 2018, has been twice named in United States Fed-
6 eral court as overseeing drug trafficking. United
7 States Federal prosecutors have released documents
8 implicating Honduran President Juan Orlando
9 Hernández in a drug trafficking and money laun-
10 dering conspiracy with his brother Juan Antonio
11 Hernández. In October 2019, Tony Hernández was
12 convicted of drug conspiracy in United States Fed-
13 eral Court.

14 (9) Human rights organizations have docu-
15 mented that the Fifteenth Battalion of the Hon-
16 duran Armed Forces allegedly participated with po-
17 lice and private security forces in some of the
18 killings of over 100 small-farmer, agrarian reform
19 activists in the Aguán Valley beginning in 2010. In
20 2015, Human Rights Watch confirmed that the
21 killings of Aguán farmers were met with no con-
22 sequences. To date there has been one confirmed
23 conviction of a private security guard. Assassinations
24 of key activists continue. In October 2016, José
25 Angel Flores, the president of the Unified

1 Campesino Movement of the Aguán (MUCA), and
2 Silmer Dionisio George, another MUCA member,
3 were assassinated, with impunity. Local human
4 rights organizations report a chronic problem with
5 witness intimidation coupled with reports that the
6 identity of witnesses is leaked by police investigators.
7 Violence, threats, and criminalization of agrarian re-
8 form advocates in the region continues.

9 (10) Further examples abound of human rights
10 abuses by the military: in July 2013 members of the
11 Armed Forces shot and killed Tomás García, a
12 Lenca Indigenous activist, and injured his son while
13 they were peacefully protesting a dam project; in
14 May 2014, nine members of the Ninth Infantry re-
15 portedly tortured and killed Amado Maradiaga
16 Quiroz and tortured his son, Milton Noe Maradiaga
17 Varela. The case remains in impunity. In an em-
18 blematic case, on December 27, 2015, the Honduran
19 Navy reportedly killed Joel Palacios Lino and Elvis
20 Armando García, two Garífuna Afro-Indigenous men
21 who were engaged in digging a car out of the sand
22 on a beach. Ten members of the Honduran military
23 were convicted of the killing of these 2 men, under-
24 scoring that egregious human rights are committed
25 by state security forces. On June 20, 2019, Eblin

1 Noe Corea, a 17-year-old student leader was killed
2 by the military while participating in a protest with
3 the Platform in Defense of Health and Education.
4 On April 24, 2020, state security forces beat three
5 brothers in Omoa, Cortes, shooting two of them and
6 killing one after they were arbitrarily detained for
7 selling bread. A member of the Army assigned to the
8 Maya Chorti Task Force, is accused of the killing.

9 (11) The current Government of Honduras has
10 expanded the military's reach into domestic policing,
11 including the creation of a 4,300-member Military
12 Police in clear violation of the Honduran constitu-
13 tion and with disastrous results, including the
14 killings of a 15-year-old boy, Ebed Yanes, in 2012
15 and a student, Erlin Misael Carías Moncada, in
16 2014, after they had passed unarmed through check-
17 points, and the January 2, 2017, killing of 17-year-
18 old Edgardo Moreno Rodriquez. While one member
19 of the armed forces was convicted and sentenced in
20 the case of Yanes, the case of the United States-
21 trained colonel who allegedly subsequently ordered a
22 cover-up remains in impunity. Since the creation of
23 the Military Police, "allegations of human rights
24 abuses by the military have increased notably", re-
25 ports Human Rights Watch. The Military Police

1 now count 9 battalions and plan 2 additional battal-
2 ions.

3 (12) During the crisis that erupted following
4 the highly contested November 2017 Presidential
5 election, massive protests against electoral fraud and
6 the constitutionality of disputed re-election campaign
7 of President Juan Orlando Hernández emerged
8 throughout the country. The United Nations and the
9 Committee of Families of the Detained and Dis-
10 appeared in Honduras (COFADEH) have docu-
11 mented that in response, Honduran state security
12 forces killed at least 23 people, many of them pro-
13 testers and bystanders; one additional person re-
14 mains forcibly disappeared by state security forces.
15 The great majority of the victims, according to the
16 UN and COFADEH reports, were killed by the Mili-
17 tary Police. All these cases remain in impunity. In
18 addition, 3 people accused of crimes while protesting
19 were imprisoned for 2 years while awaiting trial
20 under dire, life-threatening conditions; 3 years later
21 they continue to be subjected to criminal proceedings
22 characterized by procedural delays and obstruction
23 of fundamental rights including the right to work. A
24 fourth remains in exile.

1 (13) The Military Police continue to commit se-
2 rious human rights abuses. On November 30, 2017,
3 Daniel Isaac Varela, age 12, was wounded by mem-
4 bers of the military police in Comayagüela during a
5 post-election demonstration while he was purchasing
6 candy with friends and the military opened fire. On
7 December 3, 2017, Manuel de Jesús Bautista Sal-
8 vador disappeared while held in detention by the
9 Military Police in Cofradía, Cortés, and his where-
10 abouts remain unknown. In response to the COVID-
11 19 pandemic, the Government of Honduras declared
12 a state of emergency in March 2020 authorizing a
13 militarized lockdown and suspension of constitu-
14 tional guarantees resulting in an “alarming in-
15 crease” in human rights violations by state security
16 forces, including attacks on human rights defenders,
17 journalists, and citizens protesting for food.
18 COFADEH reports that with militarization of the
19 country, there has been a reactivation of death
20 squads resulting in 17 forced disappearances in
21 2020.

22 (14) The Honduran judicial system has been
23 widely documented to be rife with corruption.
24 Judges, prosecutors, and other officials are inter-

1 connected with organized crime and drug traffickers,
2 contributing to near-complete impunity.

3 (15) The Department of State in its 2019
4 Human Rights Report for Honduras reports that
5 “there were several reports that the government or
6 its agents committed arbitrary or unlawful killings”.
7 It noted that “Impunity remained a serious problem,
8 with significant delays in some prosecutions and
9 sources alleging corruption in judicial proceedings.”.

10 (16) Overall, the judicial system remains inef-
11 fective and corrupt. The IACHR report for 2019
12 states, “The lack of access to justice has created a
13 situation of structural impunity that has the effect
14 of perpetuating and, in certain cases, favoring the
15 repetition of serious human rights violations.”.

16 (17) Summarizing the situation, Human Rights
17 Watch reported for 2019 that “Judges face inter-
18 ference from the executive branch and others, in-
19 cluding private actors with connections in govern-
20 ment.”. It concludes: “Efforts to reform public-secu-
21 rity institutions have stalled. Marred by corruption
22 and abuse, the judiciary and police remain largely
23 ineffective. Impunity for crimes and human rights
24 abuses is the norm.”.

1 (18) The March 2, 2016, assassination of
2 prominent Lenca Indigenous and environmental ac-
3 tivist Berta Cáceres, world-renowned recipient of the
4 2015 Goldman Environmental Prize for her work
5 defending Indigenous land rights against a hydro-
6 electric dam project, illustrates the human rights cri-
7 sis in Honduras, and the deep complicity of the
8 Honduran government. Cáceres, the leader of
9 COPINH, the Council of Indigenous and Popular
10 Organizations of Honduras, had reported to authori-
11 ties 33 threats previous to her killing, but none had
12 been investigated, and the government had failed to
13 provide adequate protection measures as mandated
14 by the Inter-American Commission on Human
15 Rights, with protection by Honduran security being
16 withdrawn the day of her death.

17 (19) In December 2019, seven men were con-
18 victed in the killing of Cáceres. One of them was an
19 active duty officer in the military at the time of his
20 arrest and two others are former military. Prosecu-
21 tion of the intellectual authors is still pending. Evi-
22 dence made public in the trial indicates the partici-
23 pation of several executives and directors of DESA
24 Corporation, the dam construction company, in the
25 murder scheme. However, only the president of

1 DESA, a former military officer has been charged.
2 Though charged in March 2018, his trial has yet to
3 begin due to unreasonable delays initiated by defense
4 lawyers and permitted by the judiciary. The convic-
5 tions raise serious questions about the role of the
6 Honduran military in her assassination, including
7 higher ranks in the chain of command within the
8 military as well as the identity of the intellectual au-
9 thors of the assassination. Evidence in the docu-
10 ments in the case file indicate that members of the
11 Honduran elite were responsible for ordering
12 Cáceres's assassination, and remain in impunity.
13 Evidence also indicates possible involvement of indi-
14 viduals of higher rank in the military, but there is
15 no indication that prosecutors are investigating these
16 individuals.

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

21 (21) In this context of corruption and human
22 rights abuses, trade unionists, journalists, lawyers,
23 Afro-Indigenous activists, Indigenous activists,
24 small-farmer activists, LGBTI activists, human
25 rights defenders, environmental defenders, and crit-

1 ics of the government remain at severe risk; and pre-
2 vious human rights abuses against them remain
3 largely unpunished.

4 (22) Journalists continue to be attacked with
5 impunity. On May 2, 2016, prominent opposition
6 journalist Félix Molina was shot multiple times in
7 the legs hours after he had posted information po-
8 tentially linking Cáceres’s killing to a top govern-
9 ment official, members of an elite family, and one of
10 the prosecutors in the case. Those who report on
11 protests against the government are threatened and
12 attacked by state security forces. On November 26,
13 2018, journalist Geovanny Sierra from the UNETV
14 opposition television station was in the process of re-
15 porting on the repression by security forces of a pro-
16 test marking the one-year anniversary of the dis-
17 puted 2017 elections when he was fired upon by
18 members of the police assigned to the National Peni-
19 tentiary. He survived the attack but suffered exten-
20 sive injuries to his right arm. Both cases remain in
21 impunity. Four journalists were killed in 2020.

22 (23) United States agencies allocated approxi-
23 mately \$39 million that Congress appropriated
24 through the Consolidated Appropriations Act, 2017,

1 to the Honduran police and military for fiscal year
2 2017.

3 (24) The Inter-American Development Bank
4 lent \$60,000,000 to the Honduran police between
5 2012 and 2018, with United States approval.

6 **SEC. 3. SUSPENSION AND RESTRICTIONS OF SECURITY AS-**
7 **SISTANCE EXTENDED TO REPUBLIC OF HON-**
8 **DURAS UNLESS CERTAIN CONDITIONS HAVE**
9 **BEEN MET.**

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

14 (b) **LOANS FROM MULTILATERAL DEVELOPMENT**
15 **BANKS.**—The Secretary of the Treasury shall instruct
16 United States representatives at multilateral development
17 banks to vote no on any loans for the police or military
18 of the Republic of Honduras.

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

21 The provisions of this Act shall terminate on the date
22 on which the Secretary of State determines and certifies
23 to the Committee on Foreign Affairs of the House of Rep-
24 resentatives and the Committee on Foreign Relations of
25 the Senate that the Government of Honduras has—

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

4 (A) the March 2, 2016, murder of Berta
5 Cáceres;

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

8 (C) the killings of 22 people and forced
9 disappearance of 1 person by state security
10 forces in the context of the 2017 postelectoral
11 crisis;

12 (D) the May 3, 2016, armed attack on
13 journalist Félix Molina, and the November 26,
14 2018, shooting of journalist Geovanny Sierra;

15 (E) the July 18, 2020, forced disappear-
16 ances of 4 Garifuna community leaders from
17 Triunfo de la Cruz who were taken from their
18 homes by heavily armed men wearing bullet-
19 proof vests and police uniforms; and

20 (F) the December 26, 2020, killing of in-
21 digenous Lenca leader Felix Vasques in La
22 Paz, and the December 28, 2020, killing of in-
23 digenous Tolupan leader Adan Mejia in Yoro;

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.

○