

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.

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- 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.
 - (2) The New York Times revealed documents on April 15, 2016, indicating that top officials of the Honduran police ordered the killings of drug-crime investigators Julián Arístides Gonzáles and Alfredo Landaverde in 2009 and 2011, respectively, with the subsequent knowledge of top police and, evidently, high-ranking government officials. The Times suggested in a subsequent article that the revelations were being manipulated by the President of Honduras for his own corrupt purposes.
 - (3) Individuals in the police with documented records of having committed gross human abuses with impunity continue to be appointed to high positions 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-

- punity. The Associated Press has documented death squad activity by police. Human Rights Watch reports: "The use of lethal force by the national police is a chronic problem. Investigations into the police abuses are marred by inefficiency and corruption, little information about them is made public; and impunity is the rule.".
 - (5) The Department of State's Honduran Human Rights Report for 2016 reports: "Impunity remains a serious problem, with prosecution in cases of military and police officials charged with human rights violations moving too slowly or remaining inconclusive.".
 - (6) Repeated efforts to clean up the Honduran police have largely failed. A recent commission to clean up the police reports that it has separated a number of police. However, to date there has been minimal and only token progress in effectively prosecuting members of the police involved in corruption and human rights abuses, and the reported separations have not been independently verified. Moreover, long-lasting, fundamental reform of the police still needs to be enacted.
 - (7) Rights Action documented the Fifteenth Battalion of the Honduran Armed Forces allegedly

participated with police and private security forces in some of the killings of over 100 small-farmer activists in the Aguán Valley beginning in 2000. In 2015, Human Rights Watch confirmed that the killings of Aguán farmers were met with no consequences. To date there has been one confirmed conviction of a private actor. Assassinations of key activists continue. In October 2016, José Angel Flores, the president of the Unified Campesino Movement of the Aguán (MUCA), and Silmer Dionisio George, another MUCA member, were assassinated.

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

- the sand on a beach. The case remains in impunity over a year later.
- 3 (9) The current Government of Honduras has 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.
 - (10) The Honduran judicial system has been widely documented to be rife with corruption. Judges, prosecutors and other officials are interconnected with organized crime and drug traffickers, contributing to near-complete immunity.
 - (11) The Department of State in its 2015 Human Rights Report for Honduras reports "cor-

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ruption, intimidation, and institutional weakness of the justice system leading to widespread impunity.".

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

(13) The March 2, 2016, assassination of prominent Lenca Indigenous and environmental activist Berta Cáceres, world-renowned recipient of the 2015 Goldman Environmental Prize for her work defending Indigenous land rights against a hydroelectric dam project, illustrates the human rights crisis in Honduras, and the deep complicity of the government. Cáceres, the leader of Honduran COPINH, the Council of Indigenous and Popular Organizations of Honduras, had reported to authorities 33 threats previous to her killing, but none had been investigated, and the government had failed to provide adequate protection measures as mandated by the Inter-American Commission on Human Rights, with protection by Honduran security being withdrawn the day of her death.

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- (14) As of February 2017, eight suspects, four of whom have ties to the Honduran military, have been arrested in the killing of Cáceres, one of whom is a current officer in the military and three others are former military. These arrests raise serious questions about the role of the Honduran military in her assassination, including the chain of command within the military as well as the identity of the true authors of the assassination.
 - (15) The Government of Honduras continues to unduly limit legally mandated access by Ms. Cáceres' family to the case file. In late September 2016, the original case file was allowed to leave the Public Ministry and was stolen.
 - (16) Despite calls from 62 Members of Congress, members of the family of Berta Cáceres, COPINH, leaders of the European Union, the Vatican Pontifical Council on Peace and Justice, and many others, the Honduran government has not permitted the Inter-American Commission on Human rights to conduct an independent investigation of the case.
 - (17) In this context of corruption and human rights abuses, trade unionists, journalists, lawyers, Afro-Indigenous activists, Indigenous activists,

- small-farmer activists, LGBTI activists, human rights defenders, and critics of the government remain at severe risk; and previous human rights abuses against them remain largely unpunished.
 - (18) The May 2, 2016, shooting of prominent opposition journalist Félix Molina illustrates the continued risk facing activists. Hours before he was shot, Molina had posted information potentially linking Cáceres's killing to a top government official, members of an elite family, and one of the prosecutors in the case.
 - (19) The Consolidated Appropriations Act, 2016 allocated approximately \$18,000,000 to the Honduran police and military, in addition to the National Defense Authorization Act for Fiscal Year 2016 authorizing additional funding. The Administration's funding request for fiscal year 2017 also calls for an increase in security funding for Honduras.
 - (20) The Inter-American Development Bank in 2012 lent \$59,800,000 to the Honduran police, with 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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