

114TH CONGRESS
2D SESSION

H. R. 5474

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

JUNE 14, 2016

Mr. JOHNSON of Georgia (for himself, Mr. CONYERS, Ms. KAPTUR, Mr. ELLISON, Mr. SERRANO, and Ms. SCHAKOWSKY) 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”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

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

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

17 (3) Individuals in the police with documented
18 records of having committed gross human abuses
19 with impunity continue to be appointed to top posi-
20 tions within the police.

21 (4) 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 re-
26 ports: “The use of lethal force by the national police

1 is a chronic problem. Investigations into the police
2 abuses are marred by inefficiency and corruption,
3 little information about them is made public; and
4 impunity is the rule.”.

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

11 (6) Repeated efforts to clean up the Honduran
12 police have failed.

13 (7) Human Rights Action documented the Fif-
14 teenth Battalion of the Honduran Armed Forces al-
15 legedly participated with police and private security
16 forces in some of the killings of over 100 small-farm-
17 er activists in the Aguán Valley beginning in 2000.
18 Human Rights Watch confirms that the killings of
19 Aguán farmers were met with no consequences.

20 (8) Further examples abound of human rights
21 abuses by the military: in July 2013 members of the
22 Armed Forces shot and killed Tomás García, a
23 Lenca Indigenous activist, and injured his son while
24 they were peacefully protesting a dam project; in
25 May 2014, nine members of the Ninth Infantry re-

1 portedly tortured and killed Amado Maradiaga
2 Quiroz and tortured his son, Milton Noe Maradiaga
3 Varela. The cases remain unresolved. In a recent
4 emblematic case, on December 27, 2015, the Hon-
5 duran Navy reportedly killed Joel Palacios Lino and
6 Elvis Armando García, two Garífuna Afro-Indige-
7 nous men who were engaged in digging a car out of
8 the sand on a beach.

9 (9) The current Government of Honduras has
10 expanded the military's reach into domestic policing,
11 including the creation of a 3,000-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. Since the creation of the Military Police "al-
18 legations of human rights abuses by the military
19 have increased notably", reports Human Rights
20 Watch.

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

1 (11) The Department of State in its 2015
2 Human Rights Report for Honduras reports “cor-
3 ruption, intimidation, and institutional weakness of
4 the justice system leading to widespread impunity.”.

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

12 (13) The March 3, 2016, assassination of
13 prominent Lenca Indigenous and environmental ac-
14 tivist Berta Cáceres, world-renowned recipient of the
15 2015 Goldman Environmental Prize for her work
16 defending Indigenous land rights against a hydro-
17 electric dam project, illustrates the human rights cri-
18 sis in Honduras, and the deep complicity of the
19 Honduran government. Cáceres, the leader of
20 COPINH, the Council of Indigenous and Popular
21 Organizations of Honduras, had reported to authori-
22 ties 33 threats previous to her killing, but none had
23 been investigated, and the government had failed to
24 provide adequate protection measures as mandated
25 by the Inter-American Commission on Human

1 Rights, with protection by Honduran security being
2 withdrawn the day of her death.

3 (14) Five suspects have been arrested in the
4 killing of Cáceres, one of whom is a current officer
5 in the military and two others are retired military.
6 These arrests raise serious questions about the role
7 of the Honduran military in her assassination, in-
8 cluding the chain of command within the military as
9 well as the identity of the true authors of the assas-
10 sination.

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

19 (16) In this context of corruption and human
20 rights abuses, trade unionists, journalists, lawyers,
21 Afro-Indigenous activists, Indigenous activists,
22 small-farmer activists, LGBTI activists, human
23 rights defenders, and critics of the government re-
24 main at severe risk; and previous human rights
25 abuses against them remain largely unpunished.

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

8 (18) The 2016 Appropriations Act allocates ap-
9 proximately \$18,000,000 to the Honduran police
10 and military, in addition to funding in the 2016 Na-
11 tional Defense Appropriations Act; the President’s
12 funding request for fiscal year 2017 calls for an in-
13 crease in security funding for Honduras.

14 (19) The Inter-American Development Bank in
15 2012 lent \$59,800,000 to the Honduran police, with
16 the United States approval.

17 **SEC. 3. SUSPENSION AND RESTRICTIONS OF SECURITY AID**

18 **EXTENDED TO REPUBLIC OF HONDURAS UN-**

19 **LESS CERTAIN CONDITIONS HAVE BEEN MET.**

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

24 (b) **LOANS FROM MULTILATERAL DEVELOPMENT**
25 **BANKS.**—The Department of the Treasury shall be in-

1 structed to vote no on any and all loans to the Republic
2 of Honduras for its police and military.

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 Department of State determines and certifies
7 to the appropriate congressional committees that the Gov-
8 ernment of Honduras has—

9 (1) pursued all legal avenues to bring to trial
10 and obtain a verdict of those who ordered and car-
11 ried out—

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

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

16 (C) the December 27, 2015, killings of
17 Joel Palacios Lino and Elvis Armando García;
18 and

19 (D) the May 3, 2016, armed attack on
20 Félix Molina;

21 (2) investigated and successfully prosecuted
22 members of military and police forces who are
23 credibly found to have violated human rights, and
24 ensured that the military and police cooperated in
25 such cases, and that such violations have ceased;

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

7 (4) established that it protects effectively the
8 rights of trade unionists; journalists; human rights
9 defenders; Indigenous, Afro-Indigenous, small-farm-
10 er, and LGBTI activists; critics of the government;
11 and other civil society activists to operate without in-
12 terference; and

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

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