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(Original Signature of Member)

115TH CONGRESS  
1ST SESSION

**H. R.**

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.

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IN THE HOUSE OF REPRESENTATIVES

Mr. JOHNSON of Georgia (for himself and [see ATTACHED LIST of cosponsors]) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**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 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, 2016, indicating that top officials of the  
9 Honduran police ordered the killings of drug-crime  
10 investigators 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 high 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 largely failed. A recent commission to  
13 clean up the police reports that it has separated a  
14 number of police. However, to date there has been  
15 minimal and only token progress in effectively pros-  
16 ecuting members of the police involved in corruption  
17 and human rights abuses, and the reported separa-  
18 tions have not been independently verified. More-  
19 over, long-lasting, fundamental reform of the police  
20 still needs to be enacted.

21 (7) Rights Action documented the Fifteenth  
22 Battalion of the Honduran Armed Forces allegedly  
23 participated with police and private security forces  
24 in some of the killings of over 100 small-farmer ac-  
25 tivists in the Aguán Valley beginning in 2000. In

1       2015, Human Rights Watch confirmed that the  
2       killings of Aguán farmers were met with no con-  
3       sequences. To date there has been one confirmed  
4       conviction of a private actor. Assassinations of key  
5       activists continue. In October 2016, José Angel Flo-  
6       res, the president of the Unified Campesino Move-  
7       ment of the Aguán (MUCA), and Silmer Dionisio  
8       George, another MUCA member, were assassinated.

9               (8) 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 cases remain unresolved. In a recent  
18       emblematic case, on December 27, 2015, the Hon-  
19       duran Navy reportedly killed Joel Palacios Lino and  
20       Elvis Armando García, two Garífuna Afro-Indige-  
21       nous men who were engaged in digging a car out of  
22       the sand on a beach. The case remains in impunity  
23       over a year later.

24               (9) The current Government of Honduras has  
25       expanded the military's reach into domestic policing,

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

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

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

23 (12) Summarizing the situation, Human Rights  
24 Watch reports in 2016 that “Rampant crime and  
25 impunity for human rights abuses remain the norm

1 in Honduras . . . Efforts to reform the institutions  
2 responsible for providing public security have made  
3 little progress. Marred by corruption and abuse, the  
4 judiciary and police remain largely ineffective.”.

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

21 (14) As of February 2017, eight suspects, four  
22 of whom have ties to the Honduran military, have  
23 been arrested in the killing of Cáceres, one of whom  
24 is a current officer in the military and three others  
25 are former military. These arrests raise serious

1 questions about the role of the Honduran military in  
2 her assassination, including the chain of command  
3 within the military as well as the identity of the true  
4 authors of the assassination.

5 (15) The Government of Honduras continues to  
6 unduly limit legally-mandated access by Ms. Cáceres'  
7 family to the case file. In late September 2016, the  
8 original case file was allowed to leave the Public  
9 Ministry and was stolen.

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

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

1           (18) 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           (19) The Consolidated Appropriations Act,  
9           2016 allocated approximately \$18,000,000 to the  
10          Honduran police and military, in addition to the Na-  
11          tional Defense Authorization Act for Fiscal Year  
12          2016 authorizing additional funding. The Adminis-  
13          tration's funding request for fiscal year 2017 also  
14          calls for an increase in security funding for Hon-  
15          duras.

16          (20) The Inter-American Development Bank in  
17          2012 lent \$59,800,000 to the Honduran police, with  
18          United States approval.

19 **SEC. 3. SUSPENSION AND RESTRICTIONS OF SECURITY AS-**  
20 **SISTANCE EXTENDED TO REPUBLIC OF HON-**  
21 **DURAS UNLESS CERTAIN CONDITIONS HAVE**  
22 **BEEN MET.**

23          (a) **SUSPENSION OF SECURITY ASSISTANCE.**—No  
24          funds may be made available to provide assistance for the



1 police or military of the Republic of Honduras, including  
2 assistance for equipment and training.

3 (b) LOANS FROM MULTILATERAL DEVELOPMENT  
4 BANKS.—The Secretary of the Treasury shall instruct  
5 United States representatives at multilateral development  
6 banks to vote no on any loans for the police or military  
7 of the Republic of Honduras.

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

10 The provisions of this Act shall terminate on the date  
11 on which the Secretary of State determines and certifies  
12 to the Committee on Foreign Affairs of the House of Rep-  
13 resentatives and the Committee on Foreign Relations of  
14 the Senate that the Government of Honduras has—

15 (1) pursued all legal avenues to bring to trial  
16 and obtain a verdict of those who ordered and car-  
17 ried out—

18 (A) the March 2, 2016, murder of Berta  
19 Cáceres;

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

22 (C) the December 27, 2015, killings of  
23 Joel Palacios Lino and Elvis Armando García;  
24 and

1 (D) the May 3, 2016, armed attack on  
2 Félix Molina;

3 (2) investigated and successfully prosecuted  
4 members of military and police forces who are  
5 credibly found to have violated human rights, and  
6 ensured that the military and police cooperated in  
7 such cases, and that such violations have ceased;

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

14 (4) established that it protects effectively the  
15 rights of trade unionists, journalists, human rights  
16 defenders, Indigenous, Afro-Indigenous, small-farm-  
17 er, and LGBTI activists, critics of the government,  
18 and other civil society activists to operate without in-  
19 terference; and

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