

Congress of the United States
Washington, DC 20515

August 31, 2017

The Honorable Jefferson Sessions
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue N.W.
Washington, D.C. 20510

The Honorable Rex Tillerson
Secretary of State of the United States
United States Department of State
2201 C Street N.W.
Washington, D.C. 20520

Dear Attorney General Sessions and Secretary Tillerson:

We are deeply troubled by the findings of a recent joint review by the Inspectors General of the Department of Justice and the Department of State ("the Review"), examining the responses of the Drug Enforcement Agency ("DEA") and the State Department to three deadly force incidents in Honduras in 2012. In one such incident, near Ahuas on May 11, 2012, four innocent bystanders traveling in a water taxi lost their lives and three others were left permanently disabled.

The Review identifies severe flaws and deficiencies in the U.S.-supported counternarcotics operations during which these deadly incidents occurred. It also documents efforts to evade accountability and undermine Congressional oversight in the wake of these incidents.

The Review found that officials from the DEA and the State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) knowingly misled members of Congress and furnished information known to be inaccurate or based on fundamentally-flawed evidence. For instance, officials repeatedly asserted that the three lethal counternarcotics operations, which were part of a U.S.-funded counternarcotics program named Operation Anvil, were "Honduran-led" and that the U.S.-vetted Honduran police unit that participated in the operations was "highly trained and vetted." In fact, officials were aware that U.S. agents exercised effective operational control over the missions and that the "vetted" unit lacked the capacity to lead the missions.

In addition, one of the main tasks of the U.S.-vetted Honduran police unit was to retrieve evidence to support prosecutions, yet the unit was shown to have engaged in evidence-tampering, and to have provided inaccurate reporting on all three deadly incidents.

In the case of the May 11th incident in Ahuas, we learned that DEA and INL officials presented an inaccurate description of events based on distorted and incomplete evidence and testimony. Officials told Congressional staff that there was reliable evidence showing that passengers on the water taxi were armed and opened fire on Honduran and DEA agents. They also insisted that U.S. agents on the mission were not responsible for the discharging of firearms. In fact, there was no credible evidence to support these assertions. However, evidence did exist showing that passengers were fired upon repeatedly by counternarcotics agents, even as they jumped into the water. We also now know that at least one U.S. agent ordered a Honduran door gunner to open fire on the water taxi.

The Inspectors General indicated that a DEA internal review of the Ahuas incident was flawed and deficient. In addition, they found that DEA and INL officials refused to cooperate with State Department investigators from the Bureau of Diplomatic Security (DS). In so doing, these officials directly undermined the Chief of Mission Authority of the U.S. Ambassador to Honduras who had authorized the DS investigation.

An investigation recently published in ProPublica reinforces concerns raised in the Review, particularly regarding U.S.-vetted units. The ProPublica report describes the role and response of the DEA to dozens of killings by the Zeta drug organization in the small town of Allende, just 40 minutes south of the U.S.- Mexico border. The Allende tragedy was precipitated by the leak of sensitive information provided to the DEA by a local source. This information was then shared by the DEA with a “vetted unit” led by a Mexican commander rumored to have connections to drug trafficking organizations (DTOs). Sources from within the DEA explained to ProPublica that the Mexican government refuses to allow the vetting of the commanders of U.S.-led units, and that cooperation between Mexican authorities and DTOs allows some DTOs to prosper while effectively targeting others.

Another concern raised by both your review and the ProPublica report relates to the handling of sources of information. While in Allende, the DEA failed to protect their source and the source’s family and neighbors. In Operation Anvil, the DEA and INL favored the testimony of “a patently unreliable source of information” over a second witness who provided coherent testimony, apparently motivated by an interest in substantiating the DEA’s version of events. These events also raised disturbing questions about the manner in which polygraph tests were administered, as well as the possibility of the misuse of payments to sources of information.

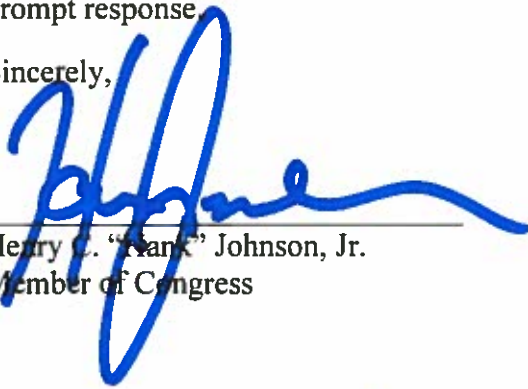
We believe that these and other troubling issues merit further inquiry. To better assess the next steps that we and our Congressional colleagues should take, we would appreciate a prompt response to the following questions:

- Has there been a thorough investigation into the role of U.S. government personnel in the deaths of civilians in Ahuas? If not, why not? If so, what has been the result of this investigation?
- Have you taken or are you planning to take disciplinary action against INL and DEA officials involved in undermining Congressional oversight, undermining Chief of Mission Authority and obstructing an internal investigation? Are you considering establishing a system of disciplinary measures to address these and other instances of potential wrongdoing by INL and DEA employees?
- What measures are being taken to ensure that future lethal incidents involving U.S. government agents are investigated in a thorough and timely manner and to ensure that agents are held fully accountable for their actions abroad?
- Given that both the Review and a recent Propublica report have revealed deficiencies in U.S.-vetted police units in Honduras and Mexico, are you carrying out a thorough review of our government’s system of vetted units to ensure that improvements are made?

- Given the troubling manner in which the DEA's sources of information were handled during the deadly force incidents in Honduras, will you be reviewing the methods employed in the use of sources of information in counternarcotics operations? Do you know of cooperation programs with the Honduran Government to support payments to sources of information? What oversight of those programs is in place to prevent future abuse?

Thank you very much for your attention to this important matter. We look forward to your prompt response.

Sincerely,



Henry C. "Frank" Johnson, Jr.
Member of Congress



John Conyers, Jr.
Member of Congress



Eliot Engel
Member of Congress



Sheila Jackson Lee
Member of Congress



Gregory Meeks
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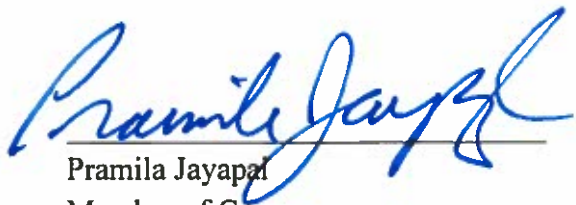
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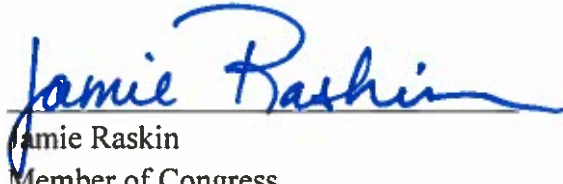
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