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(Original Signature of Member)

117TH 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 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”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) The Honduran military and police are wide-  
2           ly established to be deeply corrupt and commit  
3           human rights abuses, including torture, rape, illegal  
4           detention, and murder, with impunity.

5           (2) The New York Times revealed documents  
6           on April 15, 2016, indicating that top officials of the  
7           Honduran police ordered the killings of drug-crime  
8           investigators Julián Arístides González and Alfredo  
9           Landaverde in 2009 and 2011, respectively, with the  
10          subsequent knowledge of top police and, evidently,  
11          high-ranking government officials. The Times sug-  
12          gested in a subsequent article that the revelations  
13          were being manipulated by the President of Hon-  
14          duras for his own corrupt purposes. Both cases re-  
15          main in impunity.

16          (3) Individuals in the military and police with  
17          documented records of having committed gross  
18          human rights abuses with impunity continue to serve  
19          in, and be appointed and reappointed to high posi-  
20          tions with state security forces. Former Army gen-  
21          eral in the Armed Forces Julian Pacheco Tinoco, the  
22          Minister of Security, was the highest ranking official  
23          in charge of the repression of protesters by the po-  
24          lice following the November 27, 2017, election, and  
25          has been twice named in United States Federal

1 court as overseeing drug trafficking. He was re-  
2 appointed to his position by President Juan Orlando  
3 Hernández in December 2018.

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

14 (5) International human rights bodies have re-  
15 ported that the Honduran military and police com-  
16 mit human rights abuses, including killings, with im-  
17 punity. The Associated Press has documented death  
18 squad activity by police. Human Rights Watch has  
19 reported: “The use of lethal force by the national po-  
20 lice is a chronic problem.”. The United Nations  
21 Working Group on Business and Human Rights  
22 stated in 2019 that “numerous evictions, seeking to  
23 allow business to operate, have been conducted with  
24 the excessive use of force by police and military . . .

1 resulting in the loss of life and grave injury to peo-  
2 ple”.

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

15 (7) Repeated efforts to clean up the Honduran  
16 police have largely failed. A recent commission  
17 charged with cleaning up the police reports that it  
18 has cleaned up over 5,000 members, but the great  
19 majority of those were separated for reasons of re-  
20 structuring, retirements, or disabilities. Only ap-  
21 proximately 100 cases of alleged criminal activity  
22 have been forwarded to the Public Ministry for pros-  
23 ecution. Few of those are being prosecuted. The ac-  
24 tions and results of the police cleanup commission  
25 have not been independently verified, moreover, and

1 its directors include Julian Pacheco Tinoco, the Min-  
2 ister of Security, named as a drug trafficker, and  
3 Vilma Morales, one of the top two negotiators for  
4 the leader of the 2009 coup. Long-lasting, funda-  
5 mental reform of the police still needs to be enacted.  
6 UN Special Rapporteur on the situation of human  
7 rights defenders determined that, “progress (on po-  
8 lice clean up) is diminished by the involvement of  
9 the armed forces in carrying out police functions and  
10 maintaining public order since 2011”. In its report  
11 for 2020, Human Rights Watch concludes: “Efforts  
12 to reform public-security institutions have stalled.  
13 Marred by corruption and abuse, the judiciary and  
14 police remain largely ineffective. Impunity for  
15 human rights abuses, violent crime, and corruption  
16 remains the norm”.

17 (8) Evidence indicates that topmost officials in  
18 charge of the police have been allegedly involved in  
19 drug trafficking. The National Director of the Police  
20 and his top two lieutenants have been documented  
21 by the Associated Press to have previously partici-  
22 pated in cocaine trafficking. Julian Pacheco Tinoco,  
23 the Minister of Security, reappointed in December  
24 2018, has been twice named in United States Fed-  
25 eral court as overseeing drug trafficking. United

1 States Federal prosecutors have released documents  
2 implicating Honduran President Juan Orlando  
3 Hernández in a drug trafficking and money laun-  
4 dering conspiracy with his brother Juan Antonio  
5 Hernández. In October 2019, Tony Hernández was  
6 convicted of drug conspiracy in United States Fed-  
7 eral Court.

8 (9) Human rights organizations have docu-  
9 mented that the Fifteenth Battalion of the Hon-  
10 duran Armed Forces allegedly participated with po-  
11 lice and private security forces in some of the  
12 killings of over 100 small-farmer, agrarian reform  
13 activists in the Aguán Valley beginning in 2010. In  
14 2015, Human Rights Watch confirmed that the  
15 killings of Aguán farmers were met with no con-  
16 sequences. To date there has been one confirmed  
17 conviction of a private security guard. Assassinations  
18 of key activists continue. In October 2016, José  
19 Angel Flores, the president of the Unified  
20 Campesino Movement of the Aguán (MUCA), and  
21 Silmer Dionisio George, another MUCA member,  
22 were assassinated, with impunity. Local human  
23 rights organizations report a chronic problem with  
24 witness intimidation coupled with reports that the  
25 identity of witnesses is leaked by police investigators.

1 Violence, threats, and criminalization of agrarian re-  
2 form advocates in the region continues.

3 (10) Further examples abound of human rights  
4 abuses by the military: in July 2013 members of the  
5 Armed Forces shot and killed Tomás García, a  
6 Lenca Indigenous activist, and injured his son while  
7 they were peacefully protesting a dam project; in  
8 May 2014, nine members of the Ninth Infantry re-  
9 portedly tortured and killed Amado Maradiaga  
10 Quiroz and tortured his son, Milton Noe Maradiaga  
11 Varela. The case remains in impunity. In an em-  
12 blematic case, on December 27, 2015, the Honduran  
13 Navy reportedly killed Joel Palacios Lino and Elvis  
14 Armando García, two Garífuna Afro-Indigenous men  
15 who were engaged in digging a car out of the sand  
16 on a beach. Ten members of the Honduran military  
17 were convicted of the killing of these 2 men, under-  
18 scoring that egregious human rights are committed  
19 by state security forces. On June 20, 2019, Eblin  
20 Noe Corea, a 17-year-old student leader was killed  
21 by the military while participating in a protest with  
22 the Platform in Defense of Health and Education.  
23 On April 24, 2020, state security forces beat three  
24 brothers in Omoa, Cortes, shooting two of them and  
25 killing one after they were arbitrarily detained for

1 selling bread. A member of the Army assigned to the  
2 Maya Chorti Task Force, is accused of the killing.

3 (11) The current Government of Honduras has  
4 expanded the military's reach into domestic policing,  
5 including the creation of a 4,300-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. While one member  
13 of the armed forces was convicted and sentenced in  
14 the case of Yanes, the case of the United States-  
15 trained colonel who allegedly subsequently ordered a  
16 cover-up remains in impunity. Since the creation of  
17 the Military Police, "allegations of human rights  
18 abuses by the military have increased notably", re-  
19 ports Human Rights Watch. The Military Police  
20 now count 9 battalions and plan 2 additional battal-  
21 ions.

22 (12) During the crisis that erupted following  
23 the highly contested November 2017 Presidential  
24 election, massive protests against electoral fraud and  
25 the constitutionality of disputed re-election campaign



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

19 (13) The Military Police continue to commit se-  
20 rious human rights abuses. On November 30, 2017,  
21 Daniel Isaac Varela, age 12, was wounded by mem-  
22 bers of the military police in Comayagüela during a  
23 post-election demonstration while he was purchasing  
24 candy with friends and the military opened fire. On  
25 December 3, 2017, Manuel de Jesús Bautista Sal-

1 vador disappeared while held in detention by the  
2 Military Police in Cofradía, Cortés, and his where-  
3 abouts remain unknown. In response to the COVID-  
4 19 pandemic, the Government of Honduras declared  
5 a state of emergency in March 2020 authorizing a  
6 militarized lockdown and suspension of constitu-  
7 tional guarantees resulting in an “alarming in-  
8 crease” in human rights violations by state security  
9 forces, including attacks on human rights defenders,  
10 journalists, and citizens protesting for food.  
11 COFADEH reports that with militarization of the  
12 country, there has been a reactivation of death  
13 squads resulting in 17 forced disappearances in  
14 2020.

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

20 (15) The Department of State in its 2019  
21 Human Rights Report for Honduras reports that  
22 “there were several reports that the government or  
23 its agents committed arbitrary or unlawful killings”.  
24 It noted that “Impunity remained a serious problem,

1 with significant delays in some prosecutions and  
2 sources alleging corruption in judicial proceedings.”.

3 (16) Overall, the judicial system remains inef-  
4 fective and corrupt. The IACHR report for 2019  
5 states, “The lack of access to justice has created a  
6 situation of structural impunity that has the effect  
7 of perpetuating and, in certain cases, favoring the  
8 repetition of serious human rights violations.”.

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

18 (18) The March 2, 2016, assassination of  
19 prominent Lenca Indigenous and environmental ac-  
20 tivist Berta Cáceres, world-renowned recipient of the  
21 2015 Goldman Environmental Prize for her work  
22 defending Indigenous land rights against a hydro-  
23 electric dam project, illustrates the human rights cri-  
24 sis in Honduras, and the deep complicity of the  
25 Honduran government. Cáceres, the leader of

1 COPINH, the Council of Indigenous and Popular  
2 Organizations of Honduras, had reported to authori-  
3 ties 33 threats previous to her killing, but none had  
4 been investigated, and the government had failed to  
5 provide adequate protection measures as mandated  
6 by the Inter-American Commission on Human  
7 Rights, with protection by Honduran security being  
8 withdrawn the day of her death.

9 (19) In December 2019, seven men were con-  
10 victed in the killing of Cáceres. One of them was an  
11 active duty officer in the military at the time of his  
12 arrest and two others are former military. Prosecu-  
13 tion of the intellectual authors is still pending. Evi-  
14 dence made public in the trial indicates the partici-  
15 pation of several executives and directors of DESA  
16 Corporation, the dam construction company, in the  
17 murder scheme. However, only the president of  
18 DESA, a former military officer has been charged.  
19 Though charged in March 2018, his trial has yet to  
20 begin due to unreasonable delays initiated by defense  
21 lawyers and permitted by the judiciary. The convic-  
22 tions raise serious questions about the role of the  
23 Honduran military in her assassination, including  
24 higher ranks in the chain of command within the  
25 military as well as the identity of the intellectual au-

1 thors of the assassination. Evidence in the docu-  
2 ments in the case file indicate that members of the  
3 Honduran elite were responsible for ordering  
4 Cáceres's assassination, and remain in impunity.  
5 Evidence also indicates possible involvement of indi-  
6 viduals of higher rank in the military, but there is  
7 no indication that prosecutors are investigating these  
8 individuals.

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

13 (21) In this context of corruption and human  
14 rights abuses, trade unionists, journalists, lawyers,  
15 Afro-Indigenous activists, Indigenous activists,  
16 small-farmer activists, LGBTI activists, human  
17 rights defenders, environmental defenders, and crit-  
18 ics of the government remain at severe risk; and pre-  
19 vious human rights abuses against them remain  
20 largely unpunished.

21 (22) Journalists continue to be attacked with  
22 impunity. On May 2, 2016, prominent opposition  
23 journalist Félix Molina was shot multiple times in  
24 the legs hours after he had posted information po-  
25 tentially linking Cáceres's killing to a top govern-

1       ment official, members of an elite family, and one of  
2       the prosecutors in the case. Those who report on  
3       protests against the government are threatened and  
4       attacked by state security forces. On November 26,  
5       2018, journalist Geovanny Sierra from the UNETV  
6       opposition television station was in the process of re-  
7       porting on the repression by security forces of a pro-  
8       test marking the one-year anniversary of the dis-  
9       puted 2017 elections when he was fired upon by  
10      members of the police assigned to the National Peni-  
11      tentiary. He survived the attack but suffered exten-  
12      sive injuries to his right arm. Both cases remain in  
13      impunity. Four journalists were killed in 2020.

14           (23) United States agencies allocated approxi-  
15      mately \$39 million that Congress appropriated  
16      through the Consolidated Appropriations Act, 2017,  
17      to the Honduran police and military for fiscal year  
18      2017.

19           (24) The Inter-American Development Bank  
20      lent \$60,000,000 to the Honduran police between  
21      2012 and 2018, 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 all those who ordered and  
23 carried 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 killings of 22 people and forced  
4 disappearance of 1 person by state security  
5 forces in the context of the 2017 postelectoral  
6 crisis;

7 (D) the May 3, 2016, armed attack on  
8 journalist Félix Molina, and the November 26,  
9 2018, shooting of journalist Geovanny Sierra;

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

15 (F) the December 26, 2020, killing of in-  
16 digenous Lenca leader Felix Vasques in La  
17 Paz, and the December 28, 2020, killing of in-  
18 digenous Tolupan leader Adan Mejia in Yoro;

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

24 (3) withdrawn the military from domestic polic-  
25 ing, in accordance with the Honduran Constitution,



1 and ensured that all domestic police functions are  
2 separated from the command and control of the  
3 Armed Forces of Honduras and are instead directly  
4 responsible to civilian authority;

5 (4) established that it protects effectively the  
6 rights of trade unionists, journalists, human rights  
7 defenders, the Indigenous, the Afro-Indigenous,  
8 small-farmers, LGBTI activists, critics of the gov-  
9 ernment, and other civil society activists to operate  
10 without interference; and

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