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To: Foreign Policy Aides

From: Lisa Haugaard, Latin America Working Group Education Fund

Honduras faces a critical moment as citizens affected by the pandemic, job losses, and the massive impact of Hurricane Eta are also largely disenfranchised by a government mired from the top down in corruption that is restricting their freedom to organize and defend their rights.

These factors as well as pervasive poverty and inequality compounded by the effects of climate change, and violence from organized crime, gangs, and state agents, overlapping with domestic and discriminatory violence against women and [LGBTQ+](#) Hondurans, will continue to drive migration from Honduras, despite the near-total closure of access to asylum in the United States and worsening conditions for migrants in Guatemala and Mexico.

A less discussed but crucial factor is the closure of space for Honduran citizens to organize and express their views to create a better life for themselves, their families and communities and to build a responsive democracy. Hondurans face a government that not only fails to meet their basic needs, but profits from corruption, led by President Juan Orlando Hernández, whom U.S. [prosecutors](#), during their successful prosecution of his brother Tony Hernández for drug trafficking, claimed accepted [money](#) from drug cartels for his campaigns. Yet efforts to organize for change are met by repression against protesters and threats and attacks against human rights activists and journalists. Hondurans looking towards their 2021 national elections for prospects of change see presidential candidates with corrupt records (and even U.S. jail sentences) and note that their Congress failed so far to pass electoral reforms to minimize the opportunities for fraud that plagued the 2017 presidential elections. See the

Hurricane Eta

The enormous damage caused by Hurricane Eta is still unfolding as a new tropical storm heads towards Central America. Hurricane Eta caused widespread flooding and mudslides in November 2020 in Honduras, affecting some 1.7 million people—the latest example of how natural disasters exacerbated by climate change are affecting Central America. Private sector council COHEP warned that 40 percent of the nation's agricultural crops were damaged by Eta. Citizens denounced on social media the government's failure to prepare for the storm and the slow response afterwards. People were not evacuated in advance and temporary shelters were not set up in many places. At least 58 people died (casualty and damage figures are still mounting). The United Nations' Office for the Coordination of Humanitarian Affairs (OCHA) noted that the hurricane affected a part of the country which is home to 112,000 indigenous and Garifuna peoples. The Honduran Society of Economists warned that the crop loss and other damage of the hurricane and the pandemic together could lead to a hunger crisis in Honduras. Health experts warn that the upheaval will increase the spread of COVID-19 and water-borne diseases.

Eta's damage was extensive from Mexico to Panama. In Guatemala, over 100 people were killed in a single mudslide. UNICEF estimated that 12 million children across Central America have been affected by catastrophic flooding caused by the hurricane.



Please raise the following concerns with the Honduran government and encourage the State Department to take a firmer stance on these issues, as well as urging more substantial hurricane relief (detailed recommendations at end):

- Ask the State Department to substantially increase aid to address Hurricane Eta in Honduras and other Central American countries that have sustained serious damage (maintaining strict precautions due to corruption and directing funding via humanitarian agencies).
- Urge rapid action on completing electoral reforms prior to the 2021 national elections.
- Demand progress on halting, investigating, and prosecuting corruption, especially by government and congressional officials, including by supporting, funding, and cooperating with the anti-corruption unit UFERCO.
- Urge the Honduran government to protect Honduras's endangered human rights activists, including by suspending, investigating, and prosecuting state agents involved in threats and attacks against human rights defenders and journalists; freeing the Guapinol environmental activists who have been in pretrial detention for over a year and ensuring their right to a speedy trial with due process; and improving protection for human rights defenders with measures decided in consultation with beneficiaries.
- Urge the Honduran government to respect the right to protest and the right of journalists and human rights defenders to document and monitor protests.

Corruption: Where's the Money?

The massive scale of corruption led the international community to press the Honduran government to establish an anti-corruption mechanism, the Organization of American States-led Mission to Support the Fight against Corruption and Impunity (MACCIH). As MACCIH, working with Honduran prosecutors, began to advance in its investigations, resistance by corrupt elites grew. Following the precedent set by former Guatemalan President Jimmy Morales, President Hernández refused to renew MACCIH's mandate, and it was forced to shut its doors in September 2019. The Trump Administration's laser focus on pressing the Honduran government to establish Honduras as a "safe third country" for other asylum seekers, receiving deported Honduran migrants, and attempting to deter migration, rather than emphasizing improvements in governance and combatting corruption which could help reduce the causes of forced migration, gave President Hernández the political space to shut MACCIH.

In 2020, two major successes of MACCIH's anti-corruption efforts were unraveled by Honduran courts. On July 23, a court ordered former First Lady Rosa Lobo released from jail, where she was awaiting retrial for corruption after the Supreme Court overturned her conviction. On August 3, an appeals court dismissed charges against 22 of the 38 defendants in the "Pandora" case, many of them members of Congress, in which some \$12 million of agricultural ministry funds were channeled through fake NGOs, much of which ended up financing National and Liberal party campaigns. Charges were dismissed against [two more](#) Pandora defendants on September 28. One of those implicated was President Hernández's late sister Hilda Hernández. Honduras's Attorney General challenged the dismissal of these charges. Insight Crime termed the ruling "the final nail in the coffin of Honduras' fight against graft."

In one positive move, in October an appeals court upheld indictments in the "Corruption on Wheels" case, in which money intended for senior citizens, at-risk youth, and disabled persons was allegedly



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diverted by members of the president's staff (allegedly including, again, the President's late [sister](#)) and the National Agricultural Development Bank into National Party campaign and personal accounts.

Meanwhile, new cases of corruption are surfacing. The nongovernmental National Anticorruption Council (CNA) denounced flawed or corrupt pandemic-related purchasing practices, such as when the government purchased [5 mobile hospitals](#) from a Turkish company for \$47 million in March 2020. It took months for the hospitals to arrive in the country and as of the end of October none are fully functional.

In August 2020, civil society activists launched social media campaigns and graffiti appeared across the country with the slogan, "Where's the Money?" Another sign then appeared in front of the ruling National Party headquarters: "Here Is the Money." The Honduran government reacted by detaining [several people](#) involved in painting graffiti. One prominent doctor, critical of the government's response to the pandemic, was [detained and beaten](#) by police.

Electoral Reforms Stalling

After several bitterly contested elections with little legitimacy, electoral reform is essential. In November 2017, President Hernández, the National Party candidate, was reelected in a highly controversial electoral process. Honduran citizens and [international](#) and national electoral observers denounced irregularities and fraud; later it was revealed by a U.S. court that drug cartel money was used in the National Party campaign. In the aftermath of the election, protests broke out all over Honduras. Honduran security forces, particularly the Military Police, allegedly shot and killed at least 16 protesters and bystanders, according to the UN High Commissioner for Human Rights office in Honduras. Almost all these cases remain in impunity.

Yet a year from the next presidential elections, and less than five months from the primaries on March 14, 2021, the Congress has yet to finalize negotiations on an electoral reform law.

Even if the electoral reform bill does advance, the bill's draft still does not address some of the major reforms needed. These include: establishing a second round of voting to prevent a candidate winning with a simple majority but, given a multiple-candidate field, with few votes and little legitimacy; setting presidential terms limits; and blocking dirty money, including from drug cartels and money launderers, from entering campaigns. A "Clean Politics Unit" (the *Unidad de Financiamiento, Transparencia y Fiscalización*) recommended by MACCIH was stood up, but the reform bill does not specify what role this unit would play in the new electoral system, failing to spell out its oversight of political parties and candidates. Moreover, the Congress and the executive branch need to ensure this unit is fully funded. As the electoral reform bill stalled in the Congress, the Congress passed some temporary provisions for the next elections, the most important of which are the production of a new electoral roll (purged of dead voters, for example) and new voter identity cards. The Congress is still negotiating the text of the electoral law as of the date of this memo.

Hondurans seeking a less-corrupt government are not likely to feel hopeful with the projected presidential candidates. This includes Yani Rosenthal, who just finished serving three years in a U.S. jail for [money laundering](#) in connection with drug trafficking. It also features Tegucigalpa mayor Nasry Asfura, rumored to be Hernández's favorite and the likely National Party candidate, who is facing preliminary charges presented October 26 by the anti-corruption unit UFERCO alleging that Asfura [used](#) public funds to pay private and campaign expenses and engaged in [money laundering](#).

Asfura successfully [asked](#) the Constitutional Court to issue an injunction to stall these charges. A third run by President Hernández has not been entirely ruled out.

If advances are not made, it is likely continued lack of legitimacy in the next elections will cause greater social conflict and human rights violations and intensify, not begin to resolve, the profound crisis of democracy in Honduras since the 2009 coup.

Pandemic: The Last Straw

Honduras has registered over [100,000](#) COVID-19 cases and 2700 deaths as of November 9, 2020, although given limited testing, this is likely an undercount. The pandemic is complicated by an ongoing dengue epidemic. Some hospitals are overwhelmed, and dozens of health care workers have died.

The economic impact of the pandemic is profound. Pandemic restrictions permitted people to leave their homes only once every two weeks, changed in September to once a week. Yet most of the population work in the informal sector or in jobs that cannot be performed from their homes. State employees [protested](#) due to nonpayment of their salaries. Maquila factories reopened in mid-May, but often [without](#) adequate protective gear for workers, conditions for social distancing, or access to healthcare. The pandemic is increasing hunger and inequality in rural areas. Government food programs are limited and sometimes distributed in ways that favor political supporters.

Pandemic restrictions have been at times brutally enforced. Thousands of people were arbitrarily detained at the start of the lockdown. In April 2020, members of the Military Police [shot at and beat](#) three brothers returning home from selling bread; one brother [died the next day](#) of his wounds, one was seriously injured, and the third was detained. As part of its lockdown, the Honduran government suspended constitutional guarantees, including freedom of expression and assembly.

In a move that did not inspire confidence, President Hernández named Max Alejandro González, a former Regaetton musical star known as “El Killa,” to head COPECO, Honduras’s agency to deal with disasters, which plays a leading role in COVID-19 response—as well as the response to Hurricane Eta.

Hurricane Eta

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Human Right Activists and Journalists Face Threats, Attacks, and Harassment

The space for human rights activists and journalists to defend and monitor rights is limited and closing while the opportunities for corruption and abuse expand. Environmental monitoring group Global Witness rates Honduras as the most dangerous country (per capita) in 2019 to be an environmental or land rights defender. Honduras for the first time made the list of 10 worst countries for workers' rights in the International Trade Union Confederation's annual Global Rights Index, for violence against workers and union-busting activities. "Engaging in trade union activities remained extremely dangerous and often resulted in death threats and murder. Impunity prevailed as the government failed to provide timely and adequate protection to trade unionists who received death threats and failed to investigate and prosecute anti-union crimes," [reads](#) the report.

Honduras's revised Penal Code makes it harder to prosecute corruption against government officials and members of Congress. It reduces penalties for corruption and drug trafficking and [increases penalties](#) for charges that can be levied against journalists and human rights defenders, such as libel, accepting privileged information, conducting "illegal" protests, and disturbing public order. Challenges against this law, including by the anti-corruption organization CNA, are pending [review](#) in the Constitutional Court.

To mention four recent cases of attacks against human rights activists and journalists:

- Four Garifuna (Afro-Honduran) men and a fifth person were [kidnapped](#) from their homes in Triunfo de la Cruz in July 2020 at gunpoint by men [wearing](#) uniforms of a Honduran government police investigative unit. Among the men were community activists, including Alberth Sneider Centeno, leader of the Triunfo de la Cruz community and active participant in Garifuna rights group OFRANEH. Sneider is a [principal force](#) behind efforts to defend Garifuna territory and urge compliance with the Inter-American Court of Human Rights 2015 ruling ordering the Honduran government to [respect](#) the rights and territory of the Triunfo de la Cruz community. Little progress seems to have been made in investigating the disappearance of these men.
- While deputies charged with corruption in the Pandora case were set free, eight environmental activists charged with alleged crimes as they defended their community's river from pollution from a mining project have been in pretrial detention for over a year, in the case known as Guapinol. Meanwhile, community members continue to be at risk. One activist facing charges, Arnold Joaquín Morazán Erazo, was murdered by unknown assailants on October 14, 2020. Community leaders say hooded security forces and private security that appear to be linked to the mining company patrol the area and [harass](#) and threaten community leaders.
- On September 28, 2020, journalist Luis Almendares [died](#) of his wounds after he was shot multiple times by gunmen. The Association of Journalists of Honduras then withdrew from the government's Protection Mechanism. Its director [explained](#), "We have participated in several meetings of the Protection Mechanism and we regret that in the meetings we have had to deal with this specific issue, there has been a total absence of the heads of the Attorney General's

Office, the Ministry of Security, the Ministry of Defense, the Public Prosecutor's Office, the Judiciary, the National Police and the Armed Forces."

- Campesino leaders in Bajo Aguán who are beneficiaries of IACHR precautionary measure 50-14 since 2014 continue to suffer threats, harassment, and attacks. The Protection Mechanism and other agencies of the government according to beneficiaries still have not carried out promised protection measures. Known victimizers (paramilitary groups, allegedly linked to companies operating in the area) present in Bajo Aguán remain free with arrest warrants not executed while legal actions against campesino leaders for charges such as "illicit association" continue. See this [letter](#) from over 100 civil society organizations.

Protesters Face Repression

In the absence of effective avenues to influence the government to serve its citizens, protest continues to be a primary way that Honduran citizens express their concerns. The UN High Commissioner for Human Rights office in Honduras tallied more than [470 demonstrations](#) in 190 days of the pandemic.

Yet the rights of protesters, and journalists and human rights activists covering protests, continue to be violated by Honduran security forces. In September 2020, a photojournalist covering an Independence Day rally protesting corruption was wounded by a tear gas canister thrown by police, [according](#) to the journalist, directly at him. A 22-year old bystander to the same event was [beaten](#) by police; the local police station refused to accept his complaint. Garifuna leaders protesting the disappearance of their community members (see below) were [teargassed](#) in July. Police [beat](#) transport workers demanding government pandemic relief in San Pedro Sula in June.

Recommendations for members of the U.S. Congress:

- Ask the State Department to substantially increase aid to address Hurricane Eta in Honduras and other Central American countries that have sustained serious damage (maintaining strict precautions due to corruption and directing funding via humanitarian agencies).
- Urge rapid action on completing electoral reforms prior to the 2021 national elections. The government must carefully complete the new electoral census and the Congress must finalize without weakening the pending electoral reform law. Stress the importance of stopping the flow of dirty money, including from drug cartels and money launderers, into political campaigns, by giving the "Clean Politics Unit" (*Unidad de Financiamiento, Transparencia y Fiscalización*) adequate enforcement powers and budget.
- Demand progress on halting, investigating, and prosecuting corruption, especially by government and congressional officials. Urge the State Department to emphasize the importance of the anti-corruption unit UFERCO and the need to protect the safety of its leadership, investigators, and prosecutors, and for it to have adequate budget and cooperation from all parts of the Attorney General's office, police, and government at large. The recent INVEST-H pandemic-related cases must be thoroughly investigated by UFERCO and prosecuted effectively and promptly.
- Urge the Honduran government to protect Honduras's endangered human rights activists—starting by ending abuses by state agents. State agents involved in threats and attacks against human rights defenders and journalists should be suspended, investigated, and prosecuted. Ask for an end to abusive prosecutions of human rights defenders, and an end for the use in cases against human rights defenders of pretrial detention and the national

jurisdiction courts, which should be reserved for high-profile organized crime cases. Urge consultation with human rights defenders, journalists, and justice operators to improve the protection mechanism and urge the police, Security Ministry, and other agencies to coordinate with the mechanism and carry out their responsibilities for protection. In specific cases:

- Urge Honduras's Attorney General's office to free the Guapinol environmental activists who have been in pretrial detention for over a year and ensure their right to a speedy trial with due process;
- Urge investigations of the disappearance of the 5 men from the Garifuna community of Triunfo de la Cruz, protection and investigation of threats against family members of the disappeared, and safeguards for the integrity of this investigation given the fact that the victimizers wore the uniforms of the investigative police;
- Urge that threats and attacks against campesino leaders in Bajo Aguán be investigated, protection measures determined in consultation with the beneficiaries to be implemented promptly, and arrest warrants against paramilitary actors implicated in threats and attacks against campesino leaders to be carried out.
- Urge the Honduran government to respect the right to protest and the right of journalists and human rights defenders to document and monitor protests; to withdraw Military Police of Public Order and the military from any role in addressing protest; to forge with input from civil society a conduct code regarding handling of protests, and implement it; and to ensure that human rights abuses committed during protests allegedly by state agents are effectively investigated and prosecuted, including the extrajudicial executions committed in the aftermath of the disputed 2017 elections, the great majority of which remain in impunity. Security assistance should be withheld pending progress on all the above issues.