

## HONDURAS

### **President Took Bribes from Drug Traffickers, US Officials Say, and Army Protected Them**

Following the recent arrest in Miami of Geovanny Fuentes Ramírez, accused of being a major narcotics supplier, Honduran President Juan Orlando Hernández was identified on March 3 by Manhattan federal court prosecutors as having taken bribes “on the understanding that [he] would facilitate protection for [Fuentes Ramírez] from law enforcement scrutiny.” United States prosecutors, who say the \$25,000 bribe was paid to Juan Orlando Hernández in 2013, also allege that Hernández agreed to put Honduran armed forces to work providing security for Fuentes Ramírez. According to a criminal complaint against Fuentes Ramírez, Juan Orlando Hernández told Fuentes Ramírez that his brother Tony Hernández was in charge of trafficking operations in Honduras and that he should serve as the point of contact.

President Hernández has not yet been charged by US officials, although additional [evidence](#) implicating the president came to light in the trial of his brother Tony last September in New York. At Tony Hernández’s trial, prosecutors said Tony Hernández’s accepted \$1 million in bribes from the notorious Mexican drug lord Joaquín “El Chapo” Guzmán. These payoffs were meant for the sitting Honduran president, Juan Orlando Hernández, they said. “The defendant was protected by and had access to his brother, the current sitting president of Honduras, a man who himself has received millions of dollars in drug money bribes — bribes he received from some of the largest cocaine traffickers in the world, bribes he received from men like ‘El Chapo’ and the Sinaloa cartel who personally delivered \$1 million to the defendant for his brother,” prosecutor Jason Richman argued in court, according to the Associated Press. The US Embassy was quiet about the case, limiting its public response to a [post on Twitter](#) about the two countries’ cooperation on migration, security, and the fight against drugs. Last November, the Legion of Merit Award was presented to the head of Honduras’ Armed Forces, Major General René Ponce Fonseca, for “significant contributions” to the military-to-military relationship.

**Killings of Human Rights Defenders Increase Fourfold** In 2019, 31 human rights defenders were murdered in Honduras, a four-fold increase over 2018, according to a [report](#) by Frontline Defenders. Compared to all countries worldwide, Honduras had by far the largest number of human rights defenders killed last year per capita. Although Honduras is only slightly larger than Tennessee, Honduras ranks third in the world in terms of the sheer number of defenders killed in 2019. At least 7 journalists, according to the UN Office of the High Commissioner on Human Rights, were shot to death last year. According to the press freedom group C-Libre, another 20 went into exile. C-Libre has documented 237 attacks against journalists in the last two years, mainly by the police (36 percent) and the Military Police (20 percent).

Among the most heavily targeted defenders last year were indigenous rights advocates protecting their natural resources. At least 17 members of the Garifuna ethnic community were murdered, many of whom were female leaders, shot in assassin-style killings by strangers firing from motorcycles. None of these murders has been prosecuted. The Tolupan indigenous group has been heavily targeted, as well; two Tolupan indigenous leaders were killed last spring, in spite of having protective measures from the Inter-American Commission on Human Rights (IACHR). A third was murdered last September and a fourth in December. The government of Honduras has failed to prosecute these murders.

Honduran security forces killed at least 9 protesters last year, according to human rights defenders who testified in September before the IACHR. Other protest leaders were abducted and found dead in circumstances that suggest the involvement of death squads. The death-squad style killings of prominent protest leaders increased, in what human rights groups identified as a campaign of targeted killings, following protests after President Hernandez was named by a New York federal court as a co-conspirator in a large-scale drug trafficking ring led by his brother.

Attacks on members of the LGBTQ+ community have escalated. Paola Flores, for example, was shot in the leg on January 20, 2020, as she got off a bus. She had noticed a vehicle tailing the bus and had decided to get off before reaching her destination. Since last July, two other defenders of trans rights have suffered attacks at the hands of gunmen, and various other members of LGBT rights organizations, such as Arcoiris, have been threatened, harassed, and surveilled. LGBT leaders believe Military Police may be involved.

**Honduran Security Forces Shot and Killed Protesters with Impunity, UN Report Finds** In a [report](#) released in January, the Office of the High Commissioner on Human Rights (OHCHR) in Honduras found that the Honduran government's response to protests following the 2017 presidential election led to serious human rights violations: "OHCHR found that elements of the security forces, especially the Military Police of the Public Order and the Army, used excessive force, including lethal force, to control and disperse protests, leading to the killing and wounding of protesters as well as passers-by. At the time of completing this report, on 27 January, OHCHR had registered that at least 23 people were killed in the context of the post-electoral protests, including 22 civilians and one police officer. Based on its monitoring, OHCHR considered that at least 16 of the victims were shot to death by the security forces, including two women and two children, and that at least 60 people were injured, half of them by live ammunitions." No one has been convicted for the deaths of any of the 16 people fired on and killed by Honduran security forces while protesting, the OHCHR found. Death-squad style killings of a number of others during the same period also remain unpunished. These killings, occurring between 24 December 2017 and 23 January 2018, included the murders of at least six individuals who had been actively involved in organizing and participating in post-electoral protests. "All deaths were caused by firearms and occurred in the northern departments of Atlántida and Cortes, where large demonstrations had taken place in the previous days. OHCHR received information indicating that the perpetrators of one of the killings were wearing national police uniforms," the report notes. The OHCHR "also gathered credible and consistent allegations of ill-treatment by the Military Police and the National Police during arrest and detention, which included insults and threats, as well as beatings with batons, sticks, firearms, as well as kicking," aimed largely at the face and head of the persons detained.

The OHCHR states that it offered the government technical assistance in the investigations of the killings that occurred during the post-electoral period, and the offer was not accepted. The OHCHR pointed to the "lack of cooperation of the Armed Forces in the investigations" of post-electoral killings. "Two years after the events, no case of human rights violation has obtained a conviction, and most of the serious violations documented by OHCHR, such as alleged summary or extrajudicial executions and enforced disappearances, remain under investigation."

**Honduras Ends Mandate of Anti-Corruption Unit** In January, the Honduran government ended the Mission to Support the Fight Against Corruption and Impunity in Honduras (MACCIH), an investigative mission backed by the Organization of American States. The OAS in a statement called ending MACCIH "a negative step." Working with the Honduran attorney general's office, MACCIH led to the prosecution of 133 people and strengthened national capacities to combat corruption and impunity. In a statement, the

government "regretted" that consensus on a new mandate could not be reached and said it took into account complaints from various sectors about "excesses" by the anti-corruption mission.

US Senator Patrick Leahy responded, "The decision by President Hernandez, an unindicted co-conspirator in the U.S. prosecution of his brother for drug trafficking, to end the MACCIH, is the latest evidence that he is not serious about stopping the corruption that permeates his government from top to bottom. The question now is whether the Trump Administration continues to turn a blind eye, caring only that President Hernandez has agreed for his violent, impoverished country to be a so-called 'third country safe haven' for Central Americans seeking asylum in the United States. MACCIH was strongly supported by the Honduran people and by the US Congress. We can no longer support a government whose officials have repeatedly shown that they care far more about holding power and amassing wealth, than respecting the rule of law or addressing the needs of their people." Congressman Jim McGovern tweeted: "I am deeply dismayed that @JuanOrlandoH has refused to renew @OEA\_MACCIH. Corruption & impunity are pervasive in #Honduras. The president's own brother is a convicted drug trafficker. This is a huge defeat for the rule of law & will have consequences." The Trump administration responded, also: Assistant Secretary for US Department of State's Bureau of Western Hemisphere Affairs, Michael G. Kozac, tweeted, "Deeply disappointed that despite commitments to do so, #Honduras failed to extend @OEA\_MACCIH anti-corruption effort, requested and designed by @JuanOrlandoH himself, and strongly supported by the people of Honduras, & has put forward no credible alternative to fight corruption." For further information on Honduras and PBI's work there, see the [website](#) of PBI Honduras.

## GUATEMALA

**Guatemalan President Takes Office Amid Concerns from Human Rights Monitors** On January 14, Alejandro Giammattei assumed the presidency of Guatemala. On January 17, invoking degree 1-2020, he declared a six-day state of prevention in the municipalities of Mixco and San Juan Sacatepéquez, declaring this measure as important for the fight against crime. A reported 2,000 agents of the National Civil Police and the Army deployed as part of the state of prevention, which suspended several constitutional guarantees, such as freedom of movement and the right to gather and protest. On January 24, the president again declared a state of prevention, this time in the municipality of Villa Nueva, citing the need to combat crime. On February 14, states of prevention were imposed in six other municipalities: Nueva Concepción, Santa Lucía Cotzumalguapa, Tiquisate, Puerto San José, Palín, and Escuintla.

In addition, a week after assuming office, President Giammattei sent a number of security-related legislative initiatives to the Guatemalan Congress. The most controversial of these, intended as a measure against gangs, is bill 5692, which would modify the penal code and expand the definition of terrorism to anyone who engages in any activity which "transgresses social peace or public order and who organizes, constitutes, or belongs to criminal groups." Edith Espinoza, coordinator of the Violence Observatory with the organization Dialogues, notes that gangs lack the political character inherent to terrorist actions. Attorney Oswaldo Samayoa points out that the bill "could generate an idea of criminality among groups who have not necessarily committed any crimes." Impunity for state security forces who committed crimes during the country's internal armed conflict, meanwhile, appears more likely under Giammattei. In a speech on January 22, President Giammattei [said](#) that members of the Marines, the Army, and the National Police "today will have a president that will not allow those who have fulfilled their duty to be tried and imprisoned."

Giammattei's Cabinet includes former Army officers linked to the 1988 and 1989 coup attempts. Retired infantry major Gustavo Díaz López, who was arrested in 1988 for participating in an attempted

coup against President Vinicio Cerezo, and was involved in the next attempted coup the following year, has been appointed to preside over the Center for Political Analysis and Strategy.

**US Senators Express Concern About Ongoing Rights Violations in Guatemala** In a January 28 letter to Secretary of State Mike Pompeo, US Senators Cardin, Durbin, Leahy, Markey, Merkley, and Kaine noted “mounting concerns for the rule of law and the safety of human rights defenders” and urged the secretary of state to hold the new Giammattei Administration accountable “for any failures to protect human rights defenders, including indigenous rights defenders, as well as judges, magistrates, journalists, and others who work to build a safer Guatemalan society under the rule of law.” They noted that 15 human rights defenders were killed in Guatemala last year and called the Trump Administration’s decision to forge migration agreements with Guatemala that in essence establish it as a safe third country for asylum-seekers all the more worrisome. They asked the State Department to “monitor proposed institutional changes that could further weaken the rule of law and human rights protections in Guatemala.”

**United States Grants Political Asylum to Former Top Prosecutor** Guatemala’s former chief prosecutor Thelma Aldana has been [granted](#) political asylum in the United States. She was granted political asylum last week after the Drug Enforcement Administration [presented](#) evidence of credible death threats. Aldana, who ran for president of Guatemala last June, was accused of buying a building at an inflated price. She had been living in the US for nearly a year, and as Guatemala prepared to call for her extradition, she received asylum. Among the cases she tackled as prosecutor were high-profile cases of corruption, including investigations into former president Jimmy Morales’ use of campaign funds. She also prosecuted former president Otto Perez Molina, who remains in prison.

**Constitutional Court Overturns Restrictive Law on NGOs** Guatemala’s Constitutional Court has blocked the implementation of a law that would put severe restrictions on the ability of nongovernmental organizations to do their work. The law was approved by the Guatemalan Congress on February 11 and later ratified by President Giammattei, in spite of protests by the Inter-American Commission on Human Rights and the [US Department of State](#), which called the restrictions on NGOs onerous. In a 4 to 1 vote, the Constitutional Court ruled that the law “could cause serious effects to human rights or provoke a failure to observe international standards,” such as the Inter-American Convention on Human Rights. Decree 4-2020, as the law is known, was suspended in response to various appeals filed by civil society organizations and a few members of the Guatemalan Congress, who argued that the law would violate several fundamental rights, including the rights to due process, free speech, and freedom of assembly. The law forced NGOs to register, report their donations and allow their accounts to be inspected. Under certain circumstances, it would also allow NGOs to be dissolved, controlled and monitored. The [law](#) would have forced NGOs to register, report their donations, and allow their accounts to be inspected. Under certain circumstances, it would also have allowed NGOs to be monitored and dissolved.

### **Lawmakers Charge that Agreements with Northern Triangle Countries Are Unlawful**

Representative Eliot L. Engel, Chairman of the House Committee on Foreign Affairs; Representative Joaquin Castro, Chairman of the Subcommittee on Oversight and Investigations; and Representative Albio Sires, Chairman of the Subcommittee on the Western Hemisphere, Civilian Security, and Trade, have launched an inquiry into the State Department’s role in crafting “safe third country” agreements with El Salvador, Honduras, and Guatemala. The agreements require these countries to accept migrants who initially attempted to apply for asylum in the United States. In a March 6 [letter](#) to Secretary of

State Mike Pompeo, the lawmakers warned that vulnerable asylum seekers face unacceptable risks in these three countries and that the Trump Administration's asylum cooperation agreements (ACAs) with those governments run afoul of the law. In their letter, Engel, Castro, and Sires underscored the disastrous results of the agreement with Guatemala: “Since late 2019, the Administration has already deported 698 asylum seekers to Guatemala under the ACA, 324 of whom had fled here with their families. This was done on the theory that these people could simply apply for asylum in Guatemala instead. But of these 698, only 24—less than 4 percent—have even been able to seek protection through Guatemala's nascent, overburdened asylum system. DHS officials admitted that they have no knowledge of, and no ability to find out, what became of the remaining 96 percent.”

Chairmen Engel, Castro, and Sires have demanded a briefing from senior State Department officials and the production of State Department records by March 13. The ACA has not been ratified by Guatemala’s Congress, which the nation’s Constitutional Court has ruled is required prior to its implementation.

**Priest in Charge of Migrant Shelter Receives Death Threats** On January 20, Father Mauro Verzeletti, who runs the Casa del Migrante migrant shelter in Guatemala City, received a call threatening the staff and promising to “put an end” to the shelter’s work. The next day, after receiving a second call, Father Verzeletti filed a complaint with State Prosecutors and publicly denounced the threats. In response to an initiative led by the Guatemala Human Rights Commission, based in Washington, DC, numerous international human rights organizations signed a [statement](#) of concern repudiating the attacks. “Since rules for the implementation of the ACA were published on November 19,” the statement reads, “more than 200 Honduran and El Salvadoran asylum seekers have been sent to Guatemala to apply for asylum there instead of having their cases heard in the US. We are concerned that in the current context, both migrants and asylum seekers, as well as those advocating for their rights in Guatemala, are at risk. Guatemala does not have the capacity to guarantee fundamental human rights, like safety or a fair and full asylum process, to people sent by the US and at the same time, the increasing number of asylum seekers sent to Guatemala will only overburden civil society organizations providing assistance to returnees, like Casa del Migrante.” The international organizations expressed grave concern for the security and safety of Casa del Migrante’s director, staff, and volunteers, supported a full investigation into the recent threats, and demanded that the Guatemalan State provide perimeter security to the shelter, as has been requested by the Casa del Migrante. For more news on Guatemala, see PBI Guatemala’s [Monthly Information Reports](#).

*[Peace Brigades International](#) is a nongovernmental organization with consultative status before the United Nations. PBI sends teams of international observers to areas of conflict and repression to provide protective accompaniment to human rights defenders whose lives and work are under threat. Founded in 1981, PBI has worked in fourteen countries on four continents. PBI’s international office in Brussels and advocacy staff around the world support efforts in the field to open space for peace and for the defense of human rights.*