

Testimony of Vicki Gass
Senior Associate for Rights and Development
Washington Office on Latin America (WOLA)

March 18, 2010

“Next Steps for Honduras”
House Committee on Foreign Affairs
Subcommittee on the Western Hemisphere

My name is Vicki Gass and I am the Senior Associate for Rights and Development at WOLA, the Washington Office on Latin America. I have two Masters from the University of New Mexico, one in Latin American Studies, and the second in Community and Regional Planning. I have over 25 years experience working in Central America on human rights and economic justice issues, and I lived in Honduras for two years from 1999 to 2001 working on civil society and reconstruction issues following Hurricane Mitch. After the painful events of June 28, I have had permanent contact with numerous Honduran development and human rights organizations. In addition, I spent two years in Iraq, from 2004 to 2006, working for the National Democratic Institute for International Affairs on women and constitutional rights. In this hearing, you have asked me to describe the steps that Honduran President Pepe Lobo and others should take to emerge from the political crisis; to discuss what role the international community should play; and, finally, to evaluate President Lobo’s first six weeks in office.

Honduras is in crisis. It is not a crisis that originated in June of last year or ended with the election of President Lobo in January of this year. The new government faces a crisis of credibility which has been long in the making. Thirty years of democracy – or at least of a two-party electoral system -- has done too little to reduce the poverty and inequality that make Honduras one of the two poorest countries in the Western Hemisphere, or to curtail a seemingly entrenched culture of corruption and impunity. The Honduran Constitution has been reformed 28 times in the last 30 years by successive national congresses yet the public perception is that the reforms have only benefitted powerful economic interests and the political elite.¹ As a consequence, citizen belief in the democratic system has eroded. A recent poll conducted by the Federation of Development Organizations of Honduras (FOPRIDEH) revealed that 59.9 percent of Hondurans no longer believe in democracy.² Compounding the crisis caused by poverty, corruption, and the failures of the political system, the violation of human rights has escalated dramatically since the June coup d’état.

The new Honduran administration, with support of the international community, must take bold action to end human rights violations, reduce poverty and inequality, and put an end to corruption and impunity. Only by doing so can it restore faith in democracy. In

¹ To review quantity and quality of constitutional reforms, see <http://pdba.georgetown.edu/Constitutions/Honduras/hond05.html>

² January 2010 – find exact quote.

this testimony, I offer concrete suggestions for both the Honduran and US governments to help this Central American nation emerge from this crisis.

Human Rights Violations

Respect for human rights in Honduras has sharply deteriorated. The 2009 Department of State Human Rights Report for Honduras, released just last week, details the human rights violations following the June 2009 coup d'état. Violations noted by the report, as well as by the Inter-American Commission on Human Rights (IAHCR) and other independent human rights organizations, include unlawful killings by current and former government security forces, arbitrary detentions, violence perpetrated against people detained, restrictions of freedom of the press, and disproportionate use of force by security forces.³ These attacks were directed against citizens actively opposed to the coup d'état and/or their family members. The following are a few examples of human rights violations that occurred in the months following the political upheaval of June 2009:

- In August 2009, Irma Villanueva was arbitrarily detained by Honduran Police after participating in a peaceful demonstration in Choloma, outside of San Pedro Sula, the second largest city in Honduras. While detained she was raped by four Honduran police officers who later inserted their batons into her vagina. The IACHR has repeatedly held that rape of detainees by State agents is an act of torture. Sadly, the case of Irma Villanueva was only one of numerous cases the Commission learned of in a site visit from August 17 to August 21.⁴
- During its on-site visit to Honduras, the Commission also learned of “severe and arbitrary restrictions on the freedom of expression.”⁵ The State Department’s recent report mirrors these concerns, reporting that the de facto regime of President Michiletti restricted the freedom of expression, most notably on July 1, September 26 and October 5 when the de facto government issued decrees (such as decree 016-2009) curtailing freedom of expression. There were also direct attacks against media outlets, according to the State Department’s report. For example, on June 28, the military prevented transmissions by several media outlets, including Cable Color, Channel 8, Channel 11, and Channel 36, and radio stations Radio Progreso and Radio Globo.⁶
- On December 4, Lesbian, Gay, Bisexual and Transgendered activist Walter Trochez was kidnapped and physically assaulted by unknown people. In reporting the crime to human rights organizations, Mr. Trochez stated that his kidnappers questioned him about his activities in anti-coup activities. Nine days later, he was shot dead by unknown assailants in Tegucigalpa. He was 25 years

³ <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136117.htm>

⁴ <http://www.cidh.oas.org/pdf%20files/HONDURAS2009ENG.pdf>

⁵ Ibid.

⁶ Ibid, op cit.

old. Since the coup, 18 gay and transgendered men have been killed nation-wide, as many as killed in the five years prior to the coup.⁷

- COFADEH, the Committee of Relatives of the Disappeared in Honduras,⁸ reports that a total of 28 members of the opposition movement were victims of politically-motivated assassinations between June 30 and December 31, 2009.

Unfortunately, the violations of human rights have not stopped with the inauguration of President Lobo on January 27. The IACHR issued a report on March 8, 2010 condemning the murders of at least three Hondurans active in the opposition to the coup d'état or family members of activists.⁹ It further deplored the continuation of kidnappings, arbitrary detention, torture, and sexual violence perpetrated against other Hondurans actively opposed to the coup, many members of the resistance. WOLA condemned these abuses in a public statement which was distributed to Congress in late February. Concrete examples of the violence since the Lobo inauguration include:

- On February 24, Claudia Larissa Brizuela, a member of the opposition movement and mother of two, was murdered inside of her home by unidentified intruders. Her father, Pedro Brizuela, is a prominent opposition politician and journalist.
- On February 15, Julio Benitez, a trade union activist, was murdered outside of his home in a drive-by shooting in Colonia Brisas de Olancho.
- On February 12, Hermes Reyes, a member of an opposition group, was kidnapped and beaten by three paramilitaries. That same day, men who identified themselves as police looted the home of Porfirio Ponce, a union organizer and opposition activist.
- On February 10, a family of five in San Pedro Sula was abducted for five days. Two of the women were raped and all five were tortured. All are active members of the political opposition movement.
- In early February, two reporters were kidnapped by paramilitaries in Tegucigalpa. The paramilitaries physically abused the reporters and demanded that they divulge information about the opposition movement.

Continued human rights violations will undermine the new government's stated goal of rebuilding trust in democratic institutions and the pervasive impunity embolden perpetrators of political violence. In Honduras, there is widespread concern that the military has emerged stronger from this crisis and that the country will return to the repressive practices of the 1980s. If President Lobo wants international recognition and aid reinstated after his country was shunned by governments following last year's coup, then he needs to get the military back in the barracks, rein in the police forces, and bring justice to those responsible for these abuses.

Poverty and Inequality

⁷ <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136117.htm> and <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136117.htm>

⁸ *Comité de Familiares de Detenidos Desaparecidos en Honduras* in Spanish

The popular reaction against the coup has to be understood, not only in terms of the disruption to constitutional order, but also in the context of the ongoing poverty and inequality in Honduras. After 30 years of electoral democracy in Honduras, people expected improvements in their standard of living and their quality of life. Distressingly, these expectations have not been met.

Honduras has a population of 7 million people. It is rich in natural resources timber, gold, silver, copper, lead, zinc, iron ore, antimony, coal, fish, and hydropower.¹⁰ Yet Honduras continues to be the second poorest country in the region. According to the CIA Factbook and the 2007/2008 UNDP Human Development report, 50.7 percent of Hondurans live below the poverty line. In the rural sector, 66.4% of the population lives on 20 lempiras a day (\$1.06) and an estimated 62 households out of 100 nation-wide do not have sufficient income to cover the cost of basic food necessities.

As with many of its neighbors, Honduras suffers from high levels of economic inequality. The poorest 10 percent of the population account for only 1.2 percent of the country's income, while the richest 10 percent account for 42.4 percent.¹¹ The CIA Factbook states that, out of 134 countries, Honduras is the 16th most unequal country in terms of income distribution.¹² The benefits of the modest economic growth that Honduras has experienced in the last thirty years have not gone to poor people; they have not seen positive outcomes from the political process

Pervasive Corruption in Government Institutions

There are many studies that analyze why poverty and inequality continue to be persistent problems in Honduras but one of the leading causes is the deeply rooted corruption that, according the official National Anti-Corruption Commission, pervades every level of the state. In December, the Commission issued its 2009 annual report on transparency. It found that despite the fact that public contracting represents 50 percent of the gross national product, there are no mechanisms for transparency and accountability. There is no public competitive process for bidding on public contracts. More often than not, the public is notified only when a contract award is announced in the official federal register, *La Gaceta*. But even official publication is not a guarantee.

The latest corruption scandal to rock Honduras, commonly referred to as the “gacetazo” (gazette-gate), deals with the publication of two different versions of *La Gaceta* with the same edition number and the same date. It was published on January 22, 2010, in the final days of the de facto president, Roberto Micheletti. Just before leaving office, Micheletti and the Congress rapidly approved a \$160 million contract to a Honduran-Italian consortium to manage and improve the Jose Cecilio del Valle Dam (also know as the Nacaome Dam). The contract was signed into law in Roberto Micheletti's last

¹⁰ CIA World Factbook <https://www.cia.gov/library/publications/the-world-factbook/>

¹¹ ¹¹ UNDP Human Development Report 2007/2008, “Fighting Climate Change: Human Solidarity in a Divided World,” http://hdr.undp.org/en/media/HDR_20072008_EN_Complete.pdf

¹² CIA World Factbook <https://www.cia.gov/library/publications/the-world-factbook/>

cabinet meeting. One version of the official newspaper had sixteen pages with no mention of the dam contract; the other was 32 pages and included the awarding of the dam contract. Only 20 copies of the second version were published. Atypically, this particular case is under investigation by the Public Ministry.

Corruption is a problem that has infected every government. Under the constitutionally elected government of Manuel Zelaya, the Poverty Reduction Strategy program was reduced to a minimum. An estimated \$37 million in debt relief funds were redirected to fulfill campaign promises, and to increase the salaries of government officials, the police and armed forces. The Advisory Council of the Poverty Reduction Fund, the highest decision making body for the allocation and use of poverty reduction funds was weakened in favor of a public charity program run by the former president's wife.¹³ It is no wonder that, according to Rolando Bú, executive director of FOPRIDEH, reported two months ago that the government of Honduras has spent \$6.3 billion dollars since 2001 to alleviate poverty in the country with no success.¹⁴

There are also many examples of corruption where money was designated to government representatives and/or their family members by the National Congress for local infrastructure projects that were never built. For example, in 2006, the Honduran Congress designated 20 million lempiras (1 million dollars) to then Congressional representative, José Alfredo Saavedra, to pave a 12 kilometer road in Nacaome, Honduras. Mr. Saavedra later served as President of the Congress from July to December 2009. The road was never built and the money has disappeared.¹⁵ Similarly, Congressman Mario Seguro and his mayoral brother were awarded \$158,000 to build a bus station in El Paraiso that was never constructed.¹⁶ In neither of these cases has someone been accused of corruption or held accountable for the loss of funds. This is not unusual. The level of corruption was so high that Honduras failed to pass the corruption indicator required for continued funding in 2008 from the U.S. Millennium Challenge Account. What is surprising and disappointing, however, is that this aid continued to flow. It was not until the June coup that aid was stopped, although most of the funds were reportedly committed prior the coup.

The level of corruption has an enormous social cost. Not only is it robbing from a population two-thirds of whom are poor, it contributes to eroding public trust in government institutions. Two years ago, the then-head of the National Anti-Corruption Commission publically stated that as much as \$526.3 million dollars per year is lost due to corruption.¹⁷ In a country of 7 million people with high indices of poverty and unemployment, this is an astonishing figure.

¹³ http://www.aci-erp.hn/doct/2006_ISS_informe_pais.pdf

¹⁴ <http://hondurasweekly.com/national/2117-civil-society-rates-honduras-poverty-reduction-strategy-a-failure>

¹⁵ http://www.ajshonduras.org/revistazo_highway_investigation.htm

¹⁶ http://asjhonduras.com/cms/index.php?option=com_content&view=article&id=107:la-investigacion-especial-de-revistazo-revela-irregularidades-en-el-uso-de-los-subsidios-otorgados-por-el-congreso&catid=44:revistazocom&Itemid=78

¹⁷ See Raf Flores' quote in <http://asjhonduras.com/cms/index.php?view=article&catid=57%3Apobreza&id=108%3Ah...>

Unfortunately, prosecutions and convictions of those who participate in corruption are extremely rare. Only 2.2 percent of the 1,925 corruption cases that reached the court between 2002 and 2006 resulted in an actual conviction.¹⁸ The State Department's 2009 Human Rights Report states clearly that there is a "widespread perception that the country's anti-corruption institutions had not taken the steps necessary to combat corruption and were unwilling or lacked the professional capacity to investigate, arrest, and prosecute those involved in high-level corruption."¹⁹ Its 2008 Human Rights Report more explicitly implicated a judicial system that was "subject to patronage, corruption and political influence" which allowed "powerful" special interests to influence the decisions in court proceedings.

The 2009 report also noted that corruption and impunity are also serious problems within the different branches of the security forces. Members of the security forces who violate human rights are rarely investigated or brought to justice. Per the report, investigations were still pending in all of the cases of human rights violations mentioned at the beginning of this testimony. WOLA, along with other human rights organizations, is concerned that a blanket amnesty signed by President Lobo on the day of his inauguration, the stay of proceedings granted to military officers that participated in the forced exile of the former president, and the appointment of military officers involved in the coup to high civilian government offices will only serve to strengthen the impunity of armed forces. We are also concerned that those responsible for human rights will not be investigated or brought to justice.

Next Steps for the Lobo Government

What has President Lobo done well in the first days of his presidency? He has taken several positive steps. One of the first things he did -- even before the inauguration -- was to decentralize the offices of his political party, the National Party, in order to guarantee citizens access to elected officials or representatives of the party at the local level.. This may not appear to be a very novel idea in this country, but many Hondurans never even see their elected representatives, even during the electoral campaign. Secondly, he has also promoted a plan for a national dialogue and published a vision plan for the country, which I will discuss in further detail. Finally, like many of his predecessors, he officially declared 2010 as the year of "transparency."

What else will he need to do to reconcile a deeply divided country whose government institutions lack credibility, where human rights violations are escalating and where poverty and inequality and corruption and impunity are endemic?

WOLA strongly recommends the following:

¹⁸ Sanchez, Marcela. "Honduras Losing Steam on Corruption Fight," Washington Post, July 27, 2007. http://www.washingtonpost.com/wp-dyn/content/article/2007/07/26/AR2007072601615_p...

¹⁹ Ibid, op cit.

Take strong steps to end human rights violations. The Lobo government must make clear, publicly and privately, that human rights violations of opposition leaders and their family members, and harassment of critical media outlets, are unacceptable and will be punished. The President should direct police and military officials to make clear that abusive practices by officers under their command will not be tolerated. The Lobo government must also initiate investigations into human rights violations that have already taken place and bring the perpetrators to justice. Investigating and prosecuting cases of human rights abuses will be key steps towards restoring respect for the rule of law and send a zero-tolerance message regarding human rights violations. Finally, demilitarizing Honduran society – returning the military to their barracks – will be critical to re-asserting civilian leadership in the political system.

Establish a Honduran Truth Commission in Conformity to International Standards.

President Lobo has named Eduardo Stein, former vice-president of Guatemala, to coordinate the Truth Commission along with two national figures. The Truth Commission is mandated with investigating the events surrounding the coup. Based on the best practices of previous truth commissions, President Lobo should guarantee the following:

- The Commission’s mandate must be clearly defined, sufficiently broad and have the authority to determine the facts and assign individual or institutional responsibility for human rights violations and the structural weaknesses that allowed the coup to take place.
- The Commission must have the investigative and subpoena power to gain access to all testimonies, documents and other relevant evidence that can contribute to establishing the facts.
- The Commission should be fully staffed with expert investigators with the technical expertise and the adequate resources and time-line to carry out its mandate. Commission members should have the autonomy to employ their own staff.
- The work of the Commission should be transparent and widely publicized with public hearings. At the same time, in the investigation of specific case of human rights violations, conditions must be created to guarantee victims’ and witnesses’ safety and when necessary, allow the Commission to take confidential testimony from witnesses and victims.
- The findings of the Truth Commission must not be a substitute for judicial action but as a process to aid judicial proceedings.

In Honduras, there is already the perception that the Truth Commission will whitewash the events surrounding the coup and that none of the actors involved will be held accountable. Taking these steps will go a long way in challenging that perception and demonstrating the impunity that has traditionally been enjoyed will no longer be tolerated.

A Meaningful National Dialogue That Yields Results. Hondurans have gone through 18 “national dialogue” processes in the last thirty years in order to design national development plans and strategies. This has often been a formality required by international donors but has had very limited results. There is no doubt that corruption has been a factor in the failure to implement many of these plans, but other factors include how the processes were carried out. Too often plans are designed in top-down fashion by technocrats in Tegucigalpa who then divulge the plans in half day meetings in a few cities throughout the country. They receive little public support from communities and feedback from citizens is rarely incorporated.

In January 2010 President-elect Lobo presented his administration’s country plan for the next 28 years and held several national meetings to discuss its contents. While promising, he should see this as the beginning of a process and not the conclusion. President Lobo and his planning ministry should use the plan as a point of departure, and develop an adequate timeline to thoroughly discuss and debate the plan in communities, towns and cities in each of Honduras’ 18 departments. Decentralizing the consultation plan and taking the time to do it well, will distinguish this dialogue process from previous ones. President Lobo should also draw on the experience of long-established non-governmental development organizations in Honduras that have extensive experience in local development and promoting participation. Key themes should be poverty reduction and employment creation, strengthening and reforming government institutions, electoral and educational reforms, and increasing the efficient and transparent use of national and international funds.

The International Community

The government’s ability to end human rights abuse, facilitate the work of a Truth Commission that will bring real reconciliation, and implement a meaningful process of national dialogue, will depend in many ways on the support of the international community. The U.S. and other donors need to both press the government to carry out these steps and offer them support and assistance to do so.

Secretary Clinton recently announced her intentions to restore aid to Honduras. WOLA urges the Secretary to not release all the aid at once but gradually. In this testimony, WOLA has outlined three key areas that need to see significant progress before aid is fully restored. All aid to Honduras should be subject to congressional notification so that committees can conduct oversight as needed. In particular, the sub-committee and the appropriators should ask the Administration to report to them on progress in the areas outlined above.

In June, the Organization of American States (OAS) will likely vote to reinstate Honduras’s membership to the regional body. OAS members, including the United States, should base this decision of fulfillment of the San José Accords and advances in the areas mentioned in this testimony.