

Congress of the United States

Washington, D.C. 20515

March 9, 2012

The Honorable Hillary Clinton
Secretary of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Clinton:

We are concerned with the grave human rights situation in the Bajo Aguán region of Honduras and ask the State Department to take effective steps to address it. The abuses taking place in this area of the country reflect a larger pattern of human rights violations in which human rights defenders, journalists, community leaders and opposition activists are the subject of death threats, attacks, and extrajudicial executions. We appreciate the November 9, 2011 State Department statement urging Honduran authorities to take measures to end the violence and impunity in the Bajo Aguán. We urge you to continue to pressure the Honduran government to protect the fundamental human rights of its citizens, and to investigate and prosecute abuses.

Forty-five people associated with peasant organizations have been killed in the Bajo Aguán area between September 2009 and February 8, 2012. One additional peasant association member, Francisco Pascual López, remains disappeared since May 2011. Seven security guards, a policeman, a journalist and his partner, and three other persons have also been killed.

This critical situation was the subject of an Inter-American Commission on Human Rights (IACHR) hearing in October 2011. The IACHR concluded that it is “particularly concerned about the situation in the Bajo Aguán region of Honduras.... The Commission received information regarding the criminalization of the campesino struggle and the militarization of the area, which has reportedly placed the peasant farmers and human rights defenders in the Bajo Aguán in a state of high risk.”

Private security guards on farmlands in dispute are cited by witnesses as the perpetrators of many of these crimes, according to information presented to the IACHR by human rights groups. In some cases, the security guards are reported to have acted in collusion with army and police agents. In mid-August, the Honduran government initiated a joint military-police action in Bajo Aguán known as Operation Xatruch II. At least nine peasant organization members, including two principal leaders, have been killed since this operation was launched.

According to information presented to the IACHR by human rights groups, police and military associated with Xatruch II tortured community members. In one case, the 17-year-old son of a

peasant leader was allegedly tortured by police and military, doused with gasoline and threatened with being burned or buried alive. On November 1, a group of small farmers and their families returning from visiting a cemetery were fired upon, allegedly by private security guards. One was killed and four wounded, one of whom subsequently died.

These cases have yet to be effectively investigated and prosecuted. In September 2011, Human Rights Watch reported that while some arrest warrants have been issued, no one has been arrested or charged for these killings. While the Honduran judicial system has failed to effectively prosecute perpetrators of extrajudicial executions, it has been remarkably efficient in issuing arrest warrants for Bajo Aguán peasant organizers. Legal proceedings have been initiated against at least 162 small farmers and more than 80 were temporarily arrested, largely on charges of trespassing and theft of farm produce, between January 2010 and July 2011.

Underlying the violence are long-standing land conflicts that urgently need to be resolved. Land in the Bajo Aguán was titled to small farmers by a government agrarian reform initiative in the 1970s. According to peasant associations, fraud and coercion subsequently were used to force many to sell their lands.

Several associations reached an agreement with the Zelaya government to resolve the land conflicts, and, when this agreement was not fulfilled after the June 2009 coup, small farmers began occupations of the lands they claim as their own. To date, an agreement reached between the Lobo government and some of the peasant groups in April 2010 to transfer land to small farmers has not resulted in land being transferred as planned. It remains unclear if a new agreement signed last month provides terms that will be economically feasible for the farmers or if the Lobo government will carry out the agreement as intended. The Honduran government is also largely not in compliance with existing Honduran law that mandates that state-owned land belonging to the former Regional Military Training Center in the Bajo Aguán area be transferred to landless farmers. Further, the government has not protected the rights of settled communities with long-term legal titles to their land, which have been attacked and evicted.

We know you share our firm belief that given U.S. support for the Honduran government, including assistance for the police, military and judicial system, we have an obligation to ensure that human rights are respected. Indeed, it is our understanding that the United States is providing training to the 15th Battalion of the Honduran military which is operating in the Bajo Aguán region.

We ask you to urge the Honduran government to take immediate action to protect human rights in the Bajo Aguán region and throughout the country. This should include investigating and prosecuting those responsible for the murders, threats and other abuses, including the intellectual authors of such abuses, and immediately suspending, investigating and as appropriate prosecuting members of the military and police credibly alleged to have committed or acted in collusion with such abuses. We urge the State Department to request an accounting of the specific status of these cases and provide us with an assessment on their status rather than just a general evaluation of efforts to strengthen the judicial system.

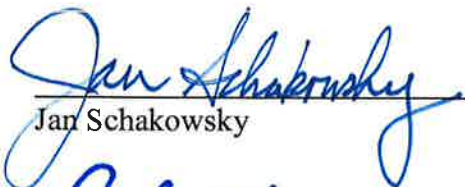
The Honduran government should provide basic protective measures, in consultation with beneficiaries, to witnesses, victims, human rights defenders, and peasant leaders at risk in the region. We also believe that the Honduran government should regulate the private security companies that have, thus far, acted with impunity. In addition, the Honduran government should comply with the agreements already signed with peasant associations to address the land conflicts in Bajo Aguán and seek comprehensive solutions to lack of access to land and livelihoods that underlie this conflictive situation.

We also ask you to suspend U.S. assistance to the Honduran military and police given the credible allegations of widespread, serious violations of human rights attributed to the security forces. We note that the foreign operations appropriations bill for FY12 requires the State Department to certify that the Honduran government "is investigating and prosecuting in the civilian justice system, in accordance with Honduran and international law, military and police personnel who are credibly alleged to have violated human rights, and the Honduran military and police are cooperating with civilian judicial authorities in such cases." In addition to the Bajo Aguán cases, there are numerous other allegations of police and military involvement in threats, excessive use of force and extrajudicial executions. For example, the U.S.-supported Truth Commission, which examined 20 emblematic human rights cases resulting in death that took place in the period between the June 2009 coup until the Lobo government took office, determined that more than three-quarters can be attributed to excessive use of force by army or police, or selected killings by government agents. The overwhelming majority of such abuses remain in impunity.

The U.S. government has an obligation to vigorously enforce the Leahy provisions included in laws governing both foreign operations and defense appropriations funding. We request specific information about efforts made by the U.S. Embassy to apply the Leahy provisions in relation to abuses allegedly committed by members of the police and military in the Bajo Aguán, including in relation to the 15th Battalion and the various police and military units that have participated in Operation Xatruch II.

Thank you for your attention to this important matter concerning strengthening the rule of law in Honduras.

Sincerely,


Jan Schakowsky


Karen R. Bass


Earl Blumenauer


Suzanne Bonamici


Robert A. Brady


Lois Capps


Michael E. Capuano


Russ Carnahan


Ben Chandler


David Cicilline


Hansen Clarke


Yvette Clarke

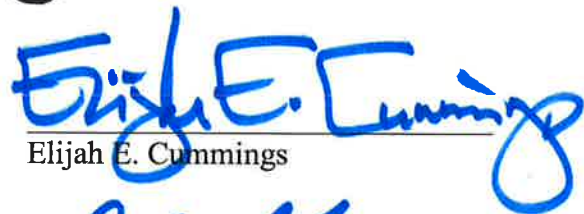

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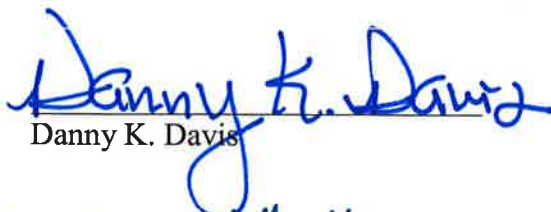

Emanuel Cleaver, II


Steve Cohen


John Conyers, Jr.

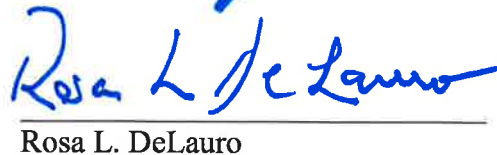

Jerry Costello


Elijah E. Cummings


Danny K. Davis


Peter DeFazio


Diana DeGette


Rosa L. DeLauro



Ted Deutch


Lloyd Doggett

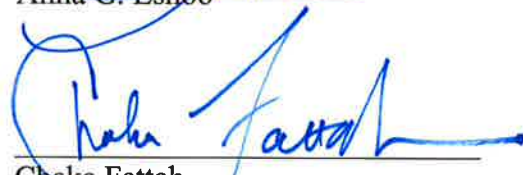

Mike Doyle


Donna F. Edwards


Keith Ellison

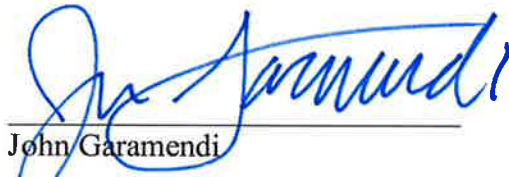

Anna G. Eshoo


Sam Farr


Chaka Fattah



Bob Filner


Barney Frank

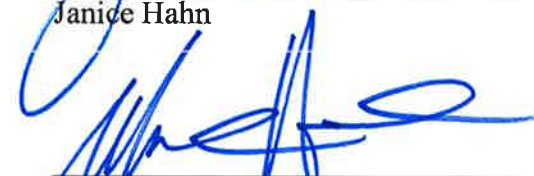

John Garamendi

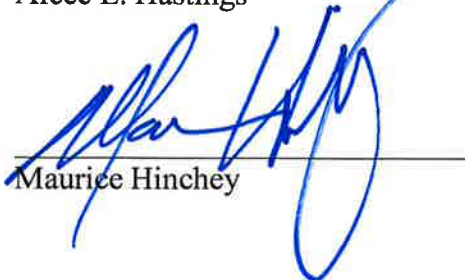

Raúl M. Grijalva


Luis V. Gutiérrez


Janice Hahn


Alcee L. Hastings


Martin Heinrich


Maurice Hinchey


Michael Honda



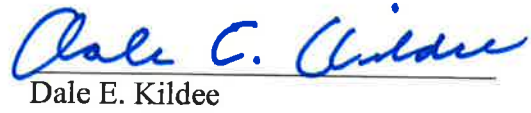
Jesse L. Jackson, Jr.



Hank Johnson



Marcy Kaptur



Dale E. Kildee



Dennis J. Kucinich



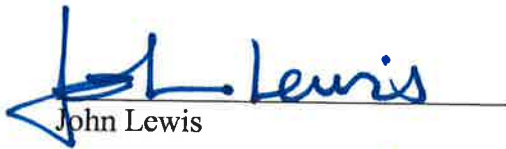
James R. Langevin



Barbara Lee



Sander M. Levin



John Lewis



Dave Loebsack



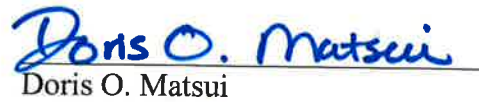
Zoe Lofgren



Ben Ray Lujan



Edward J. Markey



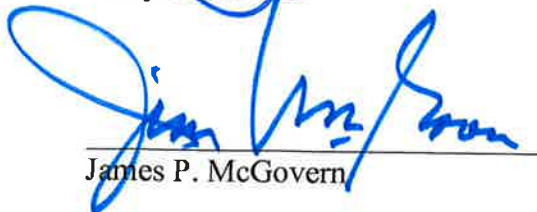
Doris O. Matsui



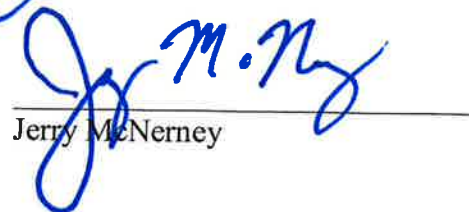
Betty McCollum



Jim McDermott



James P. McGovern



Jerry McNerney

Michael H. Michaud

Michael H. Michaud

George Miller

George Miller

Jim Moran

James P. Moran

Jerrold Nadler

Jerrold Nadler

Richard E. Neal

Richard E. Neal

Eleanor H. Norton

Eleanor Holmes Norton

John W. Olver

John W. Olver

Bill Pascrell Jr

Bill Pascrell, Jr.

Ed Pastor

Ed Pastor

Chellie Pingree

Chellie Pingree

Jared Polis

Jared Polis

David Price

David Price

Charles B. Rangel

Charles B. Rangel

Laura Richardson

Laura Richardson

Bobby L. Rush

Bobby L. Rush

Linda T. Sanchez


Linda T. Sánchez

Loretta Sanchez

Loretta Sanchez


John P. Sarbanes

John Sarbanes



Jose E. Serrano


Louise M. Slaughter



Jackie Speier



Pete Stark


Mike Thompson


John F. Tierney


Paul D. Tonko



Edolphus Towns


Chris Van Hollen


Nydia Velazquez


Maxine Waters


Henry A. Waxman

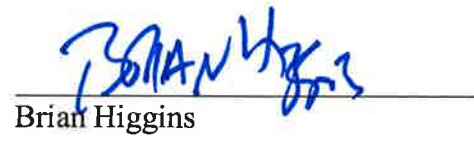

Peter Welch


Frederica S. Wilson


Lynn Woolsey


John Yarmuth


Lucille Roybal-Alford


Brian Higgins

cc: Ambassador Lisa Kubiske

Maria Otero, Under Secretary for Democracy and Global Affairs

Roberta Jacobson, Assistant Secretary of State for Western Hemisphere Affairs

Michael H. Posner, Assistant Secretary of State for Democracy, Human Rights and Labor

Frank Mora, Deputy Assistant Secretary of Defense for Western Hemisphere Affairs

Daniel Restrepo, Senior Director for Western Hemisphere Affairs, National Security Council

Kathleen FitzPatrick, Deputy Assistant Secretary of State for Democracy, Human Rights and Labor

Senator Patrick Leahy, Chair, Senate Foreign Operations Subcommittee