

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 3105

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

- 1.1 A resolution
- 1.2 urging the United States Congress to suspend United States security assistance to
- 1.3 Honduras until such time as human rights violations by Honduran security forces cease
- 1.4 and their perpetrators are brought to justice.
- 1.5 WHEREAS, many Minnesotans have connections with the country of Honduras and have
- 1.6 traveled there on humanitarian or faith missions, including Witness for Peace, Mayflower Church
- 1.7 and other churches, and Engineers without Borders; have opened Honduras-based businesses like
- 1.8 Velasquez Family Coffee; or have traveled there on legislative or congressional fact-finding missions;
- 1.9 and
- 1.10 WHEREAS, Minnesota is home to Honduran refugees who cannot return to their country
- 1.11 because of their well-founded fears of persecution; and
- 1.12 WHEREAS, Minnesota is home to several international human rights organizations; and
- 1.13 WHEREAS, both the State of Minnesota and the United States of America recognize
- 1.14 international human rights as an issue that is vital to our well-being as citizens and residents of
- 1.15 Minnesota and the United States; and
- 1.16 WHEREAS, the Honduran police are widely established to be deeply corrupt and commit
- 1.17 human rights abuses, including torture, rape, illegal detention, and murder, with impunity; and
- 1.18 WHEREAS, the New York Times revealed documents on April 15, 2016, indicating that top
- 1.19 officials of the Honduran police ordered the killings of drug-crime investigators Julian Aristides
- 1.20 Gonzales and Alfredo Landaverde in 2009 and 2011, respectively, with the subsequent knowledge
- 1.21 of top police and, evidently, high-ranking government officials. The Times suggested in a subsequent
- 1.22 article that the revelations were being manipulated by the President of Honduras for his own corrupt
- 1.23 purposes; and
- 1.24 WHEREAS, individuals in the police with documented records of having committed gross
- 1.25 human abuses with impunity continue to be appointed to high positions within the police; and

WHEREAS, international human rights bodies have reported that the Honduran military and police commit human rights abuses, including killings, with impunity. The Associated Press has documented death squad activity by police. Human Rights Watch reports: "The use of lethal force by the national police is a chronic problem. Investigations into the police abuses are marred by inefficiency and corruption, little information about them is made public, and impunity is the rule."; and

WHEREAS, the Department of State's Honduran Human Rights Report for 2016 reports: "Impunity remains a serious problem, with prosecution in cases of military and police officials charged with human rights violations moving too slowly or remaining inconclusive."; and

WHEREAS, repeated efforts to address the corruption in the Honduran police have largely failed. A recent commission to address the corruption in the police reports that it has separated a number of police. However, to date there has been minimal and only token progress in effectively prosecuting members of the police involved in corruption and human rights abuses, and the reported separations have not been independently verified. Moreover, long-lasting, fundamental reform of the police still needs to be enacted; and

WHEREAS, Rights Action documented the Fifteenth Battalion of the Honduran Armed Forces allegedly participated with police and private security forces in some of the killings of over 100 small-farmer activists in the Aguan Valley beginning in 2000. In 2015, Human Rights Watch confirmed that the killings of Aguan farmers were met with no consequences. To date there has been one confirmed conviction of a private actor. Assassinations of key activists continue. In October 2016, Jose Angel Flores, the president of the Unified Campesino Movement of the Aguan (MUCA), and Silmer Dionisio George, another MUCA member, were assassinated; and

WHEREAS, further examples abound of human rights abuses by the military: in July 2013, members of the Honduran Armed Forces shot and killed Tomas Garcia, a Lenca Indigenous activist, and injured his son while they were peacefully protesting a dam project; in May 2014, nine members of the Ninth Infantry reportedly tortured and killed Amado Maradiaga Quiroz and tortured his son, Milton Noe Maradiaga Varela. The cases remain unresolved. In a recent emblematic case, on December 27, 2015, the Honduran Navy reportedly killed Joel Palacios Lino and Elvis Armando Garcia, two Garifuna Afro-Indigenous men who were engaged in digging a car out of the sand on a beach. The case remains in impunity over a year later; and

WHEREAS, the current government of Honduras has expanded the military's reach into domestic policing, including the creation of a 3,000-member Military Police in clear violation of the Honduran Constitution and with disastrous results, including the killings of a 15-year-old boy, Ebed Yanes, in 2012 and a student, Erlin Misael Carias Moncada, in 2014 after they passed unarmed through checkpoints, and the January 2, 2017, killing of 17-year-old Edgardo Moreno Rodriguez. Since the creation of the Military Police, "allegations of human rights abuses by the military have

3.1 increased notably," reports Human Rights Watch. In 2016, the creation of two new battalions of
3.2 the Military Police was announced; and

3.3 WHEREAS, the Honduran judicial system has been widely documented to be rife with
3.4 corruption. Judges, prosecutors, and other officials are interconnected with organized crime and
3.5 drug traffickers, contributing to near-complete immunity; and

3.6 WHEREAS, the Department of State in its 2015 Human Rights report for Honduras reports
3.7 "corruption, intimidation, and institutional weakness of the justice system leading to widespread
3.8 impunity"; and

3.9 WHEREAS, summarizing the situation, Human Rights Watch reports in 2016 that "Rampant
3.10 crime and impunity for human rights abuses remain the norm in Honduras ... Efforts to reform the
3.11 institutions responsible for providing public security have made little progress. Marred by corruption
3.12 and abuse, the judiciary and police remain largely ineffective."; and

3.13 WHEREAS, pervasive human rights abuses, including the killing of at least 35 peaceful
3.14 protesters by United States trained and financed Honduran security forces, have continued following
3.15 the recent Honduran presidential election in November 2017 and the Organization of American
3.16 States recommended that another election be held due to substantial irregularities shown in the
3.17 re-election of Juan Orlando Hernandez; and

3.18 WHEREAS, the March 2, 2016, assassination of prominent Lenca Indigenous and
3.19 environmental activist Berta Caceres' world-renowned recipient of the 2015 Goldman Environmental
3.20 Prize for her work defending Indigenous land rights against a hydroelectric dam project, illustrates
3.21 the human rights crisis in Honduras, and the deep complicity of the Honduran government. Caceres,
3.22 the leader of COPINH, the Council of Popular and Indigenous Organizations of Honduras, had
3.23 reported to authorities 33 threats previous to her killing, but none had been investigated and the
3.24 government failed to provide adequate protection measures as mandated by the Inter-American
3.25 Commission on Human Rights, with protection by Honduran security being withdrawn the day of
3.26 her death; and

3.27 WHEREAS, as of February 2017, eight suspects, four of whom have ties to the Honduran
3.28 military, have been arrested in the killing of Caceres, one of whom is a current officer in the military
3.29 and three others are former military. These arrests raise serious questions about the role of the
3.30 Honduran military in her assassination, including the chain of command within the military as well
3.31 as the identity of the true authors of the assassination; and

3.32 WHEREAS, the government of Honduras continues to unduly limit legally mandated access
3.33 by Ms. Caceres' family to the case file. In late September 2016, the original case file was allowed
3.34 to leave the Public Ministry and was stolen; and

3.35 WHEREAS, despite calls from 62 members of the United States Congress, members of the
3.36 family of Berta Caceres, COPINH, leaders of the European Union, the Vatican Pontifical Council

on Peace and Justice, and many others, the Honduran government has not permitted the Inter-American Commission on Human Rights to conduct an independent investigation of the case; and

WHEREAS, in this context of corruption and human rights abuses, trade unionists, journalists, lawyers, Afro-Indigenous activists, Indigenous activists, small-farmer activists, LGBTI activists, human rights defenders, and critics of the government remain at severe risk; and previous human rights abuses against them remain largely unpunished; and

WHEREAS, the May 2, 2016, shooting of prominent opposition journalist Felix Molina illustrates the continued risk facing activists. Hours before he was shot, Molina posted information potentially linking Caceres' killing to a top government official, members of an elite family, and one of the prosecutors in the case; and

WHEREAS, the Consolidated Appropriations Act, in 2016 allocated approximately \$18 million to the Honduran police and military, in addition to the National Defense Authorization Act for fiscal year 2016 authorizing additional funding. The administration's funding request for fiscal year 2017 also calls for an increase in security funding for Honduras; and

WHEREAS, the Inter-American Development Bank in 2012 lent \$59,800,000 to the Honduran police with United States approval; NOW, THEREFORE,

BE IT RESOLVED by the Legislature of the state of Minnesota that it supports the recommendations of the 70 cosponsors, including Representatives Betty McCollum, Rick Nolan, and Keith Ellison, of H.R. 1299, the Berta Caceres Human Rights Act, that the United States suspend all assistance for the police or military of the Republic of Honduras, including assistance for equipment and training, and to instruct United States representatives at multilateral development banks to vote no on any loans for the police or military of the Republic of Honduras and that these restrictions remain in effect until the Secretary of State determines and certifies to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate that the Government of Honduras has:

(1) pursued all legal avenues to bring to trial and obtain a verdict for those who ordered and carried out:

(A) the March 2, 2016, murder of Berta Caceres;

(B) the killings of over 100 small-farmer activists in the Aguan Valley;

(C) the December 27, 2015, killings of Joel Palacios Lino and Elvis Armando Garcia; and

(D) the May 3, 2016, armed attack on Felix Molina; and

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

5.1 (3) withdrawn the military from domestic policing, in accordance with the Honduran
5.2 Constitution, and ensured that all domestic police functions are separated from the command and
5.3 control of the Armed Forces of Honduras and are instead directly responsible to civilian authority;
5.4 and

5.5 (4) established that it protects effectively the rights of trade unionists, journalists, human
5.6 rights defenders, Indigenous activists, Afro-Indigenous activists, small-farmer activists, LGBTI
5.7 activists, critics of the government, and other civil society activists to operate without interference;
5.8 and

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

5.12 BE IT FURTHER RESOLVED that the Secretary of State of the state of Minnesota is directed
5.13 to prepare copies of this memorial and transmit them to the President of the United States, the
5.14 President and the Secretary of the United States Senate, the Speaker and the Chief Clerk of the
5.15 United States House of Representatives, the chair of the Committee on Foreign Affairs of the House
5.16 of Representatives, the chair of the Committee on Foreign Relations of the Senate, and Minnesota's
5.17 Senators and Representatives in Congress.