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Responses to Information Requests

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Honduras: State response to gang-related violence and criminal activity, including the efforts of the army (2012-November 2014)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Legislation

Sources report that in December 2011, the government of Honduras enacted an [translation] "emergency decree" allowing the armed forces to execute raids and military operations in conjunction with the National Police to combat crime in Honduras (*La Prensa* 15 Aug. 2013; *El Heraldo* 6 Dec. 2011). The decree had a validity of 90 days and could be extended indefinitely (*ibid.*; *Proceso Digital* 25 Sept. 2012). Sources indicate that authorities have extended the validity of the decree at the end of each 90-day period since 2011 (*Human Rights Watch* Jan. 2014; *US* 27 Feb. 2014, 6).

Sources report that on 22 October 2014, the Honduran National Congress approved reforms to the Penal Code as a response to the increasing violence against civil servants in the justice system (*Agencia EFE* 23 Oct. 2014; *El Heraldo* 23 Oct. 2014). The reforms include increasing the penalty from 40 years imprisonment to life imprisonment for those found guilty of killing the president of Honduras, the president of the Supreme Court, the president of the National Congress, or civil servants in the justice system (*ibid.*; *Agencia EFE* 23 Oct. 2014), which is an amendment to Article 322 of the Penal Code (*ibid.*). The reforms also include the addition of Article 117, which indicates the following:

[translation]

ARTICLE 117-A.- Qualified Homicide and Assassination.-

A person guilty of the offence of homicide or assassination of a judge or magistrate of the Judiciary; a prosecutor from the Public Prosecutor's Office; a public defender; a director, assistant director or security staff member from a penitentiary establishment; a National or Investigative Police officer; an active-duty member of the military; an officer from the Force to Combat Drug Trafficking or the Technical Agency for Criminal Investigation; a director of the Office for the Administration of Seized Goods; a deputy of the National Congress; an officer of the National Directorate of Investigation and Intelligence and Protected Witnesses; or any other justice system official involved in combating criminality, provided that such offence is committed while [the victim] holds or is exercising said position or function, shall be subject to a penalty of thirty (30) years to life in prison.

Conspiracy and solicitation to commit the aforementioned offences shall be punished with the same sentence reduced by one-third (1/3). (Honduras 2014)

Information about the implementation of these reforms could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

On 24 June 2011, the government of Honduras enacted a law on public security to fund security efforts against crime (*Ley de Seguridad Poblacional*) (Honduras 2011, Art. 1). The law introduced a [translation] "security tax" of 0.3 percent on transactions at financial institutions (*ibid.*, Arts. 5, 10), including deposits, payments, transfers, acquisition of travelers' cheques and money orders, and cashing fixed term deposits (*ibid.*, Art. 5). The Law also taxes the revenues of cell phone companies and foreign fast food companies 1 percent and 0.5 percent, respectively (*ibid.* 2011, Arts. 14, 16, 23, 24, 26). The new tax would apply for five years (*ibid.* 2011, Art. 2). However, sources report that in 2013, the National Congress extended the applicability of the tax until 2021 (*El Heraldo* 18 Dec. 2013; *La Prensa* 18 Dec. 2013).

The website of the Technical Committee of the Trust for the Administration of the Population Protection and Security Fund (Comité Técnico del Fideicomiso para la Administración del Fondo de Protección y Seguridad Poblacional), the government agency responsible for the administration of the resources collected through the security tax (Honduras 30 Sept. 2014a), indicates that as of 30 September 2014, the government has collected 3,279.2 million lempiras (C\$174.6 million) (*ibid.* 30 Sept. 2014b). The website also explains that the revenue collected through the tax was distributed as follows: Ministry of Defense (35 percent), Ministry of Security (31 percent), National Directorate of Intelligence and Investigation (17 percent), [translation] "prevention" (9 percent), Supreme Court (3 percent), Public Ministry (3 percent), and mayor offices (2 percent) (*ibid.*).

2. Security Forces

2.1 Intelligence Troops and Groups for Special Response on Security

Sources report the creation of the Armed Intelligence Troops and Special Security Response Groups (Tropa de Inteligencia y Grupos de Respuesta Especial de Seguridad, TIGRES), an elite police squad created to fight crime in Honduras (*InSight Crime* 28 Jan. 2014; *La Tribuna* 10 May 2013) and to [translation] "protect the security of the population and their belongings" (*ibid.*). *InSight Crime*, a foundation that researches organized crime in Latin America and the Caribbean (*InSight Crime* n.d.), notes that TIGRES began operating on 26 January 2014 (*ibid.* 28 Jan. 2014). *La Tribuna*, a Tegucigalpa-based newspaper, reports that TIGRES is financed through loans from the Inter-American Development Bank and revenue collected through the security tax (10 May 2013). Sources state that judges and prosecutors are part of TIGRES (*El Heraldo* 27 July 2012; OAS 2013, para. 258).

Tiempo, a nationwide newspaper, reports that TIGRES was involved in an operation on 24 September 2014 in Tegucigalpa in which eight people were arrested for crimes, including a gangster allegedly from El Salvador accused of training Honduran gang members (24 Sept. 2014). Sources report that TIGRES was also involved in the arrest of six people, including two minors, who were accused of killing four people in the department of Francisco Morazán (*La Tribuna* 9 Nov. 2014; *Tiempo* 9 Nov. 2014). *Tiempo* reports that the victims, a 37-year-old woman, her two daughters, and a family friend were, according to a police official cited in the article, killed by gangs (9 Nov. 2014).

2.2 Military Police for Public Order

As a result of the enactment of a law on military police (*Ley de la Policía Militar del Orden Público*) on 22 August 2013 (Honduras 2013a), the Honduran government created the Military Police for Public Order (Policía Militar del Orden Público, PMOP) to combat organized crime in neighbourhoods, among other reasons (*ibid.*, Art. 7). Under the 2013 Law, a background check is to be conducted on all PMOP officers, including personal, financial, employment, and family information (*ibid.*, Art. 3). According to Article 8 of the law, the PMOP works with judges and prosecutors who are entitled to live outside the country and carry out judicial hearings via teleconference without the need to reveal their place of residence (*ibid.*, Art. 8).

La Prensa, a San Pedro Sula-based newspaper, reports that the PMOP is composed of five units: SWAT teams to perform raids, urban operations, and actions against organized crime and vehicle theft; raid squads to deal with violent protests and to regain control of highways, tollbooths, and bridges; security; intelligence; and counterintelligence (17 Sept. 2013). The 2013 law specified that 5,000 troops were to be allocated to the PMOP (Honduras 2013a, Art. 14), however *La Prensa* reports that the PMOP was initially composed of 1,000 troops (*La Prensa* 17 Sept. 2013). Associated Press (AP) reports that the Honduran National Congress approved a budget of US\$1.2 million for 2013 (15 Sept. 2013). Additional and corroborating information on the PMOP could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.3 Operation Lightning

Sources report that with the issuance of the "emergency decree" in 2011, authorities launched Operation Lightning (Operación Relámpago) (*El Heraldo* 26 June 2012; *La Prensa* 15 Aug. 2013). The operation consists

of joint patrols by the National Police and the Armed Forces (ibid.; AFP 15 Aug. 2013; *El Heraldo* 26 June 2012) to lower crime in Honduras (ibid.; AFP 15 Aug. 2013). In a 25 September 2012 article, Proceso Digital, an Internet news website based in Honduras, reported that in a [translation] "consolidated" report to Cabinet, the Minister of Defense indicated that 3,500 soldiers were part of the operation (Proceso Digital 25 Sept. 2012). Sources report that the Minister of Defence also indicated that security forces performed 15,252 foot patrols, 2,421 motorized patrols, 365 [355 (*La Prensa* 15 Aug. 2013)] checkpoints, 380 operations, 125 evictions, and seized 205 firearms, 54 knives, 52 motorcycles, 36 vehicles, and drugs (ibid.; *La Prensa* 15 Aug. 2013). The report by the Minister of Defence also indicated that security forces detained 184 people, including 51 for drug trafficking-related activities (ibid.; Proceso Digital 25 Sept. 2012).

2.4 National Directorate of Criminal Investigation

Sources indicate that the National Directorate of Criminal Investigation (Dirección Nacional de Investigación Criminal, DNIC) is the investigative body of the National Police (InSight Crime 28 Sept. 2012; Wilson Center Sept. 2014, 32). Sources indicate that, according to a report on the operations conducted by the DNIC between January and September 2014, the DNIC dismantled over 610 criminal groups, including maras and other gangs, and arrested around 6,600 people in connection with these criminal organizations (*Prensa Latina* 14 Oct. 2014; *La Tribuna* 14 Oct. 2014). The report also indicates that the DNIC seized drugs and 1,037 vehicles (ibid.; *Prensa Latina* 14 Oct. 2014). *La Tribuna* reports that, in addition, the DNIC received 53,631 complaints from Honduran citizens (14 Oct. 2014). *Tiempo* reported in October 2014 that the DNIC apprehended 14 members from the Mara-18 [M-18] gang who were in possession of [translation] "heavy weaponry," bullet-proof jackets, police and army uniforms, and maps signaling territories to be disputed with the rival gang, the Mara Salvatrucha [MS-13] (17 Oct. 2014). Additional information about the efforts of the DNIC against organized crime in the country could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.5 National Inter-institutional Security Force

The website of the President of Honduras indicates that the National Inter-institutional Security Force (Fuerza Nacional de Seguridad Interinstitucional, FUSINA) was created by president Juan Orlando Hernández, and is responsible for [translation] "guaranteeing that all procedures [related to security and justice] are carried out under the law and with full respect for human rights" (Honduras 7 Aug. 2014). *La Prensa* reports that FUSINA was created in February 2014 (17 Feb. 2014). FUSINA is coordinated by the Public Ministry and is formed by the National Police, the PMOP, the army, the National Directorate of Investigation and Intelligence (Dirección Nacional de Investigación e Inteligencia), the National Directorate of Special Investigation Services (Dirección Nacional de Servicios Especiales de Investigación), and justice operators at the national level (Honduras 7 Aug. 2014).

Sources report the following efforts undertaken by FUSINA:

- On 21 October 2014, FUSINA agents arrested two members of the MS-13 gang in Tegucigalpa who were accused of extortion (*El Heraldo* 21 Oct. 2014).
- On 1 October 2014, FUSINA agents detained [translation] "at least" 11 people in the Buenos Aires neighbourhood of Tegucigalpa who were accused of committing crimes against the local population (ibid. 1 Oct. 2014).
- On 12 August 2014, FUSINA agents executed an operation against detained MS-13 and M-18 gang members inside the Marco Aurelio Soto National Penitentiary in Támara (*La Tribuna* 13 Aug. 2014). During the operation, FUSINA seized 34 plasma televisions, 12 televisions, 15 stereos, 5 Nintendo consoles, a cellphone, 12 knives, 3 radio communication devices, and an electric saw (ibid.). The seizure also included construction tools such as shovels, screwdrivers, levelers, and a soldering iron (ibid.).
- On 7 April 2014, FUSINA agents arrested an alleged MS-13 gang member accused of recruiting children in San Pedro Sula (*El Heraldo* 24 Aug. 2014).

3. Effectiveness

In correspondence with the Research Directorate, Peter Peetz, head of Finances and Administration at the German Institute of Global and Area Studies (GIGA) (GIGA n.d.) [1], whose research specializes in youth gangs in Central America and political, economic and social development in Honduras (ibid. n.d.a), stated that [s]o far, the state's efforts to combat the gangs have not been effective. To the contrary, the mass incarceration of gang members has contributed to strengthen the cohesion among gang members. The police has been particularly criticized [for] not effectively [contributing] to the reduction of the gang phenomenon (and of violence and crime in general). The reasons for the police's failure in this regard are the high levels of

corruption and the involvement of police agents in criminal activities. The government's efforts in terms of police reform have so far not been effective in any way. (Peetz 13 Nov. 2014)

Agencia EFE cites President Hernández as saying that [translation] "the strategy to reduce violence in Honduras has made progress but not enough" (15 Mar. 2014).

Sources report that a *mano dura* (iron fist) policy, or zero tolerance policy, was employed by the government against gang-related crime and violence and consisted of deploying security forces to raid and arrest gang members (COHA 22 May 2014; *The Guardian* 13 Nov. 2010). A report by the US Congressional Research Service (CRS) indicates that "[e]vidence also indicates that military involvement in public security functions has not reduced crime rates significantly" (20 Feb. 2014, 10).

The US CRS report further indicates that *mano dura* policies to combat gangs and crime in Central America "proved to be largely disappointing" as many gang members who were incarcerated were "subsequently released for lack of evidence that they committed any crime" (US 20 Feb. 2014, 9). A report produced by the UN Office on Drugs and Crime (UNODC) in September 2012 indicates that *mano dura* policies in Central America "failed" and that violence levels increased (UN Sept. 2012, 75). Sources report that on 10 October 2014, two prosecutors were killed by members of the M-18 gang (Notimex 13 Oct. 2014; *La Prensa* 12 Oct. 2014). The victims are the coordinator of the Office of the Special Prosecutor for Crimes Against Life (Fiscalía de Delitos contra la Vida) and a special prosecutor from the Office of the Special Prosecutor for Environment Protection (Protección al Medio Ambiente) (ibid.; Notimex 13 Oct. 2014). Sources report that four gang members from the M-18 were detained by authorities in connection with the killing of the two prosecutors (ibid.; *Tiempo* 11 Oct. 2014). A report produced by the National Commission for Human Rights (Comisionado Nacional de Derechos Humanos, CONADEH), an [translation] "autonomous" body that "seeks to guarantee the rights and freedoms recognized under the [Honduran] Constitution" (Honduras n.d.), indicates that, in 2013, 35 police officers were killed (ibid. 2013b, 28). Information on the perpetrators of these crimes could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.1 Corruption Within the Security Forces

According to Peetz,

[t]he state tries to combat these gangs almost exclusively with counter violence against the gangs. Both the police and the military ... are mandated to combat all kinds of organized crime groups, including maras. In this context, human rights violations against youth gang members committed by the police officers, members of the armed forces, prison guards etc. are common. ... The Honduran police cannot be considered a reliable institution to which citizens who are threatened or who have become victims of violence and crime could turn to. Rather, many parts of the police must be considered criminal organizations themselves. ... Consequently, many Hondurans fear to seek protection of the police, because they - in many cases rightly - believe that the police is colluding with the criminal organizations or other individual aggressors who are threatening them. (13 Nov. 2014)

The US Department of State's *Country Reports on Human Rights Practices for 2013* for Honduras states that

[c]orruption and impunity continued to be serious problems within the security forces. Some members of the police participated in crimes with local and international criminal organizations. The Directorate General for the Investigation and Evaluation of the Police Career [Dirección de Investigación y Evaluación de la Carrera Policial] (DIECP) was responsible for police oversight. By the end of 2012, there were 687 administrative and criminal complaints against members of police forces related to allegations of conduct not befitting an officer, abuse of authority, police brutality, robbery, and homicide. Of those complaints, the DIECP concluded investigations in 280 cases as of July 30 [2013]. The DIECP transmitted 44 of the 280 cases to the Public Ministry, which began judicial proceedings in 26 of the 44 cases. The remaining 407 complaints remained under investigation. Very few investigations were resolved. (27 Feb. 2014, 7)

Sources indicate that the government has been administering polygraphs, background checks, and "other types of vetting" of police officers (*El Heraldo* 16 Jan. 2014; US n.d.). The US Department of State indicates on its website that, as a result, "dozens" of police officers and prosecutors have been removed from their positions (ibid.). *El Heraldo*, a Tegucigalpa-based newspaper, reports that the DIECP conducted background checks of 4,300 police officers over a two-year span and that 380 of them were dismissed for failing the background checks (*El Heraldo* 16 Jan. 2014). The same article adds that 161 officers from the DNIC were dismissed in January 2014 for the same reason (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as

to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] GIGA is a research institute that employs 90 academics, who carry out social science research on "questions of global significance," including "socio-economic development in the context of globalisation," in four regions of the world: Africa, Asia, Latin America and the Middle East (GIGA n.d.c).

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Oral sources: A professor of politics at the School of Social and Political Sciences, University of Glasgow and representatives from the Secretaría de Seguridad de Honduras could not provide information for this Response.

Attempts to contact representatives from the following organizations were unsuccessful: Department of Anthropology, American University; School of International and Public Affairs, Florida International University; Honduras – Policía Nacional; Department of Anthropology, University of Southern California; and Washington Office on Latin America.

Internet sites, including: *Americas Quarterly*; Amnesty International; Child Soldiers International; ecoi.net; *El Tiempo*; Factiva; Freedom House; Honduras – Dirección de Lucha contra el Narcotráfico, Ministerio Público, Poder Judicial, Presidencia de la República, Secretaría de Seguridad; The Jamestown Foundation; *Jane's Terrorism Watch Report*; Radio Progreso; United Nations – Refworld, ReliefWeb; United States – Central Intelligence Agency, Department of State, Department of the Treasury, Embassy in Tegucigalpa, Library of Congress.

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