

THE COALITION AGAINST IMPUNITY'S PUBLIC PRONOUNCEMENT WE DEMAND THAT THE MACCIH ACT INDEPENDENTLY AND WITH COMMITMENT

The Coalition Against Impunity; as a space for articulation that brings together social, popular, and historic human rights organizations that have supported the construction of democracy and justice from the perspective of those most excluded; regarding the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), we express the following to the national and international community:

FIRST: We note that the installation of MACCIH is an implicit recognition of the inability of the State of Honduras to end impunity and corruption due to the profound weaknesses of the justice and security sector organizations, as a result of the extreme politicization, limited independence and impartiality, and lack of commitment to fulfill their obligations to serve the general interests of society and not the de facto powers of the country.

SECOND: We reiterate that, along with the indignant citizens, we continue to support an International Commission against Impunity that has an autonomous and independent character and has the power to select and receive complaints and investigate and prosecute all of the high-impact crimes related to corruption and human rights violations; accompany and advise the public prosecutors of the Public Ministry (Ministerio Público) and the civil investigative agencies; and propose normative and institutional reforms that seek to strengthen the judicial system.

THIRD: We regret that the MACCIH is an organ with restricted powers, limited to supporting, strengthening, contributing, proposing reforms, and actively collaborating with the discredited institutions of the Honduran state that are tasked with preventing, investigating, and sanctioning acts of corruption. Despite these limitations, we welcome the fact that these tasks are in the hands of a group of judges, prosecutors, police, and other international specialists who will supervise the work and provide technical support to the justice institutions. Therefore, we demand that the selection of these officials be done in a transparent way, guaranteeing complete independence and that they are chosen based on their technical and professional capabilities and aptitude.

FOURTH: We consider it essential MACCIH's ability to select, certify, advise, supervise, and evaluate judges that know the causes of corruption and prosecutors that gather information and exercise criminal proceedings in this area. However, it worries us that this selection will be made from a list proposed by the state's Attorney General or by the President of the Supreme Court, which is why we fear that the Mission will be made up of prosecutors or judges who are loyal to the particular interests of those institutions and that once again honest, capable, and independent prosecutors and judges will be marginalized.

FIFTH: We appreciate that the MACCIH proposes as a concrete outcome the criminal prosecution of corruption cases and the dismantling of corruption rings through public criminal proceedings carried out by a group of certified prosecutors. However, these prosecutors will face a major obstacle due to the hierarchical structure established in the amended Article 5 of the Public Ministry Law that eliminates freedom of judgement and takes away their autonomy to

sign the requirements, and requires them to get the Attorney General's approval to take any kind of action. We hope that this obstacle can be circumvented by the Mission.

SIXTH: We emphasize that, by signing the agreement, the state of Honduras is obligated to guarantee that the MACCIH has full access to information and documentary materials. However, the first major obstacle in order to effectively comply with this obligation is the Official Secrets Act, which authorizes the classification of information, severely limiting the functions of the Institute of Access to Public Information, in flagrant violation of the constitutional and international legal framework in terms of transparency, the fight against corruption, and human rights, in particular the provisions of the Inter-American Convention against Corruption, ratified by Honduras on May 25, 1998.

Considering the aforementioned circumstances, we believe it of utmost importance that the MACCIH takes into account the following:

- I. The MACCIH should be aware that it is arriving in Honduras to a high percentage of distrust by the population, so the only way to generate some sense of credibility and establish its legitimacy is by delivering immediate results relating to the corruption cases that have most impacted citizens, such as the embezzlement of the Honduran Social Security Institute, in which the government's party is involved.
- II. At present, the weak institutionality that upholds the state of Honduras has been shaken by the National Police scandal, by the indications that high-ranking officials and police leadership participated in the assassination of the General Arístides González, former head of the Office to Fight Drug Trafficking (la Dirección Nacional de Lucha contra el Narcotráfico), and of security analyst Alfredo Landaverde. In our opinion, these cases constitute an appropriate scenario for MACCIH to investigate police corruption rings and their ties to the political parties.
- III. In regards to the pursuit of justice in the case of the indigenous and popular leader Berta Cáceres, we believe that the MACCIH does not have the power to intervene in the investigation related to the prosecution of those responsible for this assassination. Consequently, attention should be given to the family and COPINH's objections, so that the MACCIH does not intervene in these proceedings, because by doing so they impede the request that an international commission under the auspices of the IACHR contribute to the clarification of the case.
- IV. At this time, the MACCIH should take into account that another one of the emblematic cases it should give attention to is the corruption in the judiciary. In particular, they should investigate, in the short term, the actions of the former members of the Judicial Council (Consejo de la Judicatura). There is sufficient evidence of their responsibility in acts contrary to the law, especially in actions of embezzlement of public funds, illegal appointments, removal of judges without due process, abuse of authority, etc. These actions should result in a comprehensive diagnostic work and proposal for a true judicial career in this power of the state.

In consideration of the above, we express:

1. As Coalition against Impunity, we declare ourselves watchdogs and reiterate our commitment to society at large to become a space for monitoring, questioning and making demands, publicly noting the actions and omissions of the MACCIH that cast doubt on its theoretical independence, impartiality, and effectiveness, as well as recognizing its successes, when there are some, and making concrete and viable proposals that can be implemented.
2. We demand that in the cases of Arístides Gonzales and Alfredo Landaverde, the MACCIH see out the cases until the end, so that citizens can see the rottenness of this institution, its collusion and participation in criminal actions, and the corruption rings in which high-ranking officials operated; these attainable results will validate or make evident the MACCIH's political will and commitment.
3. The MACCIH should reaffirm its competencies in the certification of the judges and prosecutors that will work with the international experts. It is fundamental that these processes be done separately from the discretionary appointments by the senior authorities of the Public Ministry and the Supreme Court. In short, the MACCIH should certify those professional that meet the conditions for independence, competence, and aptitude. In particular, they should take into consideration these requirements in the appointment of those in charge of the anticorruption courts.
4. Regarding the Public Ministry prosecutors, we believe that it is not enough to just certify the prosecutors that will work with the MACCIH. It is of utmost important that the Mission request that the Attorney General reform the Public Ministry Law, which would allow the prosecutors to bring forward public criminal proceedings without interference from the hierarchical structure that is currently in place, which would allow for these officials' autonomy and independence, together with the MACCIH, in the criminal prosecution of corruption rings.
5. We consider it particularly urgent that the MACCIH request the repeal of the Official Secrets Act and, by doing so, not only would they be able to carry out their work, but citizens would also have adequate access to information, as is appropriate in a democratic society.
6. We demand that the MACCIH establish a precise accountability mechanism that would allow the Honduran society to see the results of the work done, the evaluations conducted, and the actions taken and to be taken in order to prevent and eradicate corruption and impunity, releasing regular reports on the scope, challenges, and achievements at each stage. This requires that the spaces for dialogue with the citizens be strengthened in a way that is inclusive and without any type of discrimination.

Tegucigalpa and San Pedro Sula. April 28, 2016.

Coalition Against Impunity [1]

[1] Made up of the following organizations: Asociación LGTB Arcoiris de Honduras; Asociación FIAN Honduras; Asociación de Jóvenes en Movimiento (AJEM); Asociación de Jueces por la Democracia (AJD); Asociación de Mujeres Intibucanas Renovadas (AMIR); Asociación Intermunicipal de Desarrollo y Vigilancia Social de Honduras (AIDEVISH);

Asociación Nacional de Personas viviendo con SIDA (ASONAPVSIDA); Asociación Feminista Trans (AFeT); Asociación para una ciudadanía participativa (ACI-Participa); CARITAS – Diócesis de San Pedro Sula; Centro de Derechos de Mujeres (CDM); Centro de Desarrollo Humano (CDH); Centro de Educación y Prevención en Salud, Sexualidad y Sida (CEPRES); Centro de Estudios de la Mujer Honduras (CEM-H); Centro de Investigación y Promoción de Derechos Humanos (CIPRODEH); Centro para la Prevención, Tratamiento y Rehabilitación de Víctimas de la Tortura y sus Familiares (CPTRT); Colectivo Diamantes Limeños LGTB; Colectivo Gemas; Colectivo Unidad Color Rosa; Comité de Familiares de Detenidos Desaparecidos de Honduras (COFADEH); Comité de Familiares de Migrantes Desaparecidos de El Progreso (COFAMIPRO); Comité por la Libre Expresión C-Libre; Convergencia por los Derechos Humanos de la Zona Nor Occidental; Crisálidas de Villanueva; Equipo de Monitoreo Independiente de Honduras (EMIH); Equipo de Reflexión, Investigación y Comunicación (ERIC-SJ); Feministas Universitarias; Familia Franciscana de Honduras (JPIC); Frente Amplio del COPEMH; Foro de Mujeres por la Vida; Foro Social de la Deuda Externa y Desarrollo de Honduras (FOSDEH); Indignados Unidos por Honduras; JASS en Honduras; Movimiento Amplio por la Dignidad y la Justicia (MADJ); Movimiento Diversidad en Resistencia (MDR); Movimiento de Mujeres por la Paz “Visitación Padilla”; Organismo Cristiano de Desarrollo Integral de Honduras (OCDIH); Red de Mujeres Jóvenes de Cortés; Red de Mujeres Unidas de Colonia “Ramón Amaya Amador”; Red de Participación de Organizaciones de Sociedad Civil Siguatepeque (RPOSC); Red Nacional de Defensoras de Derechos Humanos en Honduras; Tribuna de Mujeres contra los Femicidios; Unión de Empresas y Organizaciones de Trabajadores del Campo (UTC – La Paz).