

# The Context of Remilitarization in Honduras

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## 1. Introduction

The Constitution of 1982 approved at the beginning of the democratization process in Honduras, had a great influence of the Military groups that were, quote-unquote, relinquishing power and passing it to civilians. That, and the obvious institutional weakness in a militarized country and paired with the influence of economic elites, resulted in an expansion of Military tasks unlike any other country.

One of the biggest problems is the militaristic culture of the country and the broad powers the Constitution confers the Military. That Military culture is found at the top the legal and political levels. Backed up by the law, the Military has seek to militarize public and civilian spaces, in addition to obtaining various state roles thanks to its proximity to the economic and political elites of the country, but also thanks to external support.

Since the coup d'état of 2009, the Military began to consolidate the former power they held in past decades, by supporting the Honduran elites and being subordinated to the official party. Former President Juan Orlando Hernández (JOH), helped the Military obtain a larger budget, ease of access into civilian affairs and new places of power in the State.

Between 2010 and 2018, 36 legislative decrees were approved on the defense and security sectors. This allowed the Military to have the necessary legal frameworks to remilitarize public spaces, have the largest budget allocations and be present throughout the country in different areas of Honduran daily life.

Honduran remilitarization has meant the use of considerable resources allocated to the security and defense sector. The annual budget grows, in addition to receiving allocations from the Security Tax and resources from the OABI (Office of Administration of Seized Assets). These resources could be used to combat endemic diseases such as health, education, and housing in a country with so many economic and social problems.

The main reason the JOH government gave in favor of the remilitarization was a small reduction in the high rates of internal violence and impact of organized crime as a result of drug trafficking. In reality, it has been the perfect excuse used by governments to win over the elites of Military power.

According to a report by the United Nations Development Program (UNDP) Honduras, is that in the last nine years the homicide rate has showed a downward trend. However, in 2021, with preliminary figures for the first semester, a rate of 39.0% is estimated, higher than in 2020.

To these positive results, however minimal, we need to add several claims of human rights violations by the Military, which lacks the training or the capability to act in the field of public security. Even if, oddly enough, their public security roles were increased after the 2017 elections.

According to the United Nations High Commissioner for Human Rights in Honduras (OHCHR) in a report entitled "Human rights violations in the context of the 2017 elections in Honduras" indicated that "the State's response to the post-electoral protests resulted in serious

human rights violations." And that "elements of the security forces, especially the Military Police of Public Order (PMOP) and the Army, used excessive, including lethal force, to control and disperse the demonstrations, resulting in the death and injury of demonstrators and bystanders."

That is why the process of remilitarization is seen as a setback in the incipient Honduran democracy. Honduras tends to have governments that affect giving more power to the Military, even greater than to other branches of government. There is also much complicity from the government branches, such as the National Congress, to reform and approve those laws and decrees that were approved after the coup d'état.

Likewise, the civilian power was completely invisible in the country. The Military undertook the role of civilian protection.

This is how, former presidents Lobo and Hernández (JOH, since he was a congressman and then president of the National Congress) fostered a strong alliance with the Military to stay in power; one had an impact on state decisions with belligerent Military in the political system. This gave way to a regime that survived thanks to the high degree of militarization that exists in the country, given its institutional weakness and support of the population and due to the lack of legitimacy, legality and recognition at the internal level.

Democracy was strongly affected after the coup d'état in 2009, and then, by the lack of institutionality and redirecting of the democracy in the country. Rather, remilitarization cut off any hope that Honduras would once again have a presidential administration based on freedoms, respect for human rights, and a real separation of the government branches.

## **2. Relevant Laws of the Military**

Although there is a legal framework based on the Constitution and the Law of Incorporation of the Military, there are other laws that reinforce the role of Military personnel in activities outside their scope. The 2009 coup d'état was the beginning of the Military's reincorporation into political, economic, agricultural, environmental, and health activities.

Indeed, all these laws expanded remilitarization. Some of them make the Military more power than the judiciary, prosecutors or the police. Next, we will discuss each of them briefly to better understand the origin, expansion and growth of their functions and budget.

### *Constitution of the Republic of Honduras and its Reforms*

There is mention of the Constitution in Title V: On the Powers of the State, Chapter X: On National Defense, in Articles 272 to 293.

Article 272 starts the confusion of the role of the Military in national security tasks by saying that the Military should maintain "... the principles of free vote and transition between presidential administrations...", it goes on saying that the Military "shall cooperate with the National Police in the maintenance of public order".

Article 274 outlines that the Military will cooperate with other agencies in "... literacy work, education, agriculture, environmental protection, roads, communications, health and agrarian reform." Through Decree No. 283-2013, the Congress amended Article 274, adding that the Military must also cooperate in the preservation of "public order and security."

They add for the case of the PMOP that "...the roles and responsibilities of the Military Police of Public Order are also the directives that come directly from the President." And it outlines that "The Military Police of Public Order (PMOP) is part of the Honduran Military, whose functions and obligations are provided in its special law."

It also established that "The municipalities under the special regime of the Employment and Economic Development Zones (ZEDE) and other State Ministries may, in special cases, request the President to order the Honduran Military to join the Military Police of Public Order or another organization in tasks of public security and fight against crime."

The Constitution grants the Military authorization to carry out tasks beyond those of any traditional army. There is a tendency for the Military to perform tasks other than defense, such as national security, literacy and education, agricultural issues, investments and private property, environmental protection, roads, communications and health issues.

#### *Law of Integration of the Honduran Military and its Reforms*

Created by Decree No. 39-2001, article 1 establishes that "the Military is appointed to defend the territorial integrity, the sovereignty of the Republic, maintain internal peace, the rule of the Constitution, the principles of free suffrage and alternation in the exercise of the presidency of the Republic".

The Law of Incorporation established a series of models to be put into practice and get on the wagon of civilian control over the Military.

The chairman of the Joint Chiefs of Staff is the real power in the Honduran defense arena. This group "is the highest Military technical group for advice, planning, coordination and supervision, under the Department of State in the Office of National Defense," according to Article 37.

#### *Population Security Law*

The "Security Tax" that strengthens the citizen security of Hondurans is a byproduct of the Population Security Law. The resources from this tax are administered by a Technical Trust Committee for the administration of the Population Protection and Security Fund, which redirects the money to Departments such as the Department of Defense and Security -which are the ones that receive most of the income-, the Supreme Court of Justice, Public Ministry and Municipalities, according to the Law.

According to some data, 2% of the population pays this tax and that are cataloged under the same Law.

The following table details the income obtained by the Departments of Security and Defense since 2012. Millions of lempiras have been given annually to these Departments, which are the ones that take most of the fund.

**Allocation of funds by Department**

2012-2021

Beneficiary	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Department of Defense	51.32	568.7	1,010	826	340.7	454.4	468.9	149.5	226.0	382.5
Department of Security	15.74	528.62	694.6	988.3	1,400.8	1,648.9	1,469.6	1,369	507.9	603.3

\*Millions of lempiras

This Law is another effort to provide greater budgetary revenues to the state agencies responsible for security and defense, without having a clear legal framework of accountability.

*Special Law of the National Defense and Security Council*

This law was created in Chapter X of the Constitution. This chapter talks about National Defense in article 287, which, in turn, creates the National Defense and Security Council, and outlines a special law to regulate it. The regulatory law was approved through Decree 239-2011, at a time when Juan Orlando Hernández was president of Congress and Porfirio Lobo was president of Honduras.

The third item outlines that the work of investigation and intelligence in matters of defense and security is essential to combat impunity and prevent crime. It concludes that, consequently, this work must be attached to a special agency with functional, administrative and financial independence.

In the last item mentions the Council will be in charge of the head of the Executive branch. This gave the president all the power and control of "a parastatal structure with the support of the Military," said Alex Navas, UNDP Associate Researcher and former member of the Maccih.

The mission is to design, supervise and coordinate policy on all matters related to security, defense and intelligence. Formed by the president (who has the greatest power and control); the President of the Congress; the Secretary of the Presidency; the Secretaries of Defense and Security; the President of the Supreme Court of Justice and the Attorney General. From this Council they are informed and control all surveillance activities and capacities.

Article 6 of the Act stipulates that a National Directorate of Investigation and Intelligence must be created for the proper functioning of the Council, which is responsible for being the executing arm of public policies in matters pertaining to its function. It has functional, budgetary and administrative freedom and independence.

The use of funds from the Security Tax is in the hands of the Council, telephone calls are monitored by the Council, the management of the investigation units is under the mandate of the Council, laws on public, judicial and criminal administration are also coordinated from that super agency.

### *National Intelligence Act*

Decree 211-2012, dated January 18, 2013, approved the National Intelligence Law, with the aim of establishing a legal framework that regulates the principles, organization, coordination, control and other provisions related to the National Directorate of Investigation and Intelligence.

The second item establishes that it is up to the National Defense and Security Council to design public policies on security, defense and intelligence, harmonizing actions among the different operators in matters of security, defense and intelligence to guarantee the common good.

In the strategy of perks and cooptation of the Military, the law established in Article 22 that the State, through its institutions, will provide the necessary means to implement the Special Protection Program. Article 23 provides that the National Directorate of Investigation and Intelligence shall have a special labor and social security regime.

### *Law on the Classification of Public Documents Related to National Security and Defense*

Approved in March 2014, this law blocks access to public documents for up to 25 years, and not only those related to security and defense issues. The law states it can be extended to issues related to international relations and national development, with the latter, they would be incorporating almost all national issues.

It also provides, in Article 4, that the classification of public information is divided into four categories:

- Reserved: Unwanted institutional effects.
- Confidential: Damage or harm internally.
- Secret: serious internal and external damage to national security.
- Top Secret: exceptionally serious internal and external damage.

Article 7, states how the declassification of the items will be carried out:

- Reserved: after 5 years.
- Confidential: after 10 years.
- Secret: after 15 years.
- Top Secret: after 25 years.

However, there is a provision that indicates that "if the circumstances for which the matter was classified persist, the National Defense and Security Council may extend the original classification period ...".

The law leaves it to the discretion of the National Defense and Security Council, which is managed by the president, to hide more than "secret" information and intrinsically contains an anti-democratic profile that restricts the freedom to information that is really hidden, which is usually within public documents. Therefore, it directly contravenes the Constitution of the Republic, the Law on Transparency and Access to Public Information (Decree No. 170-2006) and international and American Human Rights Conventions.

*Inter-Institutional Security Strategy and Comprehensive Government Security Response Act (TIGRES)*

This Law's acronym in Spanish, TIGRES, was born as another unit assigned to the National Police, but one which will operate under the Inter-institutional Security Strategy, and which, according to Article 1: would serve to "comprehensively face the main threats against public security, through the use of all human, investigative, technical, scientific, legal and budgetary capacities ..." It also indicates that the unit will be called the Comprehensive Government Unit for Special Security Responses (TIGRES), and that the Military will give this unit the necessary support.

Article 2, point 5, establishes that they will carry out "permanent and sustained preventive, dissuasive plans, as well as shock plans focused on strategic points and sectors of urban or rural areas ...".

For the Documentation Center of Honduras (CEDOH) "The creation of the "TIGRES" special unit, a hybrid of Military, police and intelligence agents, with a profile as confusing as it is contradictory, this unit is nothing more than "an emergency exit" with electoral purposes in the face of the crisis. The unit lacks internal coherence, organizational placement and, what is worse, without doctrinal or functional support within the public security system."

*Law on the Military Police of Public Order (PMOP)*

Created on August 22, 2013 the Law on the Military Police of Public Order by Decree No. 168-2013 is mandated to..."comply with the provisions of articles 272 and 274 of the Constitution to guarantee the sovereignty of the Republic, the maintenance and preservation of public order, as well as to aid of citizens to safeguard their lives and property alongside the National Police".

According to art. 7 of the law of incorporation, its functions and powers were 4, however through a reform in 2014 these were extended to 5. In summary, it states the following:

- 1) Act under situations of insecurity or emergency that affect the public order and that affect people and property, forcing the PMOP to mobilize, to safeguard peace, public order and the rule of law of the Constitution;
- 2) Cooperate within the framework of the National Defense and Security Strategy in the recovery of areas, neighborhoods, boroughs, human settlements or public spaces where organized crime carries out its criminal activities... to restore peace and tranquility to the population;



- 3) To capture and turn to the authorities those people linked with criminal organizations, or who in any way disturb the public order;
- 4) Perform investigative and intelligence tasks in the fight against organized crime activities and other tasks related to the National Police.
- 5) Combat the crimes of smuggling and tax fraud, as well as those other roles or actions ordered by the President.

It is evident that they have a wide range of roles and tasks that give them great room for action, beyond their police and judicial functions like participating in tasks that should be exclusive to the Police, such as the fight against common crime.

However, the most controversial aspect was that that the reform mentioned any "other role or action" that the president requested. Therefore, the PMOP can perform activities in any field, even those not included in its Law of Incorporation. This unprecedented expansion to a Military security corps makes it the "*armed wing* of a criminal structure dedicated to drug trafficking, compared to a praetorian. Those who guarded the Roman Emperors" but now at the service of former President Hernández and his brother Tony.

The creation of the PMOP represents another parallel force meant to replace more than collaborate with the National Police, in order to militarize national security and fill greater spaces of public life to have greater control over the country.

In 2017 after an electoral process labeled as flawed, the PMOP according to a report by the OHCHR, opened indiscriminate fire on the demonstrators, to disperse them, which caused deaths and injuries. A total of 23 deaths were caused by excessive or lethal force, as a result of this method.

This armed force is accused of most claims of human rights violations since its creation. In interviews in Bajo Aguan, Colón, it was found that the PMOP is the main shock unit used against the peasants and indigenous people of the area.

### **3. Mechanisms of Civilian Supervision of the Army**

On this issue, Honduras has had a serious setback, and has left the civilian power without any margin of action against the Military. According to the Constitution and the Law of Incorporation of the Military, after the President, the Secretary of Defense is the one who holds the highest position in matters of defense. However, the Secretary in recent administrations was former Military, so there is no real civilian oversight.

There is a Legislative Defence Commission in Congress, but it is limited to serving as a group for forwarding decisions and proposals from the Military. The role of democratic and civilian control of the Congress is extremely weak.

A cultural norm in the country indicates that it must be assumed that any issues pertaining to national defense are a matter exclusive to the Military, since that is their field of expertise and are trained under their own rules and regulations, which differ from civilian life.

#### **4. Congress, Enabling Remilitarization**

After the coup d'état (2009), the National Congress had Juan Orlando Hernández as president until his appointment as President. During that time several security laws were approved. These laws involved the Military and had the support of the legislative apparatus of the National Party. This became a shield for Military actions in national security and for the constant violations of the human rights of the population.

In addition to these laws, there is annual increase in the defense budget under the direction of JOH, which did not correspond to the revenues of the Honduran State, or even to structural needs such as inequality, poverty, access to education, health, housing and jobs.

In this case, the Honduran Legislative Power directly supported these laws and decrees, despite being a branch that was elected by the Honduran people in an election labeled as fraudulent, both in 2013 and 2017.

In 2013 the National Party (PN) won 48 seats, the Partido Libertad y Refundación (LIBRE), had 37 and the Partido Liberal (PL), 27. While in 2017 the PN won 61 seats, LIBRE had 30 and the PL 26.

According to the number of congressmen per party, we can see that in 2013 the PN had to have the support of other parties to approve the reform laws and decrees. That was not the case in 2017. The vote of 65 congressmen was needed to approve the laws.

This legislative process of remilitarization of national security is accompanied by great discretion and secrecy in the use of budgetary resources, the resources of the security tax (Population Security Law) and the information on the operations of approved Military units, such as the PMOP.

Another strategy was the consolidation of Military power over civilian power. In this way, the Military power be winning back powers that disappeared in 1982.

Another example is that in February 2020 Congress revoked article 153 of the new Criminal Code. This article established the criminal liability of the hierarchical superior for crimes committed by his subordinates. This further strengthened the impunity that the high-ranking Military leaders would have when ordering actions against citizens to low-ranking Military personnel.

Undoubtedly, the link between remilitarization, the National Congress and the challenges to democracy that make up the laws supposedly coming from a government branch, chosen by the people and therefore sovereign, is part of a democratic process, or at least it should be so in theory. But in reality it is not. Proof of the above is that the power of the PN was used to approve these laws in the process of remilitarization, appearing to give democratic legitimacy to a process that damages that very democracy.

#### **5. The Internal Enemy**

The definition of "internal enemy" comes from the Military Doctrine known as the National Security Doctrine (NSD), established by the United States in the times of the Cold War. This doctrine was supposed to identify anyone who sympathized with the communism of the former Soviet Union.

That doctrine was transferred to countries throughout the hemisphere to prevent the communists from taking power. This is how people who were supposedly agents of communism were considered "internal enemies" in many countries. Guerrillas such as the FMLN in El Salvador, the URNG in Guatemala and the FSLN in Nicaragua were the first targets, but they also identified people, groups or institutions that supported these armed movements or that had opposing ideas to those of the government.

For author Raúl Sohr: "By turning to towards the inside of the country, the intelligence services of the Military acquired a different dimension. By the very nature of the task assigned to them - to detect the enemy among fellow citizens - the Military acquired a deliberative character. They must judge where that fine line is drawn between who is an enemy, a 'useful fool' or simply a candid citizen. (...) The services acquired a political position."

From these definitions and the evidence in the country, it can be assumed that remilitarization did not really seek to fight internal and transnational crime, rather, it was an attempt to put into practice "national security by disappearing people and carrying murders under the excuse of social cleansing."<sup>ii</sup>

Soza mentioned that "the internal enemy, for the Military, was society, and society held them accountable for the crises and the JOH regime."<sup>iii</sup>

Along these lines, Mirna Flores<sup>iv</sup> shares that the "battalions appointed to remilitarize the country were created with the internal enemy in mind. These were the maras and drug traffickers, but in reality, the internal enemy identified by the government was the people themselves. Those people who opposed the illegal governments ruling the country after the coup."

According to Wolf Grabendorff, in "Latin America, violence is rarely used against an external enemy, but almost always against an internal one." And he emphasizes that this is how one can explain having "large number of victims, similar to that of a civil war."

## **6. Case study: Bajo Aguan.**

The Bajo Aguan region, located in Colón, facing the Caribbean Sea, has an surface of approximately 765,000 hectares. In the seventies there was a great agrarian reform that handed over these lands to many indigenous families in the area. However, in 1992 with the Law on the Modernization and Development of the Agricultural Sector, there was a process of taking land from its owners and transferred it to a few landowners engaged in the cultivation of African palm.

That was the trigger for the conflicts in the area, where there is a stigmatization, persecution and criminalization of the owners the lands and the environmental activists. The violence used against indigenous people and peasants increased.

In this case, the remilitarization of the country's security is clearly seen in the actions of the PMOP in Bajo Aguan. Here this unit it has committed many human rights violations and several actions against the freedom of the citizens of the area. In this, as in other conflicts, Military power has been used in defense of the interests of powerful national economic and political groups and elites, and against villagers who have defended the lands that belong to them in the first place.

The PMOP is the usual suspect when it comes to acts of repression, kidnapping and assassinations of land owners and environmental activists in the area. The administrations of Lobo and JOH sent between 3,000 and 5,000 troops with high-caliber weapons to "invade and drive the peasants from the their own farms and communities."

According to figures from the National Observatory of Violence from the National Autonomous University of Honduras (ONV-UNAH), between 2013 and 2016, members of the Military were judicially linked to 18 homicides. However, there are many more claims from indigenous populations, peasants, women and the LGBTQ+ community.

Raúl Ramírez, Secretary of the Agrarian Platform of Bajo Aguan, thinks that the PMOP was created by JOH to violently defend his drug trafficking activities, silence the people and stop the people who demanded justice, freedom and their rights.

One of the favors granted to the Military is impunity, Eugenio Soza says that: "bringing a member of the Military of the PMOP to justice for a human rights violation case is almost impossible." The OHCHR mentions that there is no progress in the investigations of murders and repression in 2017, precisely because of all the protection they receive.

Navas<sup>v</sup> observed that "the PMOP did not dissolve a single gang of drug traffickers." Rather, it has been used to quell and suppress peaceful social protests in the country. This case has the common denominator of remilitarization against possible protests against the injustices in the country.

The PMOP, was formed with poorly trained people. The only training they had was on how to intimidate the population. "They are not trained to deal with citizens, but to repress them. That is why they have committed so many human rights violations."<sup>vi</sup>

The issue of drug trafficking is another big problem for the inhabitants of the area. As Ramirez and Navas mentioned, the PMOP has been deployed to combat drug trafficking, however, there is not a single operation where they have managed to combat or dissolve a drug trafficking organization; rather, they have devoted themselves to increase the persecution of peasant leaders in the area.

In the same course of action, the PMOP and members of FUSINA "continue supporting the landowners near a mining operation in Tocoa. Just as in Guapinol, by La Ceibita, there is a encampment and the Military will not let anyone through. This is happening about 10 minutes

from Tocoa," said Orbelina Flores, Founder of the Unified Peasant Movement of the Aguán (Muca).

According to the environmental activists in Bajo Aguan, they consider that from 2010 to 2017, members of the PMOP (the majority), police and private security (paramilitaries) of Dinant have killed at least 152 people have been killed in the area.

Defending the environment in Honduras is a dangerous job, according to a document by the Latin American Center for Journalistic Investigation (CLIP), there have been at least 685 violent acts against environmental and land activists since 2009. In this letter, they mention a mining developed in Guapinol, near Tocoa, and in Colón itself, part of the Aguan Valley, where there has also been violence against local residents and environmental activists.

The issue of the activists in Guapinol has transcended internationally. It should be noted that the daughter of landowner Facusse, Ana Isabel and her husband Emir Pérez, were behind that mine, through the Los Pinares investment group.

The International Human Rights Law Clinic at the University of Virginia, the United States released a report in August 2020, calling for the release of imprisoned environmentalists. They said that "... this cause follows a pattern of violence, harassment and intimidation towards human rights defenders in Honduras" and that the criminalization of defenders "illustrates the government's tendency to favor economic interests over human rights and its willingness to attack citizens' freedom of association, expression and peaceful assembly."

About that mine, Orbelina said that, in the Guapinol region, there is a camp where they restrict entry to the general public. The Military continues to support the landowners in safeguarding their projects."

This issue is about having an ironclad control over the social conflicts generated by land appropriation projects, and their subsequent use for private projects of the country's economic and political elites. To this end, they send Military and paramilitary forces, in addition to the Police, who together draw up strategies of persecution, evictions, beatings, kidnappings and murders of defenders of the land and the environment.

#### *Violence against indigenous populations and environmental defenders*

In colon, a key town that serves as a springboard for drug shipments from South America and Nicaragua, one can find a higher rate of violence. It should be noted that many of the country's major drug traffickers had their bases of operations in that area because of its proximity to Gracias a Dios, Olancho and the Caribbean Sea.

Based on the records of the National Police, in 2020, the department of Colón had a homicide rate of 47.2 per 100 thousand inhabitants, and it was reported that 576 citizens were arrested for drug possession, 626 for drug trafficking, 167 for illicit association, 43 for extortion, 39 for facilitating transportation for drug trafficking and 13 for facilitating premises for illicit drug trafficking. These data that reaffirm the presence of organized crime in the department of Colón.

In the Aguan Valley, Tocoa and other communities, peasants and indigenous people complain about the constant violation of their rights and the seizure of their lands by the Dinant corporation, founded by the late Miguel Facusse, who bought lands that belonged to those groups since the agrarian reform of the sixties. These lands were ultimately and privatized in the nineties.

The peasant and indigenous movements interviewed for this report mentioned that they have been victims of persecution, beatings, kidnappings and murders by Military forces for claiming their right to land. They mostly identify the perpetrators as members of PMOP and FUSINA. Both Military units are accused of acting in favor of private interests and drug trafficking, and that they evict peasants for allegedly invading private lands, when in fact these lands belong to them."

Jaime Cabrera, of the Gregorio Chávez peasant platform in the Aguan Valley, said: "the Military and police have evicted us with gas, beatings and using their weapons" aside from using private security. Eviction attempts are always violent and he also mentioned that "in the last twelve years, the Army has been used to repress people in a violent way."

Cabrera said that in July 2014, they were attacked indiscriminately during a "land recovery" operation using rifles and high-caliber weapons and tear gas. "A comrade was left with only 25% of his liver due to a gunshot wound from Military weapons."

Likewise, Cabrera was captured in 2014 by Military forces, tortured and beaten, he would have his head pinned under the Military's boots and they told him that they were going to kill him and his family. He was also kicked in the face, among other events he recalls.

Abraham León, Coordinator of the Los Laureles cooperative and defender of the territory, considers that the PMOP of the Tocoa Command is the main responsible for repressing peasants and indigenous people. The PMOP do not respect human rights in the area and are have the protection of political leaders. There were up to 5,000 Military in the Bajo Aguan area and "the mayor of Tocoa is on the side of the repression" since he serves the economic elites protected by the "JOH dictatorship."

He also said that " the government does not care about the the violation of human rights in the areabecause it only responds to the economic elites. This is the case of Bajo Aguan with the Facusse family and the Dinant Corporation."

Raúl Ramírez acknowledged that persecution increased in the area after the coup d'état, "the Military protected criminal groups and businessmen who had links to drug trafficking, such as Oscar Nájera." In addition to protecting the interests of Facusse, the largest landowner in the area.

He pointed out that both FUSINA and the PMOP are the ones who violate and repress their rights in the region, evicting without authorization or any court order, the people who are trying to recover their lands. They "torture, kidnap, make disappear and murder peasant leaders."

Ramirez also recalled that in that area the "Military are not respected because they always try to impose themselves on everybody and they also call the peasants "invaders."

*Violence against women and the LGBTQ community*

The violence resulting from remilitarization is also targeted against groups such as women and the LGBTQ+ community, due to the deeply-rooted tradition of machismo in the country. This becomes more dangerous when you have a Military without any training in respect for human rights and diversity.

Humberto José Amador Mejía, a peasant from Colón, was arrested in 2016 when he entered the Los Laureles farm. He was detained with great violence by soldiers who accused them of invading lands belonging to Facusse.

He and four other people were hit violently. Among them was, according to Amador Mejía, a "friend of the LGBTQ+ community, they cut our hair and made us eat it and our friend of the LGBTQ+ community was made to put his underwear in his mouth ...". The soldiers belonged to the PMOP and the police, he said.

In addition, they threatened that if they kept trespassing they would be prosecuted and sent to prison, they told them while being kidnapped that they were "thieves and usurpers."

Orbelina Flores, founder of the Unified Peasant Movement of the Aguán (Muca) since 2006, has suffered violence from members of the PMOP and the National Police, when they raided her home and stole money and household goods. They have also evicted her with tear gas and have beaten her for trying to recover her land.

In March 2016 she was arrested without a warrant, together with José Ángel Flores, who was Orbelina's son-in-law. They both have on-going judicial proceedings for "usurpation of land".

In October of the same year, José Ángel Flores, president of the Unified Peasant Movement of the Aguán (MUCA), who was the beneficiary of precautionary measures granted in May 2014 by the Inter-American Commission on Human Rights (IACHR), was murdered. Flores had accused the government of having a strategy by which it created and used "Military groups and death squads to destabilize the MUCA."

According to Orbelina, the murderer of her son-in-law is former Military who was never convicted for the murder. She is talking about Celeo Rodriguez, whom they had reported on several occasions for death threats against Flores. Orbelina has had to live alone since her children "fled to the United States for having a search warrant against them and being persecuted."

A companion of Orbelina in the MUCA was shot during a violent eviction from her own lands, and many others have been injured and beaten by the Military because these people do not respect age, gender or origin.

Both PMOP and FUSINA are in charge of evicting peasants when they violently "recovered their lands." They beat them, wounded them with firearms and kidnapped them, said Orbelina Flores.

### *JOH and the Military*

Juan Orlando Hernández (JOH), former president of Honduras, managed to subordinate political, police and Military institutions to his political and personal interests. To achieve this, he began to appoint former Military personnel as state officials. Because his hometown is in Lempira, he knew and appointed former classmates from the Liceo Militar del Norte – where JOH studied and graduated. He finally appointed retired Military close to the National Party.

With these strategies of inclusion of former Military in all public arenas, he advanced in the idea of having the Military on his side, or even subordinated to the political and economic power he amassed through his years in power; aside from supporting and approving different laws and decrees to give greater power to the Military in almost all civilian roles.

This is how he started planning the remilitarization of the country since he was president of the National Congress. Actually this idea was born because of his closeness and that of his family to the Military.

Eugenio Soza<sup>vii</sup> points out that he believes that the subordination of the Military to JOH is because they helped him carry out criminal activities. The Military has been accused of receiving bribes and guarding of drug shipments during the trial of Tony Hernández in New York.

Like Soza, most interviewees claim that JOH had a strong tie with the Military to support its strategy of maintaining power through intimidation and threats and the use of force and violence.

### *Growing Size and Influence of the Military*

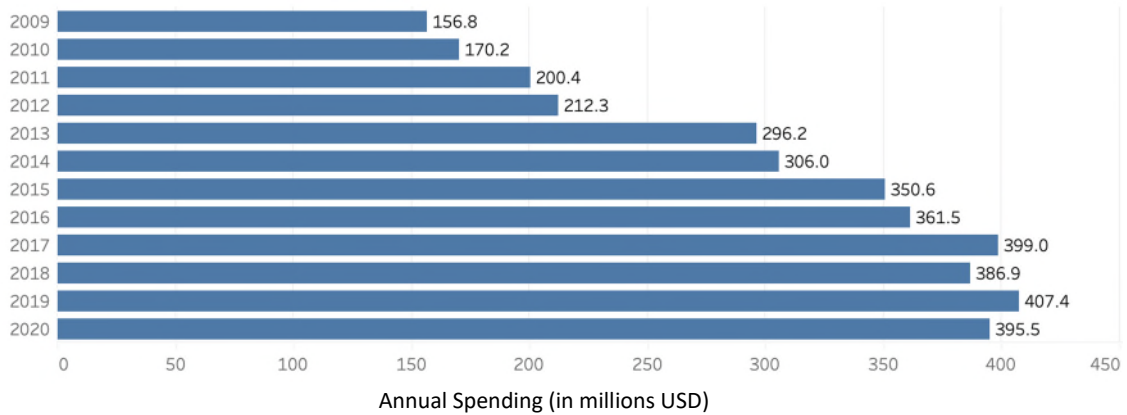
The creation of new armed Military and police teams has meant that public spending in the areas of security and defense has been increasing annually.

The creation of special battalions for the Military to participate in security tasks meant the institutionalization of the Military in national security issues. This led to an increase in human rights violations, and of course, to an increase in the number of troops and in the budget allocated to defense, which increased yearly.

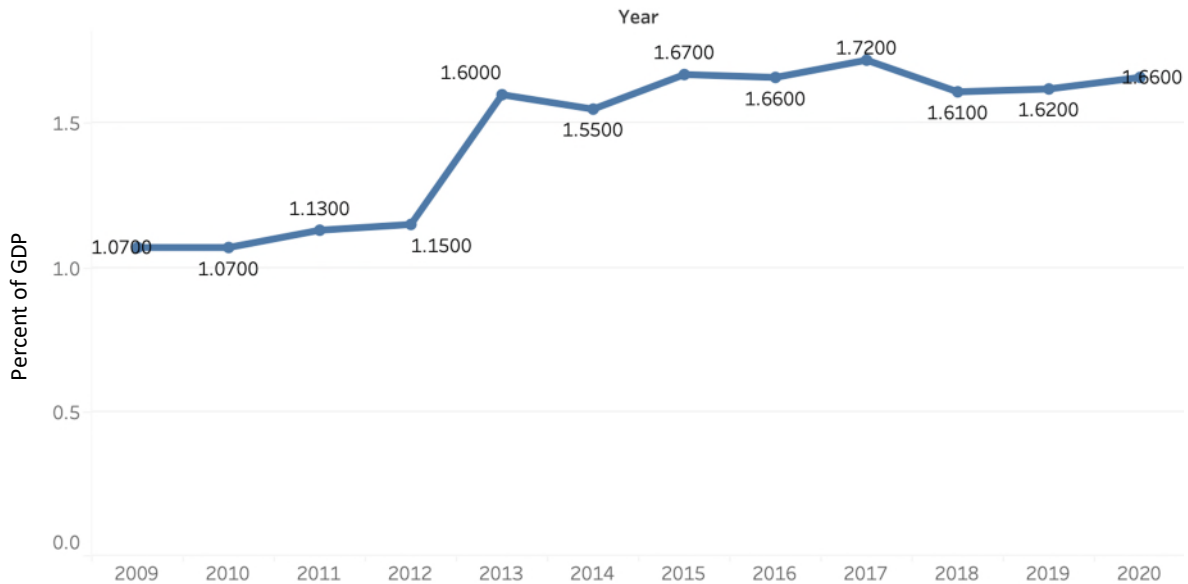
The growth in the budget for defense happened in 2013 and 2017. Both, election years.



### Annual Spending for Honduras Defense Sector



### Honduras Military Spending as a percent of GDP



The trend of sum of Percent of GDP for Year Year. The data is filtered on Country, which keeps Honduras.

## 9. Militarization of civilian tasks

The process of remilitarization involves weakening civilian security institutions. It also involves the Military taking on police tasks, or even those from the Departments of Health, Agriculture and Environment. This became a common practice in the country.

### *Prisons*

On December 17, 2019, former President Hernández ordered the militarization of the prisons of the penitentiary system. This happened after violent events that resulted in approximately 17 deaths, some of them related to drug trafficking and others due to rivalry between gang members.

One of the most shocking cases was the murder of Magdaleno Meza, accused of drug trafficking. Meza was a member of the Valle Valle cartel and was arrested with the infamous "narcolibretas" [drug ledgers] which contained information about the relationship of Antonio (Tony) Hernández and his brother JOH with drug shipments and about the million-dollar bribes that Tony received. This information was presented as evidence during the New York trial.

1,200 soldiers from the National Inter-Institutional Security Force (Fusina) were used to contain this and other cases of violence inside prisons.

This measure violated the provisions of the National Penitentiary System Act, article 37.1 which establishes that only civilian authorities shall hold positions within the prison administration and that no one who is in active duty or discharged from the Military or police can be eligible for said positions in the National Penitentiary System.

#### *Agricultural sector*

Article 274 of the Constitution gives the Military the opportunity to work together on agricultural issues with the Secretariat of Agriculture or any similar Secretariat.

Thus, in June 2019, the Ministry of Defense presented a development plan for the Military to manage funds in from the agricultural sector. Subsequently, and through Executive Decree PCM-052-2019, the "Agricultural Development Program of Honduras (PDAH)" was created. Article 1, paragraph 2, states that "This program will be appointed to the Secretary of State and the Office of National Defense, through the creation of an Agricultural Development Directorate (C-10) in the Joint Chiefs of Staff for the execution of the Program. These agencies shall be responsible for structuring, executing and administering the program".

Art. 3, it establishes the millionaire amounts to be received. In 2019 it established up to 66 million lempiras, and for the next four years 3.8 billion lempiras

But, in addition, the Decree in article 3, authorizes the Military to manage and appoint of additional resources, by saying: "... Execute resources from contributions, donations and allocations of national and international agencies; other transfers, legacies and donations from individuals or corporations or legal entities."

For Raúl Ramírez, Secretary of agrarian platform Aguan, this fund was created "as a deception and was only meant to spy or investigate the peasants and what they did. In that way the government would know everything they did."

#### *Health sector*

In 2015, on orders from JOH, a team of 470 members of the PMOP took over ten health offices to control the distribution of medicines due to a serious corruption scandal.

With the Covid 19 pandemic, the JOH administration used Military battalions to carry out repressive activities within the framework of the Health Emergency in March 2020. The

president also suspended constitutional guarantees and several fundamental rights such as the right to freedom of expression, association, movement and inviolability of the home.

Through the suspensions of rights, article 5 establishes that "the Military will support SESAL to implement emergency and health plans to maintain public order and, above all, health to further prevent the spread of the virus."

The militarization of health measures and emergency measures generated discontent at the national level. The Military committed abuses by overwatching compliance with Covid 19 confinement measures.

## **10. Impact of remilitarization on democracy**

The façade of fighting delinquency and organized crime was the reason why after the coup d'état of 2009, subsequent administrations began a process of remilitarization of national security and other national issues and agendas. The underlying purpose was to have Military power on their side. This has brought decrease in the incipient democratic process and a setback to the rule of law.

This was possible thanks to the complicity among government branches to hand over to the Military new areas of operation; approve reforms and new laws that would give them leeway of action in civilian issues (education, health, agriculture), in addition to granting them impunity for the violent acts they commit during operations.

In most of these regulations, discretion and secretiveness are main issues that have helped to gradually bury the democracy of the country, and favored the collapse of civilian-led institutions.

Let us remember that democracy in Honduras was born after the Military ruled the country for several decades. This has represented a strong presence of the Military in all areas of action and decision of the government. A prime example is the Constitution of 1982, and the reforms and new laws that have granted great power to the Military since 2009.

Democratic institutions have been diminished by several former Military heading Ministries of State, by the growing assignment of eminently civilian tasks to the Military and security units, and by the growth of violations of the human rights of civilians throughout the country.

For Mirna Flores, the main consequence of remilitarization has been "the killing of democracy." A process of reconversion of the security and defense institutions is needed as soon as possible.

The modification and creation of new laws to strengthen the role of the Military in civilian matters, has had serious consequences due to the constant violations of human rights and the labeling of "internal enemy" of all citizens opposing the government during the JOH administration.

"Having eight years of authoritarianism is killing the incipient process of democratization."<sup>viii</sup>

According to sociologist Eugenio Soza, militarization is something permanent and cultural. On the other hand, "demilitarization was an unfinished effort which it was never consolidated... a prime example is that there are many provisions that give the Military too much power and attributions. For example, being the stewards of democracy, the role they play in the elections, the fact that, according to the Constitution, the Military can be involved in security, environmental and development issues.

That militaristic culture has never been lost. Before the coup d'état of 2009, in the Maduro era the presence of the Military in the street was justified by the war against the maras. In Zelaya's administration "there was a process of remilitarization," according to Soza. After the coup, the process was accelerated.

According to Soza, "the political crisis itself and the lack of legitimacy and acceptance by the population made the government resort to force, authoritarianism and repression. All this cannot be achieved without the Military." Hence the need to expand its powers and give them impunity against human rights violations.

## **11. Conclusions**

The National Security Doctrine explained the importance of the Military takeover of state institutions and their work in tasks outside the scope of their professional activities. This means, Military governments were legitimized during the Cold War and were supposed to fight Communism.

The various laws passed or amended after the coup d'état were designed to further increase the mechanisms that would allow for a militarization of the whole country. Although it is a process that began before the coup d'état, this was increased after Porfirio Lobo and Juan Orlando Hernández took office. These laws gave a broad framework of action to the Military and autonomy from the civilian power, represented by the president himself and Congress.

Thus, the accumulation of influence and Military power was part of the political and economic negotiations at the highest levels. The convergence of political interests was so similar in both administrations that Military units were created to take away power from the Police and militarize the national security.

It should also be noted that the laws were created in a joint effort to avoid transparency, accountability and the availability of public information. The stage was set for abuses of authority, constant human rights violations, corruption and impunity.

That is why it is important and urgent for Honduras to break this entire legal framework and give way to a process of restitution of rights and justice for the people and groups affected by the actions of the Military.

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## Interviews

Eugenio Soza, sociologist and expert in security and defense.

Alex Navas, UNDP Research Associate. Former member of Maccih

Mirna Flores, Coordinator of the Sociology Major, Unah.

Jaime Cabrera, Plataforma Campesina Gregorio Chávez, Bajo Aguan, Colón

Abraham León, Coordinator of the Los Laureles cooperative, Bajo Aguan, Colón

Raúl Ramírez, Secretary of the Agrarian Platform, Bajo Aguan, Colón

Orbelina Flores, Founder of the Unified Peasant Movement of the Aguán (Muca)

Humberto José Amador Mejía, farmer Bajo Aguan, Colón

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<sup>i</sup> Interview with Alex Navas. UNDP Associate Researcher. Former member of the Maccih.

<sup>ii</sup> Idem 2.

<sup>iii</sup> Interview with Eugenio Soza, Sociologist and expert in security and defense issues.

<sup>iv</sup> Interview with Mirna Flores, coordinator of the sociology major, National Autonomous University of Honduras (UNAH)

<sup>v</sup> Idem 2.

<sup>vi</sup> Idem 4.

<sup>vii</sup> Idem 4.

<sup>viii</sup> Idem 5.