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OAS Anticorruption Forces Focus on Honduras

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The anticorruption forces of the Organization of American States (OAS) are zeroing in on Honduras, a country with a lengthy and negative record in this field.

As the newly created Support Mission against Corruption and Impunity in Honduras (Misión de Apoyo contra la Corrupción y la Impunidad en Honduras, MACCIH) was gearing up to start its four-year job in Tegucigalpa, the nation’s capital, the Mechanism for Follow-up on the Implementation of the Inter-American Convention against Corruption (Mecanismo de Seguimiento de la Implementación de la Convención Interamericana contra la Corrupción, MESICIC) was starting a four-day visit (NotiCen, Nov. 12, 2015, and Feb. 18, 2016).

MESICIC, a continental inter-governmental body that includes civil society participation, was set up in 2002 to aid OAS member states in implementing the convention, which dates back to 1996. Honduras has been a party to the anti-corruption convention since June 1998.

The mechanism’s evaluation of how effectively, or not, the convention is implemented is carried out in visits to countries, after which reports are issued that contain recommendations so that each country knows what its flaws are in order to correct them.

MACCIH, created through an agreement signed on January 19, 2016, by top OAS and Honduran officials, specifically deals with supporting, strengthening and cooperating with the institutions in Honduras responsible for preventing, investigating, and punishing local corruption.

The mission—which has to report every six months to OAS Secretary General Luis Almagro—must also present the Honduran government with proposals to improve the country’s justice system and contribute to strengthening the system’s accountability processes as well as the monitoring abilities of civil society.

Although they work independently, MESICIC and MACCIH are nevertheless linked because of their nature, and according to the agreement signed in January, MACCIH has to assist Honduran authorities in constructing an action plan to fulfill MESICIC’s recommendations.

In its April 18-21 visit—the fifth to analyze Honduras since 2004—MESICIC focused mainly on three areas. One was the actual implementation of recommendations it had made in previous visits regarding issues such as criminalization of acts of corruption, protection for whistleblowers, and the public systems for acquisition of goods and services. It also focused on the link between fair remuneration and public servants’ probity and on the training of public servants on ethics and responsibilities.

Coordination between institutions

Among other recommendations it made after its previous visits to Honduras, MESICIC suggested the country ensure coordination between the institutions responsible for preventing, investigating, persecuting, and punishing acts of corruption. It also recommended strengthening accountability
mechanisms and improving the system for public servants to declare their assets in order to detect possible cases of illicit enrichment. MESICIC recommended as well the creation of specialized courts for corruption cases, and training judges and judicial operators in evaluating proof for such cases.

“What we try to do, together with the countries, is to take the convention’s agreement from paper to reality, through concrete and specific recommendations for countries to adopt,” said Jorge García, director of the department of legal cooperation at MESICIC’s Technical Secretariat. He spoke at a press conference at the start of the group’s April visit.

Taking part in the activity, MACCIH head and spokesperson Juan Jiménez said, “The convention is not only a piece of paper. It has concrete obligations the states have to comply with.” Jiménez also said that however independent MESICIC and MACCIH are one from the other, the two maintain a close relation. “From MACCIH, we’ll support the Honduran state in implementing the recommendations to be made, which will be fundamental input for Hondurans, with MACCIH’s support, to draw up a national anti-corruption plan.”

Miguel Angel Mejía, president of the country’s High Court of Auditors (Tribunal Superior de Cuentas, TSC), the top authority representing the country in MESICIC, said the stage was set for both public officials and civil society representatives to take up the issues relevant to the fight against corruption.” MESICIC is scheduled to issue in its report on last month’s visit in September.

“What we must see the visit MESICIC is making as an excellent opportunity for our country, given the historic moment we’re living, in which we all accept and ratify the commitment to combat the scourges of corruption and impunity,” Mejía said, adding, “Corruption isn’t fought with speeches or decrees, etc., etc. Determining decisions are needed.”

Complex corruption cases
As MESICIC was making its rounds, MACCIH was establishing itself in Honduras and immediately getting to work on an array of complex corruption cases, some of them high-profile incidents that have rocked the country.

The scandal that actually led to the creation of the mission was the plundering and subsequent collapse of the Honduran Social Security Institute (Instituto Hondureño de Seguridad Social, IHSS) (NotiCen, July 2, 2015, Aug. 27, 2015, and Oct. 29, 2015). When news of the fraud broke last year, thousands of Hondurans took to the streets in Tegucigalpa and other cities nationwide and soon coalesced into what is now known as the Oposición Indignada (Indignant Opposition).

For months, protesters demanded President Juan Orlando Hernández’s resignation, since local media reported that part of the IHSS money had gone to his successful election campaign. Demonstrators also demanded an independent investigation of the case, which led the government appeal to the United Nations and the OAS. The OAS answered the call and, with the Hernández administration, created MACCIH, much to the government’s relief and to the skepticism of the Indignados and other civil society sectors.

The mission is faced with a variety of other cases, some as monumental as police corruption, with cops high and low involved in organized crime—including drug trafficking and score-settling between drug enterprises. The latest emblematic incident is the murder, in March, of indigenous leader and human rights activist Berta Cáceres (NotiCen, March 31, 2016).
Before actually settling down and rolling up their sleeves, MACCIH’s members were introduced during a press conference held Feb. 22 at a hotel in Tegucigalpa. At the time, Jiménez told reporters that public funds had been severely eroded by corruption, and that billions of lempiras had been pocketed each year by individuals.

“We’ve pinpointed an important figure now, a conservative estimate assuming that corruption steals 2% of GDP (Gross Domestic Product) from the state,” he said. “We’re talking about 10 billion lempiras (about US$454 million), a very important amount of the public budget which, year in and year out … goes to private pockets. This is an element we’re going to constantly work on at the Financial Analysis Unit (Unidad de Análisis Financiero) in order to determine where the stolen assets are, and recover them.”

In prior statements to international media, Jiménez—a former prime minister and former justice minister in Peru—had said that corruption affects not only the neediest but businesses as well.

“It’s important to say this: The growth outlook for Honduras for this year 2016 is 3.5%,” said Jiménez, who also represents the OAS secretary general. “Let’s imagine a country without corruption, let’s imagine Honduras has a system with control over corruption. How much could it grow with that? How much, with that, could it alleviate the extreme poverty that more than 40% of Hondurans still face?”

For decades, the Honduran military ruled through ruthless and corrupt dictatorships, exercising absolute power, with a guarantee of impunity for everything from political killings, disappearances, and torture to wrongful handling of public funds.

The military’s power diminished somewhat after the region’s internal wars ended, and police forces took center stage as guerrillas—now a thing of the past—were replaced as a security menace by international crime structures, mainly drug networks, and local gangs. In Honduras, as in most of Central America, the military surfaced as revamped civilian structures, stripped of their past military component, to guarantee citizens’ safety as internal security bodies. The defense of countries’ sovereignties was left to the military, with the exceptions of Costa Rica and Panama, which have no Army.

With new identities came new names, such as Policía Nacional Civil (Civilian National Police) or Policía Nacional (National Police). But some of the newborn police forces are headed by generals, and are as corrupt and vicious as ever—and getting away with it.

In the specific case of the Honduran Policía Nacional (PN), human rights and other civil society organizations, as well as local media, have repeatedly reported on cops involved in criminal acts including drug trafficking, stealing, score-settling, homicides, and kidnapping. Widespread calls for purging the PN have resulted in internal investigations that, until now, have essentially led nowhere, or, in the best of cases, to some officers being expelled from the force.

Then, all of a sudden, purging the police became an urgent matter for the government—coincidentally, just before MACCIH and MESICIC arrived.

On April 6, President Hernández announced: “A few minutes ago, I sent the national Congress an initiative to declare police cleansing a national priority, declare it an emergency.”
The following day, Congress—where time is usually not of the essence—put the measure on a fast track and passed a decree creating the Special Commission for the Cleansing and Transformation Process of the National Police (Comisión Especial para el Proceso de Depuración y Transformación de la Policía Nacional).

The decree gave the commission, a four-member work group 12 months to do its job—clean up the police force and come up with a plan to restructure it. Unlike the previous attempts to tackle police corruption, the new commission has show surprising speed and efficiency, examining the cases of 164 cops, resulting in 88 confirmed in their posts, 56 fired, and 12 suspended. Four others voluntarily retired and another four are still under evaluation.

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