

## HONDURAS

Mr. LEAHY. Mr. President, I want to speak about a subject that many Senators are aware of and should be deeply concerned about.

As we remember, in the early morning hours of March 3, 2016, Honduras lost one of its most courageous and charismatic indigenous leaders, Berta Caceres. Ms. Caceres was the general coordinator of the National Council of Popular and Indigenous Organizations of Honduras, COPINH. She was gunned down by assassins in her home in the village of La Esperanza, Intibuca.

Berta Caceres spent her life defending indigenous rights, particularly to land and natural resources. In 2015, she won the prestigious Goldman Environmental Prize for her outstanding activism and leadership. She and COPINH had been supporting land struggles throughout western Honduras, and because of that—because she was exercising rights guaranteed by Honduran law and international law—she and the communities that she and COPINH supported were the frequent targets of death threats.

In Rio Blanco, her organization and the community of Rio Blanco were threatened repeatedly as they engaged in peaceful protests to protect the river and their way of life from the construction of the Agua Zarca hydroelectric dam by DESA, a Honduran company supported by international banks.

It was as a result of the threats she received for supporting the Rio Blanco struggle that Ms. Caceres was granted precautionary measures by the Inter-American Commission on Human Rights. However, the Honduran authorities not only failed to protect her, they vilified her and other social activists like her.

Berta Caceres was an inspiration to people around the world, and her death was a terrible loss for people everywhere. As I said in this Chamber the day after her death:

The immediate question is what President Hernandez, and his government which has too often ignored or passively condoned attacks against Honduran social activists, will do to support an independent investigation, prosecution, and punishment of those responsible for this despicable crime. And beyond that, what steps will the government take to protect the many others, including members of COPINH, who are in need of protection, and to stand up for the rights of people like Berta who risk their lives peacefully defending the environment and their livelihoods.

Not surprisingly to those who are familiar with Honduran law enforcement, the investigation of the murder got off to a bad start. Not only was the crime scene at Ms. Caceres's home tampered with, the government's first response to the killing was to attempt to falsely pin the attack on her COPINH associates. When that went nowhere, they sought to intimidate the one eyewitness to the shooting, Gustavo Castro, a Mexican citizen who had been wounded. That also failed.

Thanks to intense international pressure including from the U.S. Embassy,

eight people were eventually arrested, including one active duty army officer and low-ranking employees of DESA, the hydroelectric company. This is notable, because the assassination of Berta Caceres was only the latest of more than 100 reported killings of environmental activists in Honduras since 2010. Since her death, there have been others. Investigators for Global Witness, a widely respected human rights organization that documented those crimes, were subjected to threats and spurious accusations by Honduran officials who sought to discredit their report. As far as I am aware, no one has been brought to justice for any of those crimes, and had it not been for the international outcry, there is no reason to think that Ms. Caceres's murder would have been treated any differently.

Shortly after the murder, due to the long history of impunity for killings of journalists and social activists, Ms. Caceres's family urged the Honduran Government to permit the Inter-American Commission on Human Rights, IACHR, to send an independent team of legal experts to conduct their own investigation. Not only did the Honduran Government refuse, the Public Ministry has refused to share the bulk of the evidence with the Caceres family's legal representatives, as required by Honduran law.

The family also asked that independent forensic experts be allowed to analyze the ballistics and other evidence. The Honduran Government similarly rejected that request.

Like Ms. Caceres's family, I also called for an independent investigation and urged that the concession granted to DESA for the Agua Zarca project be abandoned. It clearly cannot coexist with the indigenous people of Rio Blanco who see it as a threat to their safety and way of life; yet while some of the international banks have withdrawn, it is 20 months since the murder of Ms. Caceres, and not only does DESA deny any responsibility, it refuses to cancel the project.

After the arrests of the eight suspects, there was hope that those who conceived of and paid for the assassination of Ms. Caceres would also be tracked down and captured, but that did not happen. For more than a year, there has been no further word from the Public Ministry about the case, except that the investigation is ongoing—a familiar refrain in Honduras where criminal investigations have a way of either never beginning, or never ending.

The U.S. Embassy also repeatedly assured me and others who inquired that the investigation was being handled professionally in accordance with the highest standards. It now appears that was uninformed, wishful thinking.

After the Honduran Government refused to permit the IACHR to investigate, Berta Caceres's family arranged for an independent team of international human rights lawyers to con-

duct their own review of the evidence. Over a period of a year, the group, consisting of five experienced lawyers from the United States, Colombia, and Guatemala, known as the International Advisory Group of Experts, GAIPE, interviewed witnesses and analyzed what cell phone data and other evidence they could obtain from the Public Ministry. While the data they analyzed represented only a small fraction of what is known to exist, it included thousands of text messages that revealed a great deal.

There is now little doubt about the identities of at least some of the intellectual authors who conceived of and paid for the assassination of Berta Caceres; yet the Public Ministry has failed to act on this evidence, perhaps because it implicates DESA executives with ties to officials in the Honduran Government.

As I said on October 31, 2017, when GAIPE released the report of its investigation:

[t]his damning report corroborates what many have suspected—that the investigation of Berta Caceres' murder has been plagued by incompetence, attempts to stonewall and deflect blame to protect those who conceived of and paid for this plot, and a glaring lack of political will. The Public Ministry needs to fully disclose, without further delay, all testimony and electronic and ballistics evidence to the Caceres family's legal representatives and defendants' lawyers, as required by law. The Ministry also needs to ensure that every piece of evidence is properly safeguarded, and to follow the evidence wherever it leads to arrest those responsible. It is shameful that despite intense domestic and international pressure, this horrific case has languished, while those responsible have sought to derail it. And there are hundreds of other Honduran social activists and journalists who have been similarly threatened and killed, whose cases have not even prompted investigations.

It is important to note that the GAIPE report indicates that the evidence not only implicates DESA executives and employees, as well as Honduran state agents, in the surveillance, spreading of false information, and plot to assassinate of Berta Caceres; the evidence also reveals other crimes such as obstruction of justice, abuse of authority, and unlawful association. The report documents the shocking extremes to which the company was willing to go, including murder for hire, in pursuit of its financial goals.

In addition to immediately disclosing the evidence to the Caceres family and others who are entitled to it under Honduran law, the Public Ministry should act on the petition of the Caceres family's legal representatives to arrest the intellectual authors.

The Public Ministry should immediately ensure that all electronics and other evidence is adequately safeguarded to eliminate any risk of tampering. For whatever reason, much of the evidence is reportedly in the possession of the National Directorate of Investigations and Intelligence, and given the history in Honduras of evidence disappearing or being destroyed

or stolen, and witnesses being intimidated and killed, securing the evidence in this case is imperative.

The Honduran Government should take whatever steps are necessary to protect the leaders of COPINH, whose lives remain in jeopardy. The government's past responses to requests for protection have ranged from inaction to ineffective.

The Agua Zarca concession and other hydro or extractive concessions that were obtained without the consent of local people whose lives or territory would be adversely affected should be cancelled. The Honduran Government needs to substantially reform the way it reviews and grants such concessions, which have too often been the product of corrupt dealings that resulted in environmental degradation, social unrest, and violence.

The assassination of Berta Caceres, as outrageous and tragic as it was, presented the Honduran Government with an opportunity to show that justice is possible in such cases and that even people who hold positions of economic or political privilege and power can be held accountable. Instead, we have witnessed more of the same—important evidence being mishandled and possibly even ignored and withheld from those entitled to it. A partial investigation that resulted in the arrest of those who reportedly carried out the crime, followed by months of silence without identifying those who were behind it. This is not acceptable.

Over the past 2 years, President Hernandez and other top Honduran officials have traveled to Washington to lobby for Honduras's share of U.S. funding for the Plan of the Alliance for Prosperity of the Northern Triangle of Central America. Among other things, they have earnestly voiced their commitment to human rights and respect for civil society. They are going to find out that action, not words, are what matter.

Over the past 2 years, the U.S. Congress has provided a total of \$1.4 billion to support the plan, of which a significant portion is for Honduras. I supported those funds because I recognize the immense challenges that widespread poverty, corruption, drug trafficking, gang violence, and impunity pose for those countries. These problems will not be solved by building a wall along our southern border or deporting tens of thousands of Central Americans currently living in the United States.

I mention this because the assassination of Berta Caceres brings U.S. support for the plan sharply into focus. Today that support is in jeopardy.

It is why those responsible for her death and the killers of other Honduran social activists and journalists must be brought to justice.

It is why Agua Zarca and other such projects that do not have the support of the local population must be abandoned and replaced with an inclusive, transparent process that complies with

international environmental and social safeguards.

It is why the Honduran Government must cease its attempts to undermine the work of the Mission to Support the Fight against Corruption and Impunity in Honduras, MACCIH, which has begun to investigate the link between the assassination of Berta Caceres and corrupt dealings between DESA and Honduran state agents.

It is why the Honduran Government must finally take seriously its responsibility to protect the rights of journalists, human rights defenders, other social activists, COPINH, and civil society organizations that peacefully advocate for equitable economic development and access to justice.

Only then should we have confidence that the Honduran Government is a partner the United States can work with in addressing the needs and protecting the rights of the Honduran people, particularly those who have borne the brunt of official neglect, corruption, and violence for so many years.

Today any hope that the Honduran Government may have of continued U.S. assistance under the Plan of the Alliance for Prosperity will hinge in part on the outcome of the Caceres case, concrete actions that demonstrate support for the legitimate role of civil society and the independent media, and real reform of the justice system.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

#### VOTE EXPLANATION

• Mr. MENENDEZ. Mr. President, I was unavailable for rollcall vote No. 268, on the nomination of William L. Wehrum, of Delaware, to be an Assistant Administrator of the Environmental Protection Agency. Had I been present, I would have voted nay.

Mr. President, I was unavailable for rollcall vote No. 269, on the motion to invoke cloture on Derek Kan, of California, to be Under Secretary of Transportation for Policy. Had I been present, I would have voted nay.●

#### VOTE EXPLANATION

Mrs. MCCASKILL. Mr. President, I was necessarily absent for vote No. 253 on October 30, 2017, on the confirmation of Trevor N. McFadden to be U.S. district judge for the District of Columbia. Had I been present, I would have voted yea.

Mr. President, I was necessarily absent for vote No. 254 on October 30, 2017, on the motion to invoke cloture on the nomination of Amy Coney Barrett to be U.S. circuit judge for the Seventh Circuit. Had I been present, I would have voted nay.

Mr. President, I was necessarily absent for vote No. 255 on October 31, 2017, on the confirmation of Amy Coney Barrett to be U.S. circuit judge for the Seventh Circuit. Had I been present, I would have voted nay.

Mr. President, I was necessarily absent for vote No. 256 on October 31, 2017, on the motion to invoke cloture on the nomination of Joan Louise Larsen to be U.S. circuit judge for the Sixth Circuit. Had I been present, I would have voted yea.

Mr. President, I was necessarily absent for vote No. 257 on November 1, 2017, on the confirmation of Joan Louise Larsen to be U.S. circuit judge for the Sixth Circuit. Had I been present, I would have voted yea.

Mr. President, I was necessarily absent for vote No. 258 on November 1, 2017, on the motion to invoke cloture on the nomination of Allison H. Eid to be U.S. circuit judge for the Tenth Circuit. Had I been present, I would have voted yea.

Mr. President, I was necessarily absent for vote No. 259 on November 2, 2017, on the confirmation of Allison H. Eid to be U.S. circuit judge for the Tenth Circuit. Had I been present, I would have voted yea.

Mr. President, I was necessarily absent for vote No. 260 on November 2, 2017, on the motion to invoke cloture on the nomination of Stephanos Bibas to be U.S. circuit judge for the Third Circuit. Had I been present, I would have voted nay.

Mr. President, I was necessarily absent for vote No. 261 on November 2, 2017, on the confirmation of Stephanos Bibas to be U.S. circuit judge for the Third Circuit. Had I been present, I would have voted nay.

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

#### VOTE EXPLANATION

• Mr. TESTER. Mr. President, I was necessarily absent due to a family funeral for the votes on confirmation of Executive Calendar No. 407 and the motion to invoke cloture on Executive Calendar No. 159.

On vote No. 268, had I been present, I would have voted nay on the confirmation of Executive Calendar No. 407.

On vote No. 269, had I been present, I would have voted yea on the motion to invoke cloture on Executive Calendar No. 159.●

#### VETERANS DAY

Mr. CARDIN. Mr. President, this Saturday is Veterans Day. On this 11th day of the 11th month each year, we pause to honor and pay tribute to our veterans and the countless sacrifices they have made to serve our country. We also honor their families, who have endured extended absences and profound personal challenges as they have watched those most precious to them put themselves in harm's way. In that spirit of gratitude, I want to recognize some of Maryland's bravest and finest servicemembers who have given the last full measure of devotion to our Nation.

Sgt. Eric M. Houck, 25, died from gunshot wounds in the Peka Valley of