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HONDURAS: INTERNATIONAL ORGANIZATIONS URGE CESSATION OF ATTACKS AGAINST PROSECUTOR LUIS JAVIER SANTOS AND EXPRESS ALARM OVER DESTABILIZATION CAMPAIGN AGAINST UFERCO

Tegucigalpa and Washington, D.C., June 29, 2021 – The undersigned international organizations express our deep concern about the most recent pressures against members of the Specialized Prosecutorial Unit against Corruption Networks (UFERCO) in Honduras. This latest attempt at intimidation, in the form of two new disciplinary proceedings against at least three of UFERCO’s prosecutors by the Inspectorate of the Public Prosecutor’s Office and a new criminal case by the Prosecutor’s Office for the Prosecution of Justice Sector Officials and Servants, are part of a **systematic pattern of criminalization of prosecutors in charge of investigating and litigating cases of grand corruption involving powerful interests.**

Since the departure of the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), numerous spurious disciplinary proceedings have been initiated against members of UFERCO, including its director, Luis Javier Santos, which remain open and in which minimum due process guarantees are not being observed. The extension of the ordinary deadlines in these cases, summonses to make a statement without guaranteeing a minimum prior knowledge of the facts that motivate the investigation, and the carrying out of interrogations that go beyond the case under investigation are just some of the irregularities that have a direct effect on the independence of UFERCO’s prosecutors.

Another striking aspect is that some of the investigative actions carried out by the Public Prosecutor’s Office within the framework of these disciplinary proceedings, such as, for example, the sending of a “supervision team” to the office of Prosecutor Luis Javier Santos on June 18, have been timed at critical moments in UFERCO’s work, such as during the holding of public hearings in high impact cases. Among the cases currently at the trial stage is the “Hermes Case,” a case which incriminates journalists from powerful media outlets for receiving bribes from government officials. Likewise, another of the cases to which disciplinary investigations against UFERCO prosecutors are linked is the active investigation of the mayor of Tegucigalpa, who is also currently a candidate for the presidency of the country.

Considering the context in which they are taking place, the launch of disciplinary and criminal proceedings against the chief prosecutor of UFERCO and other members of the unit **may be acts aimed at destabilizing and weakening this prosecutorial unit through the intimidation and discrediting of its members.** This is even more concerning given the vacuum left by the departure of MACCIH, a context in which the fight

against impunity and corruption in Honduras faces increasing obstacles and adversaries. This is in sharp contrast with the public's confidence in the work of the unit, as reflected in several opinion polls.

Protection for justice operators, an essential element of the rule of law

We remind the Honduran government that **the use of unfounded disciplinary or criminal proceedings against justice operators to harass them and impede their work violates the guarantee against external pressures, an essential component of the principle of judicial independence, enshrined and protected by international law.**

Both the Inter-American and Universal Human Rights Systems have recognized justice operators, including prosecutors, as human rights defenders. In addition, they have emphasized that **States are obligated to take the necessary measures to prevent justice operators from being subjected to unjust and unfounded trials and proceedings.**

We, the undersigned international organizations working to defend human rights and the rule of law, express our solidarity with Prosecutor Santos and the members of UFERCO, and recognize and support the work they are doing to fight corruption in an adverse context.

The fight against corruption requires that prosecutors and prosecutor's offices be able to exercise their functions independently, without fear of reprisals or external pressures. **We strongly urge the State of Honduras to preserve the autonomy of UFERCO, as of the other institutions that play an essential role in the investigation and prosecution of corruption, adopting the necessary measures to avoid the indiscriminate use of spurious disciplinary and criminal proceedings against them, aimed at hindering their work. Likewise, we urge the State to provide UFERCO and its members with the necessary guarantees and conditions to carry out their functions independently.**

Signatory Organizations:

American Jewish World Service

Center for Justice and International Law (CEJIL)

Cristosal

Due Process of Law Foundation (DPLF)

Foundation for Justice and the Democratic Rule of Law (FJEDD)

Impunity Watch

International Platform against Impunity

Latin America Working Group (LAWG)

Lawyers Without Borders Canada (LWBC)

Protection International Mesoamerica

Washington Office on Latin America (WOLA)