

# Collateral Damage of a Drug War

The May 11 Killings in Ahuas and the Impact of the U.S. War  
on Drugs in La Moskitia, Honduras

By

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with research contributions from Karen Spring

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## Introduction

In the early morning hours of May 11, 2012, residents of the peaceful indigenous community of Ahuas in northeastern Honduras awoke to the sound of low flying helicopters circling above the nearby Patuca River. Shortly afterwards, bursts of automatic gunfire were heard. Later that morning the Honduran National Police announced that they had killed two drug traffickers in the course of a counternarcotics operation that had recovered hundreds of kilos of cocaine. However, it soon emerged that local residents of Ahuas had a very different story to tell. Four innocent boat passengers, they said, had been killed by security agents: two women, one 14-year-old boy and one 21-year-old man. Four other passengers had been injured by gunfire, three of them critically. Men speaking English and identified as U.S. nationals were among the security agents who descended from the helicopters and attacked and threatened members of the community.

Three months have now passed since the May 11 incident. Investigations by human rights defenders confirmed many of the claims made by Ahuas residents.<sup>1</sup> In their preliminary reports they clearly identified the four Miskitu people who had died and were able to confirm that those individuals, along with the other passengers present on the same boat, had legitimate reasons for being where they were, when they were. Local officials from the region and media reports – including in-depth articles published by the Associated Press and the *New York Times* – offered similar accounts to those described by the human rights defenders.<sup>2</sup>

However, senior Honduran government officials have continued to maintain that the security agents fired in self-defense and have suggested that the boat and its occupants were part of a drug trafficking mission. U.S. government spokespersons have acknowledged the presence of U.S. Drug Enforcement Administration (DEA) agents during the operation but have stated that they played “a supportive role only.” Meanwhile, a Honduran government investigation of the incident appears to be seriously delayed and flawed, while the victims of the incident and their families languish without assistance or justice.

In late July of 2012, analysts from Rights Action and the Center for Economic and Policy Research (CEPR) visited the Honduran capital and the region where the incident took place – the Department of Gracias a Dios – in order to collect detailed information connected to this incident from surviving victims and other eyewitnesses, Honduran state and local officials and U.S. officials.

This report summarizes and analyzes the extensive testimony and other information obtained during the visit. It presents detailed narratives of the sequence of events on May 11 and provides detailed background profiles on the boat passengers who were fired upon as well as on key witnesses. It also describes the region and context in which the shooting incident occurred, in order to better understand its impact on the local community. Finally, it offers a series of key findings and formulates recommendations of next steps to be taken in order to ensure that justice is achieved in this case and that measures are taken – both by Honduran and U.S. policymakers – to avoid the recurrence of future tragic incidents of this nature.

Rights Action and CEPR have both monitored the impact of U.S. policies in Honduras for years, and have also analyzed the effects of U.S. policies at a regional level. Our organizations were prompted to carry out this investigation in part because U.S. agents were involved in the May 11 counternarcotics operation in and around Ahuas. The U.S. government therefore bears some

degree of responsibility vis-a-vis the tragic results of the operation -- a responsibility that it has, to date, appeared entirely unwilling to assume.

A second, broader concern is that the U.S. government is promoting increasingly aggressive military-style tactics in drug interdiction efforts in Honduras and other parts of Central America and the world with few if any attendant accountability mechanisms. In Honduras, where judicial and law enforcement institutions have effectively collapsed since the June 2009 coup d'état, it is particularly unrealistic to expect national authorities to adequately address potential transgressions of security agents, whether foreign or Honduran. In many ways, the Ahuas May 11 incident is emblematic of both the extreme risks associated with applying military methods to counternarcotics efforts and the pitfalls inherent to poor or inexistent accountability mechanisms around high-risk interdiction activities, especially for vulnerable communities like those of the Moskitia in Honduras.

Finally, Rights Action – which has worked for years with grassroots partners in Honduras – received a specific request to carry out an investigation of the May 11 incident from the indigenous federation of Moskitia people, known by the acronym MASTA (Moskitia Asla Takanka – Moskitia United). Distressed by the lack of communication of both Honduran and U.S. authorities following the exhumation and autopsy of the victims of the shooting, the president of MASTA in his letter to Rights Action wrote that “this demonstrates clearly to us that there is not a real willingness to assume the real acts of both governments that are in violation of the human rights of indigenous communities.”

## Summary of Key Findings:

**(For the full text of the key findings, see Part II of this report)**

1. A passenger boat was shot at repeatedly with high caliber weapons resulting in the death of four individuals, at least one of whom medical records confirm was pregnant, and the injury of four others. The boat was transporting passengers with legitimate reasons for traveling.

Testimonials and official documentation provided further confirmation that on May 11 a passenger boat in the River Patuca within close vicinity of the town of Paptalaya was shot at repeatedly with high caliber weapons resulting in the death of four individuals – at least one of whom was pregnant – and the injury of four other individuals. Consistent and detailed testimony provided by the surviving passengers indicates that the boat was shot at from above, by a military-type single-rotor helicopter with a mounted door gun.

Contrary to senior official accounts, survivors of the incident affirm that there was no exchange of fire between occupants of the passenger boat and counternarcotics agents present at the scene.

Survivors of the incident as well as numerous witnesses and community members with no connection to the boat passengers confirmed that the boat owner and crew were carrying out a legitimate commercial mission. Extensive interviews with surviving victims, victims' relatives and witnesses made it possible to establish the reasons for which each of the sixteen boat passengers was on the passenger boat on the night of May 10.

2. The DEA appears to have played a central, leadership role in the operation that led to the shooting deaths.

Eyewitness accounts suggest that U.S. agents were present at different stages throughout the May 11 operation. A witness account suggests that a U.S. agent was manning a door gun on at least one of the helicopters.

Statements from U.S. government sources suggest that the DEA directly supervised the interdiction operation that resulted in the shooting deaths. Both the former head of the DEA for Honduras, Jim Kenney, and U.S. Ambassador to Honduras Lisa Kubiske stated in separate conversations that Honduran police agents assigned to the joint counternarcotics operations respond in practice directly to DEA officials.

3. Honduran and US agents actions' violated the rights of local residents

These violations included: a disproportionate use of force; a complete disregard for the victims of the shooting and the blocking of the efforts of victims' family members to come to the rescue of victims; physical assaults and threats carried out against unarmed local residents; and damage to property and theft.

4. The Honduran investigation of the incident appears to be of poor quality and subject to significant delays. U.S. cooperation in the investigation appears to be limited.

To date the investigation that the Honduran public ministry is carrying out appears to be severely flawed and delayed. Many key witnesses have not been interviewed; exhumations and autopsies were conducted extremely late (43 days after the May 11 incident) and were performed in both an unprofessional and disrespectful manner. Forensic examinations were never carried out at the scene of the incident and ballistics tests of the weapons used by Honduran security forces have reportedly only just begun and it is not clear whether weapons carried by U.S. agents during the operation will be submitted to similar tests.

Additionally, the Honduran judiciary is notoriously corrupt and unreliable. International human rights organizations as well as the U.S. State Department, in its latest human rights country report for Honduras, have described the high level of impunity and corruption in the Honduran judicial system.<sup>3</sup>

The Public Prosecutor for Human Rights, which has reportedly taken the lead on the investigation, has been exceedingly slow in ordering investigative measures, such as ballistics tests, and the exhumation and autopsy of the deceased victims was ordered by a separate division of the Public Prosecutor's office. To date none of the DEA agents that participated in the May 11 operation have been questioned, nor have ballistics tests been performed on their weapons.

5. The victims and their families have been abandoned though they have urgent needs.

The surviving victims of the shooting, and the families of the deceased victims, have received no support from state authorities and are, in many cases, struggling to secure vital medical care and resume functional lives.

6. The May 11 shooting incident has had a traumatic impact on the community of Ahuas and the Moskitia in general, and has increased the vulnerability of the region's population to human rights abuses.

The shooting incident has had an enormous negative impact on the small community of Ahuas and beyond. Interviews with local residents clearly show that the incident was a traumatic blow to a community entirely unused to violence. Community members, including those with no direct connection to the families, express a profound sentiment of injustice.

The shootings also generated tangible fear in the population around the use of the region's vital waterways, especially at night.

The lack of investigation and subsequent impunity that has prevailed to date leaves an already marginalized population in a position of greater vulnerability.

7. Militarization and military-style tactics applied to drug interdiction efforts are negatively impacting Miskitu communities and are not yielding effective results.

In general, the policy of increased militarization of drug interdiction policies is negatively perceived in the Moskitia region, and places communities already vulnerable due to their isolation and extreme poverty at much greater risk. This is particularly concerning at a time when there is growing focus on the exploitation of natural resources Miskitu communities defend.

## **Summary of Recommendations:**

**(For the full text of the recommendations, see Part III of this report)**

1. The U.S. government should fully cooperate with the Honduran investigations of the May 11 shooting incident.

Although the judicial investigations underway appear to be flawed and greatly delayed, the U.S. must support in any way it can the May 11 victims' appeals for justice under Honduran law. Given the U.S. role in the May 11 interdiction operation in Ahuas, U.S. authorities should make any relevant piece of evidence in its possession available to Honduran investigators. This includes the classified video referenced in the New York Times article of June 22 entitled "Video Adds to Honduran Drug Raid Mystery."<sup>4</sup> The U.S. should also hand over all weapons carried or manned by U.S. agents during the May 11 operation to the Honduran Public Prosecutor's office to be submitted to forensics tests.

2. The U.S. should investigate the participation and apparent central role of U.S. agents in the May 11 interdiction operation to determine what role U.S. agents had in the shootings and other alleged abuses that occurred during the operation.

Given the participation and apparent central role of U.S. agents in the May 11 interdiction operation (as outlined in "Key Findings"), an impartial, thorough investigation should be carried out by the

U.S. to determine what, if any, responsibility U.S. agents had in the shootings, and whether accidental or inappropriate actions on the part of U.S. agents resulted in unnecessary injury or loss of life.

3. The U.S. government should establish policies and procedures to minimize the risk of unnecessary casualties in interdiction operations abroad, and establish improved accountability mechanisms to ensure that U.S. agents are systematically held accountable for any breach of conduct or procedural violation.

More rigorous and efficient accountability mechanisms should be implemented by the U.S. to compensate for the institutional shortfall of national systems. Joint counternarcotics operations should have medical contingency response plan procedures in place to adequately address potential medical emergencies, such as the one that occurred following the May 11 shooting in Ahuas.

4. The U.S. government should suspend all forms of assistance to the Honduras Tactical Response Team (TRT) until reports of human rights violations committed during the May 11 counternarcotics operation in Ahuas are fully examined. More generally, the international community should respond to appeals of Honduran human rights groups to suspend assistance to Honduran security forces.

With regard to the U.S. Congress, Section 563 of the 2001 Foreign Operations Appropriations Act – also known as the Leahy Law – requires the suspension of funding and training to foreign security units that have committed gross violations of human rights. Given credible evidence of the involvement of TRT agents in egregious human rights violations during the May 11 operation, the State Department should fully comply with the Leahy Law and suspend assistance to the TRT until effective judicial measures are taken by Honduran authorities.

5. The international community should monitor the impact of militarization and quasi militarization in the Moskitia. In recent years, the Moskitia region of Honduras has been subject to increased militarization, ostensibly as a result of increased counternarcotics efforts taking place in that region.

The increased military and quasi-military presence in the Moskitia has a deep and often adverse impact on the lives and livelihoods of indigenous Miskitu communities. It is imperative that the international community carefully monitor the impact of militarization in this region and ensure that measures are taken to avoid irremediable damage to local traditional culture and livelihoods. Civil society groups with a focus on the region, or on U.S. policy in the region, should engage in independent monitoring of the militarization phenomenon in the Moskitia.

6. The international community should reevaluate policies promoting the use of military methods and tactics in counternarcotics efforts.

Throughout Central America – and in other parts of Latin America – the militarization of counternarcotics efforts, including the use of heavy-handed military tactics by police agents, is increasingly viewed as inefficient, counterproductive and threatening to communities, especially vulnerable indigenous and Afrodescendent communities. The May 11 incident in Ahuas should give pause to policymakers, of all nations and multinational institutions, to reevaluate the promotion of a militaristic drug policy that leads to unnecessary casualties and alienates the communities most affected by drug trafficking.



## Presentation of the Interviewees and Other Sources

This report relies principally on research conducted by Annie Bird, Alexander Main and Karen Spring during a trip to San Pedro Sula, Tegucigalpa, Puerto Lempira, Ahuas and La Ceiba between July 6 and 18, 2012. Dozens of hours were spent interviewing witnesses, Honduran officials and justice administrators, representatives of non-governmental organizations, and U.S. officials in Honduras. Extensive video and audio footage documented the interviews, as did detailed notes.

Documentary evidence related to the case was reviewed during the trip, and photocopies of some of this documentation were obtained. The report also benefited from extensively documented interviews logged by a previous delegation coordinated by Rights Action (RA) and the Alliance for Global Justice (AFGJ), from May 20 to 27, 2012. Both Honduran and English language press reports served as reference material, as did official statements issued by the U.S. Department of State.

Members of the delegation interviewed in person five of the seven living adult passengers of the boat that was fired upon during the May 11 shooting incident: Clara Wood, Bera Gonzales, Hilda Lezama, Melaño Eulopio, and Lucio Nelson, and had a conversation with the minor Wilmer Morgan, though given his young age (14), a formal interview was not conducted. The in-person interview with Lucio Nelson was conducted during the May 2012 AFGJ- RA delegation in which Karen Spring participated.

The delegation spoke to the following eye witnesses to the May 11 counternarcotics operation in Ahuas: Elmina Eulopio, Hilder Eulopio, Sandra Madrid, Dole Wood, Celin Corbelo, and one resident of Paptalaya Landin who preferred anonymity. A witness to the boats departure in Barra Patuca, Leopoldo Prado, was interviewed in person, while Candelaria Trapp's sister Geraldina Trapp, Lucio Nelson's uncle Danny Nelson Escoto and Lucio Nelson's father, all in Barra Patuca, were interviewed over the telephone.

Interviews were also conducted with Juana Jackson's sister Marlene Jackson of Ahuas, Emerson Martinez's widow Semdi Faviola Eulopio of Ahuas, Emerson Martinez's mother Coronelia Enriquez Valladares of Puerto Lempira, Juana Jackson's cousin and resident of Ahuas Dora Lina Quirento and Candelaria Trapp's sister Geraldina Trapp of Barra Lempira, who all provided important firsthand information regarding the events of May 11 as well as information describing the current state of the victims.

Most of the same witnesses had been interviewed during the RA/AFGJ delegation in May, and the authors of this report were able to contrast the interviews. In addition, follow up interviews were conducted with many of these witnesses over the telephone between August 2 and 10.

Interviews with local and regional authorities included the Mayor of Ahuas Lucio Baquedaro; the Justice of the Peace in Ahuas Wesley Miller; a Public Prosecutor in Puerto Lempira Jorge Cruz; First Court of Letters for Puerto Lempira Judge Camilo Peralta; and the Chief of Police for the Department of Gracias a Dios Oswaldo Perez Suazo. Rubenia Galeano, a magistrate for the regional Court of Appeals in La Ceiba and President of the Association of Judges for Democracy, and Tirza Flores, former president of the Association of Judges for Democracy were also interviewed.

Pedro Landa of the Center for Community Investigation, Promotion and Development (CEPRODEC) was helpful in clarifying economic development interests affecting the Moskitia. Other interviewees that shared important background on issues affecting the Moskitia region included Edumundo Raudi, president of the Artisanal Fisherman's Association of Puerto Lempira; Benny Williams, father of Javier Williams a fisherman killed by a military boat; Venancio López of the MASTA Territorial Council; Valdemar Cabrera of MASTA in Brus Laguna, who was interviewed over the telephone; Reymundo Eude Secretary of MASTA and Norvin Goff President of MASTA.

The report authors had an informative discussion regarding the May 11 shooting incident with Lisa Kubiske, U.S. Ambassador to Honduras; Andrea M. Lewis Director of the Narcotics Affairs Section of the U.S. Embassy; and Silvia Eiriz, Political Counselor of the U.S. Embassy. Finally, detailed notes of a May 27 interview with Jim Kenney, the head of the DEA office in Honduras during the May 11 operation were provided by members of the RA- AFGJ May delegation to Honduras, and were particularly useful for the section of this report detailing the Honduran and U.S. government's depiction of the sequence of events around the May 11 shooting incident.

## **Acknowledgements**

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This report would not have been possible without the support and guidance of Miriam Miranda, President of the Fraternal Black Organization of Honduras, OFRANEH. OFRANEH's representative to the Human Rights Coordinator for Indigenous and Afrodescendent Peoples, Margarita Videllia, guided the May 2012 RA/AFGJ delegation that carried out much crucial groundwork ahead of the July 2012 delegation.

Berta Oliva, President of COFADEH, was generous with her time and extremely helpful both as the legal representative of the victims and a world recognized human rights defender.

The authors wish to especially thank all of the members of the community of Ahuas with whom they met. They were extraordinarily warm and welcoming, and patiently answered questions that stirred up painful memories. Marlene Jackson, sister of the deceased victim Juana Jackson, was particularly generous with her time, and open to receiving our group although still immersed in her grief and in the new challenges of maintaining her family.

Finally, the authors of this report wish to thank Dan Beeton and Sara Kozameh, of CEPR, for their invaluable editorial assistance and journalist Kaelyn Forde for generously sharing video footage.

**Part I.**

**Observations**

## 1. General Observations Regarding the Ahuas Municipality and the Moskitia

Map of Honduras (Department of Gracias a Dios is shaded in red.)



Image: Wikimedia Commons.

- The communities of Ahuas and Paptalaya are located in the municipality of Ahuas. The population of the municipality of Ahuas is slightly over 10,000 people; approximately 95% of the population is Miskitu, an indigenous population whose primary language is Miskitu.<sup>5</sup> There are 300 Miskitu villages in Honduras, mostly concentrated in the Department of Gracias a Dios.
- The Department of Gracias a Dios, in which the Ahuas municipality is located, is accessible by airplane and boat transportation. Within the region there is a limited road system and the primary means of transportation consists of boat travel on rivers, ocean and lagoons. Gracias a Dios circumscribes most of the Moskitia region of northeastern Honduras, which includes Miskitu, Tawaka and a few Garifuna indigenous peoples, and a vast area of tropical forest and savannas.
- The Ahuas municipality has a very low level of violent crime that contrasts sharply with many other regions of Honduras. According to Ahuas' Justice of the Peace, no homicides have occurred in Ahuas since 2004. Judicial records of the Ahuas municipality indicate that, since January of this year, the little criminal activity that has been documented has been limited mostly to minor theft and domestic violence. The low levels of violence in Ahuas appear to hold true across the Department of Gracias a Dios, which had a registered population of over 76,000 in 2005. The First Penal Court in Puerto Lempira recorded two homicides in Gracias a Dios in 2012, six in 2011 and two in 2010, a rate considerably lower than the national homicide rate of 86 per 100,000 inhabitants.<sup>6</sup>

- Within the municipality of Ahuas and in other parts of the Gracias a Dios Department, there was widespread and vocal outrage expressed regarding the events of May 11. Ahuas is a tightly knit community and conversations with an array of community members left the impression that the May 11 killings were traumatic for the community as a whole. Many times we were told: “We’ve never seen anything like this here,” or “nothing like this has ever happened before.” Along with a tangible feeling of shock, the incident, and the manner in which national authorities have dealt with the victims and their families, has generated a strong sentiment of injustice throughout the community. Many victims and members of victims’ families are demanding compensation and an apology from both the Honduran and U.S. governments. On May 12, several representative indigenous organizations met in the town of Brus Laguna, a few hours by boat from Ahuas, and issued a statement demanding that the U.S. security forces leave the Moskitia.<sup>7</sup>
- Currently one of the main sources of employment in Ahuas is diving for commercial fishing boats which harvest lobsters and conch on expeditions that generally last approximately two weeks. This is a very risky activity that has cost a large number of lives and has left many local men with serious physical handicaps as a result of decompression sickness. For this reason it was reported that families have tended to urge men away from diving.<sup>8</sup> Nonetheless, the mayor of Ahuas estimated that diving provides employment to approximately 400 men in Ahuas. Other sources of income include small-scale cattle ranching and the cultivation of yucca, rice and beans, which residents report are sold in other areas of the Moskitia where artisanal fishing is a more significant economic activity.
- Several sources in Ahuas noted that over the past two or three years, there has been an increased presence of drug traffickers in the region. Groups of people from the neighboring departments of Colon and Olancho, both areas with notoriously high levels of drug trafficking and violence, operate around the communities, and a significant number of landing strips have been built. According to these sources, the traffickers generally keep to themselves, and mostly live in encampments away from communities, though on occasion they pass through the towns. Residents and authorities noted that a small segment of the population is hired by the traffickers to carry out small labors, particularly the clearing of landing strips. However they emphasize that this in no way represents a significant economic activity within the communities of Ahuas.<sup>9</sup>
- Residents of Ahuas noted with concern that the recent influx of migrants from the neighboring departments of Colon and Olancho is beginning to generate violence and the displacement of Miskito villagers. These migrants appear to have interests varying from drug trafficking to cattle ranching, and agro-business such as the large-scale cultivation of African palm. In other areas of the country drug trafficking has been observed to accompany these activities which require control of extensive areas of land, and the tendency of traffickers to use arms also facilitates land grabbing. These developments, in addition to news items in the Honduran and international media relating to the drug war in Mexico and in other areas of Honduras, appear to be a source of concern for some local authorities and residents who fear they may begin to see similar problems with violence the area has not yet experienced in any significant way.<sup>10</sup>
- Concern has also been expressed about outside interests in the management of the Moskitia’s significant natural resources and the potential impact of this natural resource exploitation on

Miskitu communities.<sup>11</sup> Projects of concern include the planned construction of three large hydroelectric dams on the Patuca River; one of which is already under construction. China's construction giant Sinohydro Corporation, which built the Three Gorges Dam on the Yangtze River in China, holds the concession.<sup>12</sup> Also, recent changes in laws have affected the management of biospheres and protected areas, making their administration much more open to logging and other economic activities that are having devastating impacts on forested areas that Miskitu villages have protected for decades.<sup>13</sup> It was reported to the delegation that U.S. based corporations conducted petroleum exploration in Gracias a Dios from the 1960's to the 1990's. Workers that participated in the explorations have noted that an offshore oil deposit runs from Tela Bay to the border with Nicaragua, and that a vein of that deposit stretches into the Segovia River near the towns of Mocoron and Rus Rus in Puerto Lempira, and also reported that there was extensive inland oil exploration in Ahuas in the 1990s.<sup>14</sup>

- Militarization of the region has grown in recent years, with a particular focus on counternarcotics operations, which have increased notably over the past two to three years, according to residents and press reports. A growing number of security forces are moving into the region. Four years ago, the Caratasca military base was established on the Barra de Caratasca at the opening to the Laguna de Caratasca. Although a Honduran base, MASTA reported that the U.S. Embassy attempted to negotiate an agreement with MASTA to build the base, as it is located in Miskitu land, and that the U.S. funded its construction. Honduras' Fifth Battalion, stationed in Mocoron, to the south of Puerto Lempira, has grown in size and is reported to house a U.S. Forward Operating Base;<sup>15</sup> a Honduran military joint task force involved in policing actions has been established in Puerto Lempira; and the delegation observed what appears to be a U.S. military advance encampment supported by Honduran troops established approximately 5 kilometers outside of Puerto Lempira. Honduran military encampments have been reported in various areas around the municipality of Ahuas, including a U.S. and Honduran military presence in Brus Laguna, a Honduran presence in Warunta, Wampucirque and a small presence at the Paptalaya Landin.
- The growing presence of security forces in the Moskitia is also occurring elsewhere in Honduras and in Central America, as the so-called "war on drugs", which had been focused in Mexico since 2006, moves south. Human rights organizations estimate that the "war on drugs" in Mexico has cost over 50,000 lives, and there is concern that increased support for police and military in Honduras and in Central America may increase the already extreme levels of violence. The homicide rate in Honduras has more than doubled since the 2009 military coup.<sup>16</sup>
- Escalating militarization affects life in the Moskitia in a variety of ways. Naval operations destroy fishing nets, at least one fisherman has been killed in a naval accident, and there have been unconfirmed reports of fishermen killed in shootings related to Honduran antidrug operations. There is also an unconfirmed report of the killing of a Miskitu bystander in the area of Auca during DEA operations dynamiting landing strips.<sup>17</sup>
- Several major narcotics interventions have been reported in the national and international press in the Moskitia, but particularly in the municipality which neighbors Ahuas, Brus Laguna. Honduran press reported that on May 7, 2012, 440 kilograms of cocaine were seized in the coastal village of Paptalaya, in the municipality of Brus Laguna, in a joint operation by Honduran police and Honduran military. The drugs were being transported in a truck at the time they were

seized, however no arrests were made. The drugs seized were incinerated on May 11 in Tegucigalpa shortly before the drugs seized on May 11 arrived at the incineration facility. Initially much of the reporting of the May 11 incident included descriptions of the May 7 operation.<sup>18</sup>

- Following the May 11 killings, another incident was widely reported, a June 23 interdiction in the municipality of Brus Laguna, in which the DEA admitted to killing a trafficker. Though it was reported in the press that the fatality was the pilot of a plane, in reality both the Colombian pilot and the Bahamian co-pilot were detained, along with people that presumably formed part of their ground support, three men from the neighboring Department of Colon and one man from the Moskitia.<sup>19</sup> Although public officials have made statements that tend to equate the two events, residents of the Moskitia that were interviewed drew a sharp distinction between the May 11 and June 23 incidents, pointing out that the fatality on June 23 was generally understood to be a trafficker and all of those he worked with were from outside the region, while all the May 11 victims were considered to be law abiding citizens. Local sources in Brus Laguna reported that one of those detained had been in the area mining gravel and was not believed to have been involved in the operation, presumably referring to the individual from the region who was arrested.
- Another incident that aroused discussion in the Honduran media occurred around midnight on June 13, when a plane transporting cocaine crashed, and the two pilots were reportedly killed, their bodies found with 41 kilograms of cocaine. Authorities claimed the plane crashed in Gualaco, Olancho while being pursued by a joint Honduran DEA operation, however national press reports indicated that bullet holes were visible in the propellers of the plane and area residents heard automatic gunfire.<sup>20</sup> Air bridge denial,<sup>21</sup> which is authorization to shoot down airplanes suspected of transporting drugs, does not exist in Honduras, and in Honduras only the U.S. Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL) Helicopter program and the U.S. military have the capacity to fly helicopters at night. All four incidents, May 7, May 11, May 23, and June 13 formed part of Operation Anvil, a joint U.S.–Honduran operation.<sup>22</sup>
- Following the May 11 shooting, an extensive amount of press coverage has been dedicated to drug trafficking in the Moskitia, an issue observed and commented on by people from the Moskitia as well as others interviewed in other parts of the country. Concern was expressed that this press coverage tended to criminalize the Moskitia people, while local residents made the frequent and pointed distinction that trafficking in the Moskitia is largely carried out by non Miskitu newcomers. Examples of this kind of criminalization include articles in the Honduran press, such as the June 25, 2012 *La Tribuna* article entitled “They Fight to Pick Up Cocaine!” (“¡Se pelean por recoger coca!”)<sup>23</sup>
- U.S. officials, in their statements regarding the May 11 incident, have also tended to make blanket generalizations associating Miskitu communities with drug trafficking. For example, on May 17, the *New York Times* noted, “The [U.S.] official added that the large number of people seen in surveillance video unloading the plane showed that many members of the impoverished community of Ahuas were involved in drug trafficking.” Another questionable statement was published in the *Washington Post* on May 17: “The U.S. officials said it was not unusual for local authorities to work with smugglers and also said they wondered why innocent civilians would be

on the water in the middle of the night.” The comments appeared to be intended to impugn the credibility of the local authorities who first denounced the killing of innocent people on May 11. Then-chief of the U.S. DEA office in Honduras James Kenney stated, “These people out in Gracias a Dios or other departments they aren’t doing what they used to do. They aren’t growing corn, and piña or pineapple and other products, they are waiting for a narcotics plane or boat to come in.”<sup>24</sup>

## 2. Description of Those Present at the Scene of the May 11 Incident

### 2.1 Hilda Lezama’s Boat and its Passengers

Hilda Lezama’s boat is a motor-powered canoe-type boat approximately 10-12 meters long and around one-and-a-half meters wide known as a *pipante*. For approximately 16 years, Hilda has regularly recruited divers from the Ahuas municipality for commercial fishing boats, as has been confirmed by many members of the community.<sup>25</sup> According to her testimony, over the past several years she worked for a commercial fishing boat based at the island of Roatán and owned by Paulino Hernandez. After hiring divers, her husband would drive Hilda and the divers by boat to Barra Patuca where an ocean capable boat would ferry the divers to Hernandez’s ship. The lobster and conch fishing expeditions generally last approximately two weeks. The couple would then travel back to Ahuas and, as there is no regular commercial boat transportation along this route, the boat usually carried passengers who would usually pay a fare of 500 Lempiras between Barra Patuca and Paptalaya. The boat would often travel at night to avoid having to endure the hot sun during the trip. Various residents of Ahuas – a number of whom had no direct connection to the victims of the May 11 incident – told us that it was customary for small boats to travel at night, particularly when they are engaged in several-hour journeys. It is relevant to note that the boat motion, which can be significant in these light boats particularly in the Lagunas, is most felt in the front of the boats, so it is the custom that the older or less fit sit in the back while the younger or more physically fit sit in the front of the boats. It is also important to note that all passengers interviewed reported that there were no guns on board the boat during the May 10/11 journey.

The 16 occupants of Hilda’s boat at the time of the incident were as follows:

- Hilda Lezama: INJURED. Hilda Lezama is a 53-year-old woman who lives in Ahuas. Hilda was seated towards the back of the boat and was injured in both thighs by a bullet that appears to have passed through the upper section of her right thigh and the middle section of her left thigh. Judging by the width of the bullet wounds, it appears that she was shot with a high-caliber weapon (see picture of Hilda’s wounded right thigh: Photograph no.1).
- Melaño Eulopio Nixon: INJURED. Melaño Eulopio is Hilda Lezama’s husband and throughout Hilda’s career as a diver contractor has driven the boat or *pipante* which carries the divers to the coast. He is 60 years old and lives with Hilda Lezama in the town of Ahuas. His arm was grazed by a bullet or bullet fragment, and he was the only person injured on May 11 who did not require hospitalization.
- Emerson Martínez: KILLED. Emerson, a 21 year-old man who was killed on May 11, was Hilda and Melaño’s son-in-law. He lived in a house he and his wife built next door to the Eulopio-



Lezama home. The couple had a 1-year-old baby. Emerson had left military service in the Fifth Battalion base at Mocoron near Puerto Lempira approximately two months before his death; many young men from the Moskitia serve in the Fifth Battalion. Since Emerson had left the military, he had begun helping out in the Eulopio-Lezama family business serving as a co-pilot in the *pipante*. In the region it is the custom that what are essentially copilots in *pipantes* ride in the front end to help navigate the river since the pilot in the back of the boat has limited visibility. As night travel is so common they usually carry a flashlight which is used only occasionally.

- Roldan Lopez was a diver who had returned early from a commercial fishing boat expedition. He had been evacuated from the boat after suffering from decompression sickness. He was hospitalized and placed in a decompression tank in Roatán, and had just been released to return home. He lives in the town of Wawina close to Ahuas.
- Elvina Dolores is a woman from the town of Wawina, who was traveling with her 12-year-old son Noe and Anderson Trapp, also 12 years old. She traveled from Wawina to Barra Patuca with her husband, one of the divers who departed May 10 on the fishing expedition. She had traveled with her husband to get a pay advance from Paulino Hernandez, as well as collect fish his boat had caught for family consumption and local markets. Hernandez often provides loans, surplus fish, used clothing and other goods useful for family survival to the families of the divers.
- Clara Wood and her son Hasked were traveling from Roatán to Ahuas. Roatán is an island off the coast of Honduras approximately 18 hours ocean travel from Barra Patuca. Clara Wood's family had been living in Roatán -- her husband working as a commercial diver -- but had decided to move back to Ahuas with their only child, Hasked. They were taking a fair amount of cargo including simple household furnishings and clothes on the trip to Ahuas.
- Hasked Brooks Wood: KILLED. Hasked was a 14-year-old boy, son of Clara Wood, killed on May 11. On May 7, 2012, Clara obtained a transfer report from Hasked's school in Roatán which would have allowed him to continue studies in Ahuas (attached). The request noted that Hasked was a well behaved, good student who had missed a total of six days of school this year. Hasked was found dead in the Patuca River on May 13.
- Wilmer Morgan Lucas: INJURED. Also a 14-year-old boy, Wilmer was Hasked Brooks' best friend in Roatán, where he lived with his mother but had a grandmother and other relatives in Ahuas. He was traveling with Clara Wood and Hasked Brooks to visit his grandmother and accompany his friend in the move. Wilmer was shot in the right hand.
- Lucio Adan Nelson Escoto: INJURED. Lucio is a 23-year-old man who grew up in Barra Patuca but married a woman from the town of Wawina, a short distance upriver from Paptalaya on the Patuca River. He does not have children. He farmed rice and beans around Wawina, but his injuries have prevented him from working since May 11. Given the lack of regular river transport between Ahuas and Barra Patuca, Lucio decided to take advantage of Melaño and Hilda's May 9-11 trip to make a quick visit to his family in Barra Patuca, to visit his mother for Mother's Day and to buy a variety of rice seed not available in Wawina, as he was preparing to plant. Lucio was shot through the arm and lower back.

- Bera Gonzalez, a 45-year-old woman, and her two daughters, Alana Roxana Flores, 11 years old, and Chantel Zamara Washington, 2 years old, were traveling with Bera's aunt, Clara Wood, to Ahuas, and were also moving from Roatán back to Ahuas. She had obtained a transfer report for her school aged daughter. Vera was traveling with household goods and clothing. No one in this family was injured.
- Juana Jackson Ambrosia: KILLED. Juana was a 28-year-old single mother of two children, a 9-year-old boy and a 1.5-year-old girl, who lived in Ahuas with her sister. The doctor's report at the time of her death recorded that she was approximately 26 weeks pregnant, which was substantiated by various family members. Juana traveled to Barra Patuca with Melaño and Hilda on May 9 to speak with Paulino Hernandez, the fishing boat captain, as her boyfriend in Roatán had sent her something with him, probably money. Her body was recovered from the river on May 12.
- Candelaria Trapp Nelson: KILLED. Candelaria was a 48-year-old mother of six children, ages 14, 16, 17, 18, 19 and 22, who was separated from their father and did not receive child support. She was originally from Barra Patuca but had rented a room in Brus Laguna and taken her children to live there because there is no middle or high school in Barra Patuca. She often worked in restaurants in Brus Laguna, but on May 10 had boarded Melaño and Hilda's boat with mango and nance fruit and used clothing which she planned to sell in Ahuas and Wawina and to buy beans and rice to take back to Brus Laguna. The family had previously planted rice around Wawina and had relatives in the area. She was found dead in the boat and it was reported by family members that she was approximately five months pregnant.

## **2.2 Ahuas Inhabitants Present at the Paptalaya Landin**

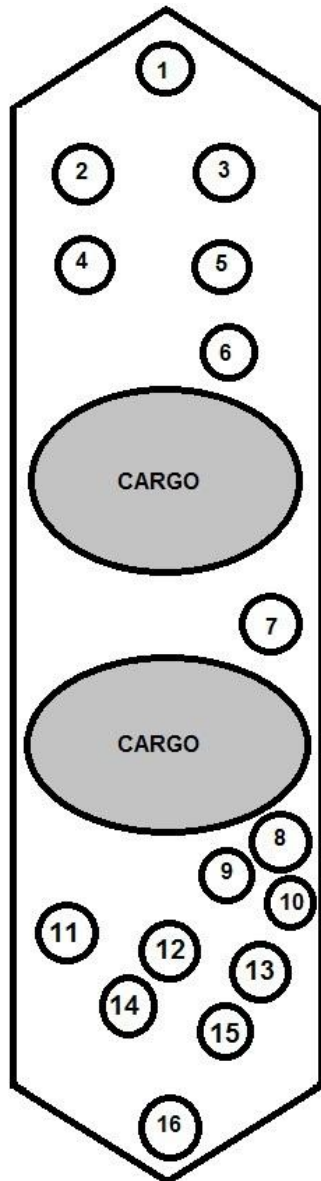
The area known as the Paptalaya Landin is a busy boat landing on the Patuca River in the town of Paptalaya, Municipality of Ahuas. Though considered a separate town, Paptalaya is contiguous with the town of Ahuas. There are a total of three occupied homes in the Landin area, which is controlled by security forces. As boat traffic is the principal mode of transportation, the Landin is considered the transportation hub for the region. The town of Paptalaya is the overland route to connect the Patuca River to the Ribera River, connecting the communities on the Patuca River to Puerto Lempira and surrounding communities. There are a number of empty buildings and at least one office that is closed at night in the area of the Landin. The empty buildings consist of warehouses and municipally owned shelters to be used by travelers passing through Landin. It is reported, and was observed that there is significant traffic of passengers and goods through Landin at all times of the day and night.

The following is a list of individuals that confirmed their presence on the Landin, or that were identified by other eyewitnesses as being present at the Landin on the morning of May 11, but it is likely an incomplete list of those present. Several of these individuals provided testimony that helped establish the eyewitness sequence of events presented in the following section.

- Sandra Madrid and her children live in a house next to the boat landing or Landin on the bank of the Patuca River in the town of Paptalaya. Sandra has a small shop in which she sells refreshments and snacks. She also sells boat tickets and helps coordinate fluvial transportation

in the region for the local boat transport company Torres Express. Her home is directly in front of the area where the helicopter landed, perhaps three or four meters from the landing site. She was present in her home the morning of May 11. Security forces entered her home and searched it, stealing a hose used to put gasoline in motors.

- Dole Wood, his wife Hilaria Zelaya and their children live in a house beside Sandra's, in a house plot inland from the river bank. Dole Wood lived and worked with a visa and work authorization for many years in Florida, and speaks some English. Wood has a store and sells gasoline to boats which he stores in a shed between his home and Sandra's home. Dole and his family were present in their home the morning of May 11. Security forces entered their yard and gasoline shed, and stole gasoline. They also forced Dole, and by some reports his wife, lay on the ground in front of their home. Dole has a chronic heart condition and a pace maker which he reports was damaged during the May 11 incident as a result of the rough treatment he underwent. On July 18, he underwent surgery -- only available in private hospitals -- to repair the pacemaker.
- A family lives in a home across from Dole Wood. This family remained in their home throughout the incident and no security forces entered their home.
- Celin Erickson Corbelo is a 17-year-old nephew of Clara Wood. He, his uncle and two minor cousins traveled the short distance from the Ahuas community to the *Landin* in Paptalaya at approximately midnight to wait for the arrival of his aunt Clara Wood and cousin Hasked Brooks, to help them with the household goods they were transporting from Roatán.
- Extended family members of Bera Gonzales, including a sister, came to the *Landin* and were waiting for her in the municipal warehouse a few meters from the area where the helicopter landed. They remained in the warehouse for the duration of the incident.
- Elmina Eulopio Lezama is the daughter of Hilda Lezama and Milano Eulopio. She is a school teacher and lives in her parent's home. She and her brother Hilder came to the *Landin* from Ahuas minutes after the shooting happened, they were the only people able to enter the *Landin* before security forces closed off access.
- Hilder Eulopio Lezama is the son of Hilda Lezama and Milano Eulopio. He drives a truck which transports passengers between the Patuca River, coming from Brus Laguna, Barra Patuca and Wampucirque, and the Ribera River, coming from Puerto Lempira. He lives in his parent's home. Hilder and his sister Elmina came to the *Landin* from Ahuas minutes after the shooting happened, they were the only people able to enter the *Landin* before security forces closed off access.
- Drug traffickers were apparently present at the *Landin* shortly before the shooting incident, loading a boat with 14 or 15 sacks of cocaine reported to weigh 30 kilos each which, according to the DEA, had been transported to the *Landin* by pickup truck from a nearby landing strip. The DEA reports that they were heavily armed and numerous.<sup>26</sup>



### Approximate Position of Passengers on Hilda Lezama's Boat on the Night of May 10th\*

1. Emerson Martínez Henríquez (Killed)
2. Hasked Brooks Wood (Killed)
3. Wilmer Lucas Walter (Injured)
4. Juana Jackson (Killed)
5. Candelaria Pratt Nelson (Killed)
6. Lucio Adan Nelson Queen (Injured)
7. Clara Wood Rivas
8. Bera Gonzáles
9. Shantal Washington
10. Alana Gonzáles
11. Hilda Rosa Lezama Kenreth (Injured)
12. Elvia Dolores
13. Roldan López
14. Elvia Dolores' son
15. Anderson Trapp
16. Melaño Olopio Nixon (Injured)

\*According to Hilda Lezama and other passengers' testimonies.

### 2.3. Vehicles and Agents Forming Part of the Interdiction Operation

It is difficult to identify with precision the vehicles and government agents that were part of the May 11 interdiction operation as the authors of the report were unable to interview any security agents present during the operation. The information that follows is based on U.S. and Honduran government statements to the press and official documents as well as eyewitness testimony.

- Surveillance planes: Both witnesses in Ahuas and U.S. official sources confirm that surveillance planes were deployed to the area of Ahuas at approximately 1:00 a.m. on May 11. Witnesses reported that they saw two planes which projected two different kinds of lights. The *New York*

*Times* reported on May 17 that the Navy deployed a P-3 surveillance plane, but later, on June 22, reported a surveillance plane to be titled to the U.S. Border Control.

- Helicopters: Many witnesses confirm that four helicopters participated in the action on May 11, with most accounts describing all four helicopters as having single helix and a mounted gun in the doors. Then-DEA Attaché Jim Kenney also affirms that four helicopters participated, describing all four as forming part of the U.S. Department of States' INL helicopter program. However, the U.S. State Department asserted that two State Department helicopters participated in the action.<sup>27</sup>
- Pilots: Jim Kenney, head of the DEA office in Honduras on May 11, and the U.S. Department of State maintain that all pilots were Guatemalan military or contractor pilots temporarily deployed to Honduras from Guatemala. The State Department stated on May 18 that "They are U.S. Department of State-titled helicopters piloted by Guatemalan military and contractor pilots temporarily deployed to Honduras." However, witnesses describe differently the pilots of the only helicopter which landed for a significant period of time, approximately two hours, while the cocaine was retrieved and loaded. According to witnesses, the two pilots of this helicopter stayed aboard, they were not wearing masks or obtrusive head gear. They, like all the occupants of the helicopter, wore tan camouflage uniforms with a U.S. flag on the shoulder. They were older with greying hair, and white. The State Department-titled helicopters are, according to State Department spokeswoman Victoria Nuland's May 17 statements, "piloted by Central Americans. In this case, my understanding is that they were piloted by the Guatemalan military and some contract pilots who are temporarily deployed to Honduras."
- Door Gunners: There are similarly conflicting versions regarding the door gunners on the helicopters, i.e., the agents manning the guns mounted in the helicopter doors. Honduran and U.S. officials have confirmed that all door gunners participating in the operation were Honduran police, presumably Honduran Tactical Response Team (TRT). However, in witness testimony describing the helicopter which landed to load cocaine, the door gunner(s) were described as being of European descent, heads uncovered, wearing tan camouflage uniforms with a U.S. flag on the shoulder.
- Agents present in helicopters: According to Jim Kenney, security forces aboard each of the helicopters, excluding pilots and door gunners, numbered between seven and nine uniformed agents, all either TRT members or DEA agents, making a total presence between the four helicopters of between 28 and 36 agents, (again excluding pilots and door gunners). Various statements from Honduran and U.S. officials affirm that the agents present were all DEA or TRT. Kenney asserted that all security forces participating in the operation wore the same uniform, either black or green fatigues, that did not distinguish agents by unit or nationality. However, eyewitness reports consistently described two or possibly three uniforms, of solid color -- dark blue and/ or black. Some were described with a Honduran flag on the sleeve without headgear and with simple black boots. Other agents wearing blue or black uniforms were described as wearing head gear and special boots and equipment. The other uniform described by witnesses was a tan camouflage design with a U.S. flag on the sleeve, consistent with U.S. Army uniforms worn by Joint Task Force-Bravo (JTF-B). The agents wearing this uniform were also described as wearing special headgear.

- Honduran National Police Tactical Response Team. Kenney described the TRT as a special unit of the Honduran National Police that is vetted by the DEA. Kenney stated that he oversaw the expansion of the TRT team from seven people to its current 42 members over the past three years. He explained that the unit does not “have a chain of command like most units. They don’t have a lieutenant, captain, major. They report directly to me, the DEA, and their first line supervisor used to be the minister and now it’s the Director General of the Police... They basically work for the DEA.”<sup>28</sup> This was confirmed by Ambassador Lisa Kubiske who stated in a July 10 interview that in practice the TRT reports directly to the DEA.<sup>29</sup>
- DEA Agents reporting to the DEA office in Honduras: Ambassador Kubiske and Jim Kenney both confirmed that the DEA office in Honduras reports to the ambassador, not to the Narcotics Affairs Section (NAS), although the DEA and NAS both form part of the embassy’s Law Enforcement Working Group. Kenney also explained that the DEA presence in Honduras includes three permanently assigned agents soon to be joined by two more, as well as Temporary Assigned agents (“Temporary duty” - TDY), varying at any given time between none and seven. The office also receives support from the Foreign Advisor Support Team (FAST). According to the *New York Times* – who interviewed anonymous U.S. and Honduran official sources – the May 11 operation included U.S. agents from the DEA’s FAST –described by the *Times* as “an elite detachment of military-trained D.E.A. special agents” that are part of “commando-style squads.”<sup>30</sup>
- Agents in tan camouflage uniforms: A witness, who had lived a number of years in Comayagua where Soto Cano Air Force Base, the JTF-B base of operation, is located, identified uniforms in the May 11 incident as identical to those worn by JTF-B, and many eyewitnesses described a tan camouflage uniform with a U.S. flag on the shoulder. According to Kenney, the U.S. military via JTF-B has provided support for DEA operations, though he asserts the U.S. military did not participate in the May 11 action, as did José Ruiz, spokesman for the U.S. Southern Command, who according to the Associated Press, stated “We can confirm there were no U.S. military personnel or U.S. military assets involved in anyway[*sic*]. Our joint task force occasionally supports DEA, but they had no personnel or equipment in that particular mission.”<sup>31</sup> Kenney explained that DEA operations are limited by the Honduran police’s lack of capability to operate helicopters, “They don’t have the ability right now, they have helicopters, they don’t fly at night, they aren’t night time capable, they can’t do this by themselves so that’s why JTF BRAVO was assisting us, that’s why they [the INL helicopter program] are assisting us.” There are potentially other explanations for the uniform described by witnesses, for example, the DEA FAST team operates and was created in combat zones in Iraq and Afghanistan, and potentially could wear uniforms similar to U.S. military.
- Honduran National Police: Some witness accounts described uniforms that may have been Honduran police uniforms, which are dark blue with a Honduran flag on the sleeve and simple black boots. Possibly the TRT, a unit of the Honduran National Police, could have worn a Honduran police uniform, although Kenney described the TRT uniform as not distinguishing nationality.
- Security forces aboard drug boat: Witness testimony describes the security forces aboard the boat transporting drugs as consisting of two people in tan camouflage uniforms with a U.S. flag on the shoulder, who spoke English and had the appearance of white North Americans. One of

the two had a slight limp as if he had injured his ankle, and neither were wet. Kenney stated that the security forces that entered the boat consisted of two Honduran TRT agents and one DEA agent, who he said would have been wearing black or green fatigues. According to Kenney the agents arrived in the area on one of the helicopters.

### 3. What Happened on May 11?

#### **3.1 Honduran and U.S. Governments' Depiction of the Incident**

##### ***3.1.1. A Sequence of Events Based on Statements Made by Honduran Senior Government Officials and U.S. Government Officials***

The U.S. and Honduran government depiction of the sequence of events in Ahuas on May 11 was difficult to undertake as we were unable to interview any of the security forces present, and had to rely on secondary sources. The most detailed and useful description was made available by Jim Kenney, the chief of the DEA office in Honduras at the time, who himself had interviewed agents present in the operation. Official statements were also relied upon, both as reported in the press and as issued directly by the agency. In this context, U.S. and Honduran government officials offer varying and sometimes contradictory depictions of the events surrounding the May 11 shooting incident and the role played by U.S. agents.

- According to these statements, the operation began on the night of May 10, when a U.S. intelligence task force detected a plane suspected of carrying a shipment of cocaine headed for the northeast of Honduras. Jim Kenney stated that radar had detected the suspected drug plane but could not determine whether it had departed from Colombia or Venezuela. Nevertheless, he consistently referred to the plane as “the plane from Venezuela.” The radar system was unable to identify the precise location where the plane was to land, and the TRT and the DEA were in La Ceiba approximately 270 kilometers from Ahuas. It therefore took the security forces some time to reach the area and they were unable to arrive at the landing strip when the plane was being unloaded.
- News reports and Kenney confirm that surveillance aircraft were deployed to the area and recorded the landing of the plane – at approximately 1:30 a.m. – and its unloading, in which it was reported that some 30 or 40 people participated, transferring the drug shipment to a truck carrying part of the drug shipment was driven to a village known to the DEA, presumably Paptalaya.
- According to the DEA, the helicopters arrived on the scene as the cocaine was being loaded onto the boat. Kenney reports that a “large number” of heavily armed individuals were observed on the Landin, but when the traffickers saw the helicopters arriving they pushed the boat fully loaded with cocaine into the water and scattered. He reported no gunfire at this stage. However, according to Honduras’ National Police Director at the time, José Ricardo Ramírez del Cid, cited in *El Tiempo* on May 11: “When the helicopters approached [the Landin] to prevent this boat from leaving, gunshots were fired *from the ground* putting at risk the lives of the

agents.”<sup>32</sup> (Emphasis added). This was the only version of events offered by authorities in which shots were said to have been fired at the helicopters.

- Kenney stated that one of the helicopters then pushed the unmanned drug boat to the shore of the river about 200-300 hundred yards downstream from the Paptalaya Landin with the force of the wind from its propellers. He went on to explain that one helicopter landed, security agents disembarked, and three agents -- two Honduran TRT agents and one DEA agent -- made their way through the brush and were able to board the boat. He explained that this took “some time.” Kenney stated that the agents were able to start the engine and began driving the boat upriver when the boat motor failed, leaving the agents stranded in the boat in the middle of the river.
- Jim Kenney went on to report that as the agents in the drug boat drifted down stream, the one DEA agent on board attempted to repair the boat motor. With the agents low in the boat, it appeared unmanned. As this occurred, a second boat, presumably Hilda Lezama’s boat, approached the drug boat, making, according to Kenney, a “deliberate action” to intercept the drug boat. Kenney claims this had been the plan; that Hilda’s boat was in communication with the traffickers, and that Hilda’s boat approached the drug boat, since they believed the boat to be unmanned. According to Kenney as well as Ambassador Kubiske, the agents on board shouted “Police, police, police,” but the boat continued along its course and rammed into the drug boat. Several armed individuals were allegedly at the front of the second boat, poised to board the drug boat, and opened fire on the agents. The agents, with the exception of the DEA agent who was low in the boat fixing the motor, returned fire. They shouted out to the helicopter for help as reportedly the communications system was wet and not functioning. At this point, the helicopters opened fire on the passenger boat, which Kenney claimed was carrying seven to 10 people.
- Another U.S. government source cited in the *New York Times* the following day stated that Honduran forces on the ground fired, as well as a “door gunner of at least one of the helicopters.”<sup>33</sup> According to the *Times*, all the agents involved in the operation “said that only Honduran police on the ground and a Honduran officer in a helicopter fired weapons in the gunbattle.” Officials cited in the *New York Times* on May 16 said: “American and Honduran officials have said a second boat arrived and opened fire on the government agents, and a brief but intense shootout ensued in which government forces on the ground killed two drug traffickers.” Depending on the interpretation of the use of the term “on the ground,” this version either coincides with or contradicts statements from U.S. and Honduran officials’ statements. If “on the ground” means from the landing, it conflicts with the description of the videos’ depiction and Kenney’s statement.
- According to Jim Kenney, after the boat fired on the agents, it “continued,” presumably driving off up river, separating from the drifting drug boat, and the DEA had no idea where it went. Kenney stated that none of the four helicopters pursued the boat that had fired on the agents, or made any attempt to search for it.
- Kenney reported that the helicopters landed, the security forces secured the Landin, and a local resident helped them recover and load the cocaine. He claimed that no homes were searched as the agents did not possess search warrants.



- The Honduran daily *El Tiempo*, following a briefing given by National Police Director del Cid, reported that the agents of the operation seized 14 packages containing 400 kilograms of cocaine (later reports stated that 439 kg of cocaine had been seized). They also reportedly seized two backpacks, one vehicle and an R-15 rifle (presumably an AR-15 semi-automatic assault rifle).<sup>34</sup> No arrests were made. Meanwhile, the *New York Times* cited a “U.S. official briefed on the matter” who declared that the weapon seized was an M-4 assault rifle. The M-4 carbine is a standard issue assault rifle used by U.S. Army personnel, and is similar to the AR-15. Kenney reported that the evidence secured that night consisted of the drugs, an AR-15, and ammunition magazines that were located in the boat.

### ***3.1.2. A Classified Account of the May 11 Incident: The Alleged Surveillance Video***

DEA officials have also presented a classified video to a small number of U.S. congressional staffers. The video, which officials say was made by a Customs and Border Protection P-3 surveillance aircraft, was also shown to journalists at the *New York Times* who wrote that:

*[The video] shows that within minutes after the cargo was loaded onto the canoe-style boat on the river at a communal dock, four helicopters appeared above the village, kicking up clouds of dust. They dropped flares, and Honduran and American drug agents dropped by rope to the ground.*

*The smugglers scattered, abandoning the boat, which began to drift. Three figures, identified by officials as two Honduran policemen and one D.E.A. agent, boarded the boat. One, identified as the American agent, moved to one end of the craft and began working to get the motor started.*

*As the surveillance aircraft and the helicopters circled, a similar but larger river craft approached and was the only other vessel that can be seen along that swath of river. Several people were standing in the front and back. There was a shadowy place in the middle, which could have been a tarp covering people or cargo, a bench or an empty space.*

*The second boat, clearly under power, cut a zigzag course along the river toward the boat carrying the Honduran and American agents, ramming one end.*

*In the seconds before contact, there were some flashes in the video, which American officials said were indications that the occupants of the larger boat had fired. After the ramming, a brief but ferocious flurry of shots from the boat carrying the agents was clearly visible.*

*As the larger boat slid alongside and then moved away, there also appeared to be a spray of bullets across its middle, said by officials to be a volley of machine-gun fire from the Honduran door gunner aboard one of the helicopters.<sup>35</sup>*

This video, according to the description in the *Times*, fairly closely matches the description of events presented by Kenney, although there is a small contradiction: Kenney states that a helicopter landed upon arrival at the Landin; the video reportedly shows them rappelling out. The *Times* does not mention how the agents were able to board the drug boat, and does not mention the agents starting the engine of the drug boat and driving it in the river.

It should be noted that, to date, neither the victims nor relatives of the victims of the May 11 shooting, nor the various groups carrying out investigations nor, apparently, the Honduran government investigators carrying out official investigations, have had the opportunity to see this video, even though – according to the U.S. sources that shared the video with the *Times* journalists – “it remains evidence in a sensitive law enforcement inquiry.”<sup>36</sup>

### **3.2. Composite of Witness Testimonies and Local Authorities**

The information that follows is based on the eyewitness testimony of all passengers interviewed who were present on Hilda Lezama’s boat on May 11 and individuals who observed the events that occurred on the Paptalaya Landin following the shooting incident.

#### ***3.2.1. Passenger Testimony:***

According to witnesses, at approximately 4:00 p.m. on May 9, Hilda Lezama’s boat left Paptalaya for the town of Wawina, located in the Ahuas municipality at a short distance upstream from Paptalaya. They left early in anticipation of complications boarding a large quantity of divers, which in the end went relatively smoothly. The passengers included Hilda Lezama, Melaño Eulopio, Emerson Martinez, and Juana Jackson. In Wawina, Lucio Nelson and Elvina Dolores joined the boat, as did approximately 50 divers from the neighboring towns of Wawina, Waxma and Paptalaya.

Hilda’s boat arrived at the town of Barra Patuca on May 9 at approximately 10:00 p.m. The passengers spent the night in Barra Patuca and, the following day, dispersed, visiting family, making purchases, etc.

On May 10, the divers were transported to Paulino Hernandez’s commercial fishing boat approximately 20 minutes offshore via a small ocean-capable boat piloted by Ramson Huete. Huete returned to Barra Patuca with Roldan Lopez, Clara Wood, Hasked Brooks, Wilmer Lucas, and Bera Gonzalez and her daughters Alana and Chantal, and the passengers’ household possessions. These individuals had been located on the island of Roatán and had traveled to Barra Patuca on Paulino Hernandez’s boat, a journey which normally begins at approximately 4:00 p.m. and ends at 10:00 a.m. All of the passengers were on land in Barra Patuca by approximately 2:00 p.m. when the ocean waters of that area start to become choppy and difficult to navigate.

At a little after 3:00 p.m., Leopoldo Prado, a resident of Ahuas, arrived at the dock in Barra Patuca on a boat from Puerto Lempira. At about 3:30 p.m. he observed that people were beginning to load cargo onto Melaño Eulopio and Hilda Lezama’s *pipante*. He said he considered traveling to Ahuas on the boat, but could not find Hilda and Melaño. At 4:00, knowing it would be hours before they departed, he decided to go rest in a hotel near the dock. From inside the hotel he saw Melaño and Hilda walk past, and tried to call to them to say he was interested in traveling with them, but they did not hear, at which point he decided to not travel that day.

According to multiple witnesses present in Barra Patuca, Hilda’s boat departed at around 8:00 p.m., a little later than planned as a result of heavy rains which caused high waters and debris in the river. The boat left, carrying Hilda, Melaño, Emerson, the 13 additional passengers cited above and a large

amount of cargo consisting principally of household articles including plastic furniture, buckets, a cooler and large bags of clothing. According to the passengers, the visibility along the river was fairly good that night since the moon was three-quarters full.

As is customary for a boat heading upstream, the driver, Melano Eulopio Nixon, kept the boat close to the pilot's right hand side of the river.<sup>37</sup> As the boat came out of a long curve approaching Paptalaya Landin, he crossed to the left side of the river to begin the approach into the *Landin* on the left bank. He reported that he had already begun hearing helicopters in the area by this time.

After the boat crossed the river, Melano says he witnessed a *pipante* on his right side floating downstream. It came within approximately 12 - 15 meters of Hilda's boat. It seems that, at this juncture, most of the other passengers in the boat were sleeping and, none of these other boat occupants who survived the shooting and whom we interviewed had observed the second *pipante*.

The surviving passengers report they were woken by the noise from low flying helicopters overhead. Candelaria Trapp called her sister Geraldina Trapp shortly after 2:00 a.m. stating that she was almost at Paptalaya because she saw the town's cell phone towers, but she expressed anxiety about four helicopters flying low over the boat.<sup>38</sup> Geraldina reported hearing the noise of the helicopters over the phone.

Melano says that a few minutes after seeing the unmanned boat drift by, when Hilda's boat was approximately 20 - 30 meters from the landing, the helicopters opened fire on them. According to the surviving passengers this occurred at approximately 2:30 a.m. The passengers we spoke to told us that they heard no sound of gunfire besides that of the automatic gunfire that they believe came from a mounted gun on one of the helicopters, although they explained that it was a confusing moment.

Following the gun shots, most of the passengers jumped into the water. The boat was relatively close to the shore, approximately five or six meters. A bullet pierced the motor, disabling it, so Melano jumped into the water and slowly guided the boat to the brush on the left bank where Paptalaya is located, where he tied it to brush approximately a kilometer from the Landin.

According to various testimonies, the helicopter that opened fire did not shine a light on the boat while approaching it or while firing. In the words of Hilda, "If it had shined a light on us it would have seen that we didn't have anything but cargo and passengers." Bera, who remained on the boat longer than most of the others, says that the helicopter shined a light on the boat only after having opened fire and that she believed that they may have stopped shooting because only after they had projected their search light could they then clearly see that she was a woman with two young children. The helicopter flew away but circled around, and at this point Bera's 11 year-old child jumped into the water. Bera grabbed her 2 year-old child and followed. She felt that she was on the verge of drowning, but managed to grab onto brush along the edge of the river and pull herself and her child onto the shore. She stayed hidden among the brush until after dawn when the helicopters had left and she heard people searching the river.

Clara Wood was sitting behind her 14-year-old son Hasked Brooks Wood and witnessed him being shot. Clara says she jumped into the water, saying she said she had been "crazy" with grief, and looked along the shore for her son. She came ashore at the Landin itself, near Sandra's house,

shortly after Wilmer and Lucio, both injured, also came to shore near the same spot. Although the authors of this report were unable to interview the Wawina residents Rodan Lopez, Elvina Dolores and the two children who accompanied her, all were reportedly uninjured, according to other passengers, and after coming out of the river, went directly to town.

Hilda was shot through both legs when the helicopter opened fire. She threw herself into the water and tried unsuccessfully to hold onto the boat as it floated downstream. She told us she felt as if she was drowning at one point and saw several more shots strike the water close to her. Eventually, she reached the river bank, a short distance downstream. She pulled herself partially onto a log and remained in the water, trying to stay hidden in the brush along the shore. She says she believes she remained there with her leg wounds submerged in the river, but passed out for some time due to blood loss.

### ***3.2.2. Eye Witness Accounts of Events from Community Residents on Shore, Prior, During and Following the Shooting:***

Not knowing the exact time that Hilda's boat would arrive, Celín Erickson Curbelo, his uncle from Wawina, and two cousins arrived at the Paptalaya Landin at approximately midnight on the morning of May 11 to wait for Celín's aunt and cousin: Clara Wood and her son Hasked. Clara was bringing with her a number of cumbersome domestic articles and required help transporting these back to her house in the nearby town of Ahuas. They all settled into one of the empty *pipantes* moored at the Landin and fell asleep. Meanwhile, another small group that included Bera Gonzalez's sister had come to await Bera's arrival, and settled into a storage house at the Landin belonging to the municipality.

Several local residents living in the Ahuas municipality stated that they heard and saw two planes circling around Ahuas sometime after 1:00 a.m., before hearing the arrival of the helicopters. These planes were presumably the surveillance aircraft which U.S. government official sources discussed as they described the sequence of events leading up to the shooting incident. The local residents claimed that these aircraft were projecting two different sorts of light: one strong and one weaker. Local residents say that they heard helicopters around 2:00 a.m., and heard bursts of automatic gunfire shortly afterwards.

Like the passengers on Hilda's boat, Celín reported awakening to the sound of helicopters and saw that one of them was hovering very low over the Landin, but did not land. Though he was still in a boat moored at the side of the river as the helicopter hovered low over the Landin, he could not see over the bank. Intimidated by the helicopter he and his family went to take shelter; he headed to the space below Sandra Madrid's home, which is elevated on stilts, but was intercepted by security agents whom he assumes had rappelled out of the helicopter.

Celín reported that he did not see armed men in the area prior to the arrival of the helicopters. When questioned as to whether he had heard people loading a boat he, like the residents of the houses at the Landin, explained that there is regular traffic through the Landin, even late at night, and this would not have been an unusual sound which would have awakened him. It is worth noting that the authors of this report observed on several occasions products being loaded into boats at the Landin, including three men loading a boat with over ten 100 pound sacks in approximately twenty minutes.

Celin could not distinguish the color of the security agents' uniforms, describing them as either dark blue or black. He said they wore head gear, special goggles, and had high-tech equipment and special boots. Six agents put plastic handcuffs on him and took him behind Sandra's home. They punched him in the chest between questions about drug trafficking in the area. They trained up to three guns on him at a time. They threatened to throw him into the river with the handcuffs on and threatened to shoot and kill him. He says that not all of the agents spoke Spanish and they spoke amongst themselves in English. His cellular phone began ringing as his family was trying to reach him, and he asked the agents to answer. They took his cellular phone.

Celin says that, late in his questioning, the security forces began to walk him away from Sandra's home toward the bank of the river when they heard a succession of three bursts of automatic gunfire. When the shooting began the agents pushed him down. Celin did not report hearing gunfire other than the automatic weapon rounds, but said that he could not say he was certain there were no other gunshots as it was a confusing moment. He reported that the gunfire made lights in the sky.

Within the community of Ahuas, a few kilometers away, community members also reported hearing a succession of bursts of rounds of automatic weapon fire and seeing lights in the sky coming from the helicopter over the river.

After the shooting, Celin reported that the agents walked back toward Sandra's house. At that moment he saw his aunt, Clara Wood, coming out of the brush. Uninjured, Clara was the first passenger from the boat to reach the Paptalaya Landin, as she came to shore very close to Sandra Madrid's home. Celin called out to his aunt, who then confronted the agents who were detaining him, telling them that Celin was an innocent boy and that they should let him go. When the agents pointed their weapons at Clara she said that they had already killed her son and that they shouldn't kill her also. The agents released Celin, still wearing handcuffs, and walked away. Soon afterwards, they boarded a helicopter and departed.

Celin walked around the Landin toward Ahuas when a helicopter started to land, and he took shelter by lying on top of a boat stored under the municipal warehouse where, unbeknownst to him, Bera's family had been waiting for her. He saw their shadows and through the floorboards, and called out to them, and made his way into the building, where they cut off his handcuffs. This group remained out of sight until most of the helicopters had disbursed. They thought the security forces had left the area, and a man went outside to urinate, only to be detained briefly by the security forces.

Clara meanwhile says she went into the home of Sandra Madrid, and they used Sandra's phone to call Hilda Lezama's adult children, Hilder and Elmina, to tell them that their mother was injured and in the river. In a matter of minutes Hilder and Elmina drove a motorcycle to Sandra's home, where Clara was with Wilmer Morgan Lucas and Lucio Adan Nelson Escoto. Wilmer and Lucio were both seriously injured during the shooting, but had managed to swim ashore and make their way to the Landin. A man from Paptalaya who had arrived on a bicycle took Lucio to the hospital on his bike, while Wilmer walked to the hospital in town.

Immediately after the group left for the hospital, a helicopter landed briefly, just enough time to allow security forces wearing what appeared to be Honduran National Police uniforms to deboard.

A second helicopter landed shortly after and stayed on the ground. All security forces that exited that helicopter wore tan camouflage uniforms with U.S. flags on the shoulder.

Clara walked Wilmer part way up the road toward the hospital and then attempted to come back to find her son, but security forces had blocked the entrance to the Landin. She sat in the road in front of the security forces, weeping for her child and desperate to enter the Landin.

At Sandra's house, Hilder and Elmina asked the security forces if they could speak with them, and were told, yes, some of them could speak some Spanish, and they should come out and sit on the steps of the house. Hilder and Elmina, accompanied by Sandra, explained that they wanted to find their injured mother in the water, but were made to sit on the stairs for what they said felt like an hour during which time a gun was pointed at them. After some time, the agents called Hilder to come to them, and they hit him in the chest with a gun. They asked him where to find gasoline, to which he replied, "at Dole's house." The agents went to Dole's house, broke in and took the gasoline, according to the witnesses.

Dole Wood estimated that sometime after 3:00 a.m. he was awoken by noise, and saw that three agents were approaching his home. All were wearing solid dark blue or black uniforms. A tall black man who Dole said spoke fluent Spanish entered his yard, while two white agents stayed just outside the gate. The agents handcuffed Dole and threw him face down onto the ground just in front of his yard, with his hands raised above his head. The black agent kicked in the door to the storage shed where Dole kept gasoline he sold to boats and left with 18 gallons of gasoline and a hose. The door was broken and a boot mark is still visible imprinted in the door. Dole explained to the agents who spoke Spanish that he was sick and should not raise his arm above his shoulder because of his heart condition. Dole says the men just shouted at him, "we are not asking about that" and asked him questions about drug trafficking in the region, while forcing him to lie face down with his hands above his head for several hours.

Agents then broke into Sandra Madrid's home and searched it, apparently looking for a hose for fueling boat motors, which they took.

Three agents in tan camouflage took Hilder at gunpoint to a boat at the Landin, striking him several times, once on the back of the neck so hard that he fell to the ground. They boarded a motorboat with a 75 horsepower motor, and forced him to pilot the boat at gunpoint. The agents directed him to drive the boat downstream to a *pipante* with a 40 horse power motor moored on the opposite bank about a kilometer downstream from Paptalaya, just around the curve in the river and out of sight of the Landin.

Hilder saw two agents in tan camouflage in the boat that he identified as white "gringos." He says he saw backpacks, water bottles, bales of cocaine, and no other weapons than those that the agents were carrying. Hilder noticed that the agents in the drug boat were wearing dry clothing, and one agent apparently had a minor ankle injury. As a result, residents of Ahuas speculate that the security forces rappelled onto the boat as they do not believe there is any other way in which they could have boarded an unmoored *pipante* without getting wet.<sup>39</sup> Hilder noticed that his parent's boat was moored almost directly across the river from the drug boat, but the agents would not allow him to go look for injured or dead people. The agents transferred the contents of the drug boat to the boat Hilder was piloting. Hilder reports he did not notice any damage to the boat from gunfire.

Meanwhile, Elmina and Sandra were sitting on the steps of Sandra's home when Melaño emerged from the brush behind the house. He embraced Elmina and broke into tears as he described the shooting, the deaths and injuries. Security forces observed the scene.

At the entrance to the Landin a crowd of people from the town of Paptalaya wishing to assist the injured and their loved ones had gathered, but they were prevented from entering the area by several police in dark blue uniforms who blocked off the road into the Landin between Dole and Edwin's houses. According to some witnesses, they spoke Spanish to the crowd, and English to the other security agents. They acted in an abusive manner toward the gathering crowd, accusing townspeople of being drug traffickers and forcing them at gunpoint to kneel.

Upon return to the Landin, Hilder helped unload the bales to the shore, but did not leave the area around the boat as he was anxious to look for his mother. At that point light had dawned, and the agents had removed the masks that they had initially worn. One agent that had accompanied Hilder and was unloading the bales, a white man, was almost bald or possibly had a shaven head. Hilder explains that they asked if he had a bank account or a cellular phone number so they could send him money, and he said that he did not.

After the cocaine had been retrieved and unloaded from the boat Hilder was using, he was finally able to provide assistance to the shooting victims, as the agents continued to load the helicopter. At this point it was light and none of the security agents were wearing masks or obtrusive headgear, witnesses could see the pilots -- two white men with greying hair in tan camouflage uniforms -- and the door gunner, a white man in tan camouflage.

When Hilder arrived at the boat, his mother was not there, but he found the dead bodies of his brother in law Emerson Martinez and a woman. The helicopter, loaded with cocaine, took off, flying low along the river as if observing the scene. Hilder waved and pointed to the people in the boat, but the helicopter flew off. He lifted his brother-in-law into the boat, but could not move the other person, who later turned out to be Candelaria Trapp. Hilder returned to the Landin with Emerson's body to bring people to help him carry Candelaria's body and to look for his mother.

Once the security forces left the Landin, local police stationed in Ahuas accompanied Clara Wood to the river on foot, initially surveying the shore for her son. They arrived at the area where Hilda's boat, perforated by bullet holes, was tied up.

The Landin at this point had over 50 people from the town who had entered once security forces had left the area. Several people, including Melaño, accompanied Hilder to retrieve Candelaria's body, after which they found Hilda unconscious on the river bank. They took her to the Moravian hospital in Ahuas.

At just before 7:00 a.m., the Justice of the Peace and doctors assigned to the region by the national health system came to the Paptalaya Landin to witness the retrieval of Emerson and Candelaria's bodies. They extended an official Act of the Retrieval of the Bodies. At that time the crowd at the Landin aggressively confronted the Justice of the Peace, Wesly Miller.

Over the ensuing hours, a crowd that reportedly included members of the extended families of some of the victims burned four homes of people suspected of participating in drug trafficking. It was

reported by residents of Ahuas that the crowd intended also to burn the homes of the Mayor, Lucio Baquerano, and the Justice of the Peace, Wesly Miller, as well as the local police station and military outpost. The crowd was reportedly angered by their perception that these officials know about the drug trafficking but had not stopped it. Judge Miller explains that while it is true that he, like other citizens of Ahuas has observed drug-related activities around Ahuas, it is not within his functions or capacity, or those of the town Mayor, to combat drug trafficking, though when there is the opportunity to do so he says he cooperates with investigations.

The unrest in the town lasted for over five days. The Justice of the Peace moved his family into a hotel the night of May 11 and left May 12 for Puerto Lempira. The police and military were ordered to stay in their quarters and were then evacuated.<sup>40</sup> The traumatic occurrence seemed to be an event that few in the town wished to discuss. As Kenney described, “Believe it or not, there are people in that village that are very mad at the narcos -- not at us --, very mad because this is what happened.”

Judge Miller coordinated with Wings of Hope – Alas de Socoro<sup>41</sup>, to fly the injured people to the regional hospital in La Ceiba. Later in the day on May 11, at 1:40 p.m., Lucio and Wilmer, accompanied by Wilmer’s uncle, were flown out, and taken to the Atlántida Hospital. Several hours later, Hilda and Lucio’s uncle was flown out, also by Alas de Socoro.

Meanwhile, the search for the two people missing after the attack, Hasked and Juana, was carried out by friends and relatives who searched the banks of the river downstream in two boats. Juana’s body was found the morning of May 12 by Clara Wood. Justice of the Peace Miller, with health authorities, drafted an Act of Retrieval of Body which noted that Juana was approximately 26 weeks pregnant. As a result of the unrest that followed the incident, both the Justice of the Peace and health workers left town later that day. On May 13, Hasked’s body, already beginning to decompose, was found in the Patuca River by Juana Jackson’s sister Marlene. No health authorities were present to document its condition.

Hasked Brooks and Juana Jackson were buried side by side in the cemetery in Ahuas. Candelaria Trapp was buried in Barra Patuca, and Emerson Martinez was buried in his mother’s village of Pranza in the municipality of Puerto Lempira.



### Description of Paptalaya Landin



### 3.3. Evidence from the scene of the shooting

A great deal of evidence was available at the scene of the incident, some of which was compiled in the initial police report. However important early investigative measures were not undertaken and apparently many important pieces of evidence were not secured. No forensic examination of the scene of the incident was carried out in the days immediately following the incident.

Photographs of the boat, riddled with gunshots, of bullet holes in the household wares Clara and Bera were transporting to Ahuas and a bullet hole in the casing of the boat motor appeared in the initial police report, as did declarations taken from witnesses. It is also notable that there were no photographs taken of the boat that transported the drugs, though it has been reported that the boat remained moored near Paptalaya for at least ten days, and it is possible photographs may have been included in later reports.

There were few declarations presented in the initial police report, some of which contained some significant errors. Most witnesses report never having been interviewed by investigators.

Three out of four of the bodies recovered were examined by state authorities and duly recorded. The cause of death was observed to be gunshot wounds, the deteriorating condition of the bodies recovered one and two days after death was noted, and Juana Jackson was noted to be approximately 26 weeks pregnant.

The wounds of the surviving victims also provided evidence of the angle of the gunfire and the caliber of weapon used. For instance, Hilda Lezama explains she had thrown herself onto the floor of the boat and lay on her side, when the bullet penetrated the width of both thighs from above.

The survivors and the recently killed victims could have been tested for gunpowder residue but were not. Emerson Martinez's family reports that when his body was moved, a bullet some identified as an M-60 bullet fell from a wound in the side of his chest described to be the width of a clenched fist. The bullet was given to police investigators on May 14. It was reported that health workers turned over similar ballistic evidence to investigators.

The DEA and the TRT apparently showed no interest in pursuing and investigating the boat which they said had fired on the agents or securing and impounding the boat carrying the cocaine shipment.

The Honduran daily *El Tiempo* reported that National Police Director del Cid had stated that the TRT and DEA had seized 14 packages containing approximately 400 kilograms of cocaine, later reports stated that 439 kg of cocaine had been seized. They also apparently seized two backpacks, one vehicle and an R-15 rifle (presumably an AR-15 semi-automatic assault rifle).<sup>42</sup>

While clearly surveillance videos would constitute important crime scene evidence, Ambassador Kubiske responded that it does not form part of the Honduran investigation as it had not been requested by the government, even though the *New York Times* reported that the video was considered "evidence in a sensitive law enforcement investigation."

#### **4. Current situation of Victims and Victims' Families**

The May 11 shooting incident resulted in the deaths of Emerson Martinez, Candelaria Trapp, Juana Jackson and Hasked Brooks. Hilda Lezama, Wilmer and Lucio Nelson sustained serious injuries and require long term medical attention and rehabilitation. Melaño Eulopio sustained a light injury which did not require hospitalization.

Although there is a small hospital in Ahuas run by the Moravian Church, which provided initial medical care to the injured, the closest hospital with the capacity to treat serious injuries is in La Ceiba which costs approximately \$90 to travel to overland, and approximately by air, each way. In addition, patients normally must pay for housing, food and local transportation. Even when treated in a public hospital, which often denies needed surgery, the family is expected to cover certain expenses such as medicines, diagnostic testing, surgical supplies, etc.

Ever since the shooting, the families of those injured have endured constant difficulties, attempting to pull together resources needed for medical attention. The U.S. State Department June 6 release in response to questions concerning the attention provided to the injured stated only that: "All Honduran citizens are eligible to receive care through the Honduran public health system. You can direct specific questions about treatment for these individuals to the government of Honduras."<sup>43</sup>

Emerson Martinez was a father of two young children now in need of support, including a 3-year-old near the town of Mocoron where he served while in the military, for whom he provided financial

support, and a 1-year-old daughter with his domestic partner Semdi Faviola Eulopio Lezama. In Honduras, especially in poor communities, it is the custom that children will financially support their parent as they become older, especially given that there is no effective social security system. Emerson's mother lives in extreme poverty, employed in Puerto Lempira and earning \$42 per month.

Juana Jackson, a single mother, was survived by two children, a 9-year-old son and a 2-year-old girl. She lived with her mother and sister in Ahuas, but her mother died in March of 2012. Juana's sister, also a single mother, unemployed, and the only immediate family member currently living in Ahuas, has taken charge of the children.

Candelaria Trapp, a single mother, left six children, ages 22, 19, 18, 17, 16 and 14. She had been strongly focused on providing for their education, however now only four are currently studying in high school and middle school, in the town of Brus Laguna. Two now live with Candelarias' mother and sister in Barra Patuca, one was injured in a motorcycle accident on August 4, 2012, and the family, already selling possessions to cover the children's costs, are struggling to cover emergency medical expenses.

Hasked Brooks was a 14-year-old boy, the youngest of Clara Wood and her husband's several children. The family had been living in Roatán as the father is a diver on commercial fishing boats based in Roatán, but the family was in the process of moving back to Ahuas when Hasked was killed. Clara's husband spends weeks at a time on fishing expeditions and Clara, who had expected the company of her youngest child, is home alone.

Lucio Nelson was shot in the right arm and lower back. He suffered compound fractures, which required surgery, to implant plates and pins which require ongoing medical attention at the Atlantida hospital in La Ceiba. After a month of hospitalization, on June 10 he was able to travel to his parents' home in Barra Patuca as they are able to better assist with his recovery. He is reportedly slowly gaining mobility, he can walk with pain, and he can lift his right arm to shoulder level. His capacity to carry out agricultural activities has been severely impaired, but may improve over time. He has an appointment scheduled with the hospital in La Ceiba for August 28.

Wilmer Morgan was shot in the right hand, fracturing several bones. 14 year-old Wilmer's mother raises her children alone and had to leave her job in a shrimp packing factory in Roatán to attend to Wilmer, and leave her other children. The family also had to cover costs related to treatment, and travel. The hospital in La Ceiba did not have the capacity to carry out the surgery and initially discussed amputating his hand, however with the help of the Red Cross and COFADEH, a hospital in San Pedro Sula carried out the operation.

Hilda Lezama was shot by a high caliber weapon from above. She had fallen sideways into the boat in an attempt to take shelter from the gunfire. What appears to be an M-60 bullet pierced the muscles in the front of her thigh and fractured the femur. She is currently able to walk only short distances with the assistance of both crutches and an assistant. Her injuries have prevented her from resuming her work as a labor contractor, which has been her primary source of income for approximately fifteen years.

Dole Wood was forced to lie face down on the ground with his arms stretched over his head. He has a pace maker and is not able to lift his left arm over shoulder level. According to Dole, though his heart rate had been consistently around 50/80, after the incident it dropped to 33 and then to 22. His doctors believed that his pacemaker has been damaged, and on July 17 he flew to La Ceiba to undergo surgery at the La Vina private hospital. The surgical fee alone was expected to be \$5,500, and he was expecting to pay additional costs such as hospitalization, exams and medicines.

## 5. Status of Investigations Related to the May 11 Incident

### 5.1. Prosecuting Attorney's Investigation

#### *5.1.1. The Honduran Legal Framework for Judicial Investigations.*

Under Honduran law it is the responsibility of the *Ministerio Público* or *Fiscalía*, essentially the equivalent of the Attorney General's office or the Office of the Public Prosecutor, to carry out criminal investigations. The initial investigation is normally undertaken in coordination with the National Direction of Criminal Investigation (DNIC) of the Honduran National Police, however Public Prosecutors have the mandate to carry out their own investigation with or without police participation.<sup>44</sup>

It is the obligation of the State to investigate crimes of such gravity that they are considered to be of public interest [*orden público*], irrespective of whether the victim files a formal complaint.<sup>45</sup> The victim or surviving family of a crime may make a formal complaint to either the public prosecutor or the police. At that time, or at any point during an investigation, the victim or the surviving family may name a legal representative to act on their behalf. This would allow the victim to more actively participate in the investigation, normally giving them access to the investigation's file, and to request that the prosecutor undertake certain investigative actions such as proposing witnesses, etc.<sup>46</sup>

On May 24, the Honduran human rights organization COFADEH presented a formal complaint from the victims and surviving family members of the May 11 shootings, who designated the organization as their legal representative.<sup>47</sup>

When the Office of the public prosecutor, has compiled enough evidence to determine that a crime has been committed and has been able to identify a presumed author of the crime, then it would submit a *requerimiento fiscal*, or formal accusation, to the competent judge, in this way initiating legal charges. The public prosecutor could also determine that the evidence does not indicate that a crime was committed and request that the investigation be formally closed. Another possibility is that the investigation remains open without obtaining useful evidence for an indefinite period of time.<sup>48</sup>

Homicide is a crime of public interest, and, as in most judicial systems, there are different legal degrees of homicide with greatly varying penal responsibilities. While the Office of the Public Prosecutor may determine which type of homicide the evidence indicates has been committed only a judge may make the final determination. All cases of homicide must be presented before a judge.

It is also relevant to point out that in the Honduran judicial system financial compensation for damages suffered through penal actions must be determined as part of the penal process. There is no tort system which could allow victims of violence to demand economic compensation independent of the penal process.

Although the principle of the independence of prosecutors is understood to be a fundamental precept that underpins the Honduran justice system, in reality the intertwined issues of political interests and corruption have been key factors in generating the extremely high levels of impunity that exist in Honduras. There have been significant struggles by prosecutors to secure better conditions to undertake investigations without political interference.<sup>49</sup> Though limited reforms were implemented, many of the prosecutors who led these efforts were purged from the Office of the Public Prosecutor<sup>50</sup>, and serious problems of interference in investigations continue.<sup>51</sup>

Normally, the assignment of prosecutors is determined by the jurisdiction where the crime occurred. However, there are special prosecutors who have the authority to investigate across geographic boundaries for crimes of a particular nature. Geographically the investigation of the May 11 shooting pertains to the prosecutor in Puerto Lempira. However, given the specific elements of the crime, it falls within the mandate of several special prosecutors, including the Special Prosecutor for Human Rights, the Special Prosecutor for Ethnicities, and the Special Prosecutor Against Organized Crime. The special prosecutors' offices are generally based in Tegucigalpa but may have prosecutors based in certain regional offices available to them.

### ***5.1.2. The Public Prosecutor's Investigation into the May 11 Shooting***

On May 24, COFADEH presented a formal complaint of the May 11 shooting to the prosecutor in Puerto Lempira who also designated COFADEH as the legal representative of the victims, charging that the May 11 operation had resulted in “deaths, grave injuries, illegal detentions, death threats, forced entry, prevention of the rescue of wounded, cruel inhuman and degrading treatment, abuse of authority against the population of the municipality of Ahuas.”<sup>52</sup> Later COFADEH presented a formal denouncement to the Special Prosecutor for Human Rights in Tegucigalpa.

According to numerous reports, at least three prosecutors' offices have been involved in the investigation of the events on May 11; the Prosecutor of Puerto Lempira, the Prosecutor of Ethnicities and the Prosecutor for Human Rights.<sup>53</sup> Files should exist in all of those offices. It is possible, however, that other prosecutors may be involved in the investigation. Reports from shooting victims and their legal representative make apparent that the Prosecutor of Human Rights has undertaken the most extensive investigation. It was reported that the participation of a U.S. police detective from Texas provided by the U.S. Embassy in the investigation is through the Prosecutor for Human Rights.<sup>54</sup>

The Honduran Penal Prosecution Code grants crime victims access to view the investigation file. The principle of secrecy may be applied when the investigation could be negatively impacted by the release of sensitive information, though generally this principle applies to the public not to the victim, or may be applied to certain sensitive elements of the investigation when necessary to protect the integrity of an investigation.<sup>55</sup> However, COFADEH denounced on July 13 that the Special Prosecutor for Human Rights had secrecy in relation to this case and they were denied access to the investigation.<sup>56</sup> This constituted a violation of the Honduran penal process code.<sup>57</sup> Later in the

month, however, they were granted access to the investigation file of the Special Prosecutor for Human Rights, reporting that it contains relatively little information. COFADEH presented formal requests for a variety of measures of investigation, including a list of witnesses who should be interviewed.<sup>58</sup>

COFADEH's report regarding the state of the investigation coincides with information gathered by the authors of this report. Most witnesses to the May 11 shooting reported they had not been interviewed by prosecutors. The only reported visit by prosecutors to Ahuas was during the June 23 exhumation, when the Fiscal for Human Rights, who came to Ahuas with the group undertaking the exhumation visited several of the survivors, including Hilda Lezama and her husband Melaño, Dole Wood, Clara Wood, and municipal authorities. Most witnesses as yet, however, have not been interviewed.

The Public Prosecutor of Puerto Lempira reported to the authors of this report it's office had not initiated an investigation as it had not yet received the Criminal Investigation Report from the police. The prosecutor apparently did not undertake a series of important investigations including interviewing witnesses, or ballistics tests of the weapons used by security forces. It was not until August 9, almost three months after the shooting, that 13 Honduran agents that reportedly participated in the operation turned 26 guns over to the Special Prosecutor for Human Rights and made official statements.<sup>59</sup> It is not clear whether weapons carried by U.S. agents during the operation will be submitted to similar tests.

### ***5.1.3. The Exhumations and Autopsies of the Four Deceased Victims***

Although the results of the June 22 and 23 exhumations have not been made public or available to the victim's families, during a July 10 interview with Ambassador Kubiske, the ambassador reported that neither of the female victims had been pregnant, as had been reported in the press, and that only two of the four victims were demonstrated to have been killed by gunfire, the cause of death of the other two remained unclear. However, Judge Camilo Peralta Fernandez from the Court of Letters in Puerto Lempira, the judge who ordered the exhumation and was present, stated evidence was recovered to demonstrate that all four victims had gunshots wounds and two of them still had bullets or fragments of bullets in their bodies, initial findings recorded in the official Act documenting the exhumation.<sup>60</sup>

The exhumation of the bodies was not requested until June 14, more than a month after the shooting, by a prosecutor working for the Prosecutor for Ethnicities, Carla Patricia Interiano Sabillon, Judicial Diligence Number 03-2012.<sup>61</sup> During the first month much evidence that can be recovered through exhumations is lost from the degeneration of soft tissue.

During the month following the killings, even to the present, U.S. and Honduran officials have made statements that question the existence of some of the victims, and continued to question when and how they might have been killed, despite the existence of the Acts documenting the cause of death issued by the Justice of the Peace in Ahuas for three of the four victims.

In this context, the president of MASTA explains that as the indigenous federation in the region, they authorized the exhumation explaining that it "was a process which in the Miskitu culture had never occurred, but that was agreed to in the framework of respect, rights and dignity as indigenous

people; we have not heard the results of those investigations from the authorities of this country or from the United States; this demonstrates clearly to us that there is not a real willingness to assume the real acts of both government violating the human rights of indigenous communities.”<sup>62</sup>

The manner in which the exhumation was carried out was highly questionable, and appears to have been traumatic not only for the families of the victims but also for a large segment of the communities where they occurred. On June 21 a Honduran Air Force helicopter transported the group who participated in the exhumation to the town of Barra Patuca, a group which included Dr. Gustavo Roque Pacheco a court appointed forensic doctor based in Tegucigalpa; Dagoberto Martínez a representative of the Prosecutor for Ethnicities in La Ceiba; Marlon Nestor Dubon Orrellana from the Prosecutor for Human Rights in Tegucigalpa; Armando Perez a Texas police detective working with the US Embassy and reportedly providing technical support to the Prosecutor for Human Rights; and Lic. Camilo Peralta Fernandez Judge from the First Circuit Court of Letters in Puerto Lempira; accompanied by several soldiers from the Air Force based in La Ceiba.<sup>63</sup>

Both COFADEH and MASTA report that they were notified of the plan to carry out the exhumations in advance, but were not able to send representatives to the exhumation sites. The family of Candelaria Trapp was not notified of the exhumation until the forensic specialists were on their way. Despite the lack of notification, the family was given the responsibility of digging up the grave. Within the family only her brother was able to do the labor, so she was forced to promise to pay two young men from the town. Geraldina was not given sufficient funds by the authorities who arrived to carry out the exhumation.<sup>64</sup>

The laborers had to break the cement that had been laid forming the tomb, and lift the body from the grave while it was already decomposing. The autopsy was carried out in the cemetery in front of townspeople. This and the odor from the decomposing body greatly disturbed the community. Geraldina Trapp reports that a forensic specialist told her they found evidence that Candelaria had been pregnant.<sup>65</sup>

The helicopter carrying the forensic team continued to the town of Ahuas. The families of the victims buried in Ahuas, Hasked Brooks and Juana Jackson, were also notified of the investigation shortly before the helicopter arrived. In Ahuas the municipal government paid two laborers to dig up the graves. The families of Hasked and Juana had not built cement tombs. By the time the graves had been uncovered it was beginning to get dark, and two soldiers watched the grave all night.<sup>66</sup>

The following morning, on June 22, 43 days after the deaths, the laborers lifted Juana Jackson out of the casket, which was full of water. Parts of the body, already partially decomposed, fell off, including parts of her extremities, and part of the soft tissue in the pelvic region of her body, which to the laborer appeared to be her womb, slid out and fell back into the casket.<sup>67</sup> The judge who was present commented that when the examiner opened the body, she did not have a uterus.<sup>68</sup> The forensic specialists at no point examined the casket or its contents. The second body, of Hasked Brooks, was then examined in a similar manner.<sup>69</sup>

The exhumation was done in the open, in front of townspeople, using a nearby tomb as a table on which to inspect the corpses. Days later family members of the victims found what appeared to be finger bones and teeth around the tomb that had been used as a table for the autopsy and in the

bucket the forensic doctor had used to rinse decomposing flesh off bones in order to examine them.<sup>70</sup>

On June 22, the helicopter continued on to the town of Pranza in Puerto Lempira, where the team exhumed the body of Emerson Martinez, which was carried out in a similar manner. To date Emerson's mother has not been able purchase the cement necessary to repair the tomb.<sup>71</sup>

Candelaria Trapp's body displayed evidence of two gunshot wounds, appearing to have been provoked by two different types of weapons, an R-15 or similar weapon, and a high caliber weapon such as an M-60. Juana Jackson's body displayed two wounds, one entry wound and one gunshot with both an entry and exit wound. Some of the wounds were clearly provoked from above, for example, in Emerson Martinez's body the forensic specialists found a high caliber bullet lodged in his trachea.<sup>72</sup>

The families of Candelaria Trapp and Emerson Martinez have not had the money to buy the cement necessary to repair the tombs, and the family of Candelaria Trapp has not been able to pay the laborers, one of whom says that he has been sick ever since the exhumation.<sup>73</sup>

Expressions of outrage over the exhumation and how it was carried out were widespread, in Ahuas and in Puerto Lempira. Though the delegation was unable to visit Barra Patuca, reports from the family make clear the outrage felt in Barra Patuca, expressions of which have reportedly even been directed against the family of the victim.

#### ***5.1.4. The Police Investigation***

The police conduct investigative measures which may or may not be submitted to the public prosecutor, though they are obligated to present a formal Criminal Investigation Report to the public prosecutor with the findings of the investigation. Different units of the police may submit reports to superior entities within the police force or to different prosecutors' offices, so evidence and investigation reports may be spread out between units of the police and may not all end up with the public prosecutor or may be divided between public prosecutors offices.

The TRT was the first official entity present on the scene, however descriptions of their actions suggest that they did not engage in any kind of crime scene investigation but rather focused on seizing the contents of the boat that transported the drugs, which reportedly included 439 kilograms of cocaine and an AR-15 or M-4 rifle. The current whereabouts of that evidence is unclear. An official report was generated by the units that participated in the action and submitted to then Director General of the Police, Ramirez del Cid.<sup>74</sup>

The Puerto Lempira Police are undertaking a criminal investigation which has not concluded, and has not produced a Criminal Investigation Report as there are doubts regarding the exhumation, specifically relating to the pregnancies, and indicated that they are considering conducting a second exhumation. Several survivors and witnesses report having been interviewed by police investigator Delmar Larians López, who arrived in Ahuas the Monday following the shooting, on May 14, and recorded the results of this investigation. Although the subsequent report that was filed contained some errors in recording the testimony, it generally confirmed the existence, identity and cause of death of the victims.<sup>75</sup>



### ***5.1.5. A Military Investigation***

Newspapers report that an investigation by officials at Puerto Lempira military base, a mission established to complement police actions in the area, concluded that four innocent people were killed. The Associated Press reported:

*An investigation by Honduran military based in nearby Puerto Lempira concluded that the agents fired on the civilians by accident, said Col. Ronald Rivera Amador, commander of the Honduran Joint Military Task Force-Paz Garcia. He said the task force conducted only part of the investigation and sent its findings to the Joint Task Force Gen. Rene Osorio. Mejia said a Honduran federal prosecutor is leading the investigation.*<sup>76</sup>

According a May 19 *New York Times* article, the report was scheduled to be issued on May 19th, but was never made public. The *Times* article continues:

*Colonel Arita — whose investigation did not include interviews with the Honduran authorities involved in the operation — said that many residents here told him they believed that American agents played at least some role in the shooting because they saw them get off one of the helicopters that landed after the brief firefight.*<sup>77</sup>

### **5.2. Status of Honduran Government Investigation other than Public Prosecutor**

Honduran Foreign Minister Arturo Corrales constituted a task force to look into the Ahuas shootings. Although it is unclear when the task force was created, on June 6th, the State Department announced that:

*A Honduran special task force conducted an initial investigation and we understand their preliminary conclusion is that the Honduran security forces were justified in firing in self-defense. The Honduran Government referred the investigation to their Attorney General's office. The U.S. government is working closely with the Government of Honduras and offered transportation for investigators and additional assistance.*<sup>78</sup>

The State Department announcement anticipated the Honduran Foreign Ministry's own public statements in relation to the task force's findings, but on June 14, in what appears to be an announcement of the conclusion of the Foreign Ministry's investigation, a Foreign Ministry spokesperson announced "The government dismissed yesterday that a violation of human rights occurred this past May 11 in Gracias a Dios, where four people lost their lives during an antidrug operation executed by agents of Honduras and the United States," continuing, "It has been established with clarity that once in the hands of the National Police, the drug boat with the seized drugs was intercepted by another boat, whose occupants attacked the police agents with fire arms, a situation that obliged the national authorities to repel and respond to the aggression."<sup>79</sup> The position of the Foreign Ministry was reaffirmed on July 2 in statements from the Foreign Minister, "There have been incidents of defense, by our police and the DEA with people that were transporting drugs, that is what has happened." He continued to express "The information is concrete, the drugs were seized, an airplane was seized." When asked about those responsible for killings, he stated, "What responsibility if it was in self-defense? In the first case there is not a report yet, but thank God there is a video that indicates with total clarity it was in self-defense."<sup>80</sup> It is unclear what

report Corrales refers to, whether the Foreign Ministry task force will or has issued a report, and whether that report will be made public.

U.S. Ambassador Lisa Kubiske stated that the Honduran Commission for Human Rights, is conducting an investigation. Several victims of the shooting also reported that Venessa Melgar, a lawyer working with the Commissioner for Human Rights office in Puerto Lempira visited Ahuas on one occasion. It is worth noting that the Truth and Reconciliation Commission supported by the Organization of American States (OAS) and constituted following the June 2009 coup, highly criticized the independence and actions of the commission.

Human rights organization COFADEH has presented petitions to the Secretary for Indigenous People requesting on May 29, 2012 that he convey to the Council of Ministers the demand made by the Miskitu Federation MASTA following the May 11 shooting that the Moskitia be demilitarized. COFADEH denounced that the Secretary of Indigenous People has not responded to the request. It is also worth noting that the creation of the Secretary for Indigenous Issues has been highly criticized by the indigenous federations of Honduras for a total lack of consultation with indigenous peoples in its creation.<sup>81</sup>

On May 14, Honduran Congressmen Wood Graywell Maylo of the Department of Gracias a Dios sponsored a motion calling on the Office of the Public Prosecutor, the Military and the police to present a report to congress which detailed the May 11 events, a report to be rendered in two weeks' time. The motion was approved by congress.<sup>82</sup>

### **5.3. U.S. Investigations?**

Despite the involvement of U.S. agents, State Department-titled helicopters and other U.S. government resources in the May 11 operation, it appears that the only investigation being carried out by the U.S. government is an internal DEA investigation, essentially standard practice interviews with agents after shooting incidents.<sup>83</sup>

However, the Department of State maintains that it is working closely with the Government of Honduras and has offered support for the investigation, primarily working with the task force created by Foreign Minister Arturo Corrales. The Department of State is providing technical assistance to the Honduran Office of the Public Prosecutor, primarily through support provided by a former Texan police detective,<sup>84</sup> who appears to be primarily assigned to the Special Prosecutor for Human Rights.

## **Part II.**

# **Key Findings**

1. A passenger boat was shot at repeatedly with high caliber weapons resulting in the death of four individuals, at least one of whom medical records confirm was pregnant, and the injury of four others. The boat was transporting passengers with legitimate reasons for traveling.

The accounts provided by the surviving passengers indicate that the boat was shot at from above, by a military-type helicopter with a mounted gun. The boat, owned by Hilda Lezama of Ahuas, was carrying 16 people – six women, six children and four adult men – and cargo consisting principally of clothing, articles of furniture and other domestic items. Death records as well as an interview of a Honduran official present at the exhumation and autopsy of the victims confirm that all of the deceased victims had sustained high-caliber bullet wounds. The boat remains moored at the boat landing of Paptalaya a short distance from where the shooting occurred, with visible paint marks in the areas where bullet holes have been patched up.

Although U.S. and Honduran government sources allege that their agents returned fire, in self-defense, the boat passengers who survived the shooting affirm that none of their fellow passengers opened fire or, in fact, were carrying firearms. Furthermore, the surviving boat passengers state – in consistent and detailed testimony – that no collision took place between their boat and a second boat that contained cocaine and counternarcotics agents, as has been alleged by U.S. and senior Honduran government sources.

Through hours of conversation with surviving passengers, their families, witnesses, and members of the community, it was possible to establish the reasons for which each of the 16 passengers were in Barra Patuca, and why they made the trip to Ahuas that night. Furthermore, the passengers were well-regarded in their respective communities and were not suspected of involvement in illicit activities.

The May 11 incident provoked a very strong reaction among family members of passengers, who – in some cases – were allegedly involved in the burning of homes in the community thought to be associated with traffickers. It is highly unlikely that if the pilot of the boat or other passengers were thought to have embarked on a drug trafficking action with the passengers on board those individuals would not have been the object of similar retribution.

Hilda Lezama, the owner of the passenger boat, affirmed that she had been regularly making the round trip river journey from the Ahuas municipality to Barra Patuca in her capacity as a local contractor of divers for a commercial fishing enterprise based on the island of Roatán, returning with passengers. Witnesses confirmed that this was the nature of the trip the night of the shooting incident. Many inhabitants of the region, including those with no connection to the boat and its passengers, confirmed that it is typical for passenger boats engaged in several-hour journeys to travel at night.

It is also worth noting that local officials – from both the Honduran police and military – have expressed confidence in the testimony of the surviving occupants of Hilda Lezama's boat and witnesses present at the Paptalaya boat landing, and noted that they believed that the incident resulted from an error committed by the counternarcotics agents. As mentioned previously, senior Honduran government officials have maintained that the agents fired in self-defense.

2. The DEA appears to have played a central, leadership role in the operation that led to the shooting deaths.

According to eyewitness accounts from members of the community present at the Paptalaya Landin, US agents were present at different stages throughout the May 11 operation. A witness account suggests that a U.S. agent was manning a door gun on at least one of the helicopters. Security agents believed to be of U.S. nationality were apparently the last to leave the Paptalaya boat landing at around 5:00am on May 11.

Statements from U.S. government sources suggest that the DEA directly supervised the interdiction operation that resulted in the shooting deaths. In various public statements made in the weeks following the incident, the DEA and State Department minimized the role played by DEA agents during the operation, insisting that they played a “supportive role only.”<sup>85</sup> However, both the former head of the DEA for Honduras, Jim Kenney, and U.S. Ambassador to Honduras Lisa Kubiske stated in separate conversations that Honduran police agents assigned to the joint counternarcotics operations respond in practice directly to DEA officials. Jim Kenney, the head of DEA operations in Honduras at the time of the May 11 operation, stated in a May 27 interview that the Honduran agents “report directly to me, the DEA, and their first line supervisor used to be the minister and now it’s the Director General of the Police... [but] They basically work for the DEA.”<sup>86</sup>

Ambassador Kubiske echoed the statements made by Kenney, asserting that, although the Honduran DEA-vetted agents may report to Honduran authorities “in practice, they respond directly to the DEA.”

These statements suggest that the DEA plays a central, leadership role in these operations rather than merely the “support” role described by other DEA and State Department officials.

Finally, it should be noted that reports from other recent shooting incidents during counternarcotics operations in Honduras suggest that the DEA is playing a leading and front-line role in drug interdiction operations. A July 21 article in the New York Times signaled that, “several former [D.E.A.] agents said the recent cases in Honduras suggested that the D.E.A. had been at the vanguard of the operations there rather than merely serving as advisers in the background.”

3. Honduran and US agents actions’ violated the rights of local residents

Actions carried out by the group of Honduran and US agents involved in the May 11 interdiction appear to have violated the human rights of the victims of the shooting and other local residents present at the Paptalaya Landing. Abundant testimony from victims and other eyewitnesses suggests that agents prioritized the recovery of narcotics and showed no concern for the basic human rights of the passengers of Hilda Lezama’s boat and of the local residents present at the scene of the incident.

- The shooting itself, in which a large number of high caliber rounds were fired at a boat containing mostly women and children, suggests that, at a minimum, disproportionate force was used. Any police operation in which four apparently unarmed civilians are killed, and four more are injured would – in nearly any other context – raise alarm bells around

excessive use of force, especially given that no casualties were reportedly sustained by security agents. It is troubling that this possibility of a disproportionate use of force has at no point been raised by Honduran or U.S. officials that have commented on the incident.

- Counternarcotics agents present at the scene of the incident showed a complete disregard for the victims of the shooting. U.S. and Honduran agents were present for several hours at and around the Paptalaya boat landing following the shooting yet did not seek to provide medical assistance for the eight casualties. Furthermore, in at least one instance, they impeded the efforts of relatives of the victims to come to the assistance of the victims. Given their close proximity to the passenger boat, it is highly unlikely that the agents were unaware of the fact that the rounds they had discharged resulted in casualties among the boat passengers.

Additionally, wounded victims' relatives as well as victims of the shooting reportedly made their way to the Paptalaya boat landing and informed agents that individuals had been killed and that others were in need of assistance. According to witnesses, the agents saw two of the dead victims but failed to react and appeared to be unconcerned. In no instance, did the agents present make inquiries regarding the victims.

According to Ambassador Lisa Kubiske, a medical staff member accompanies agents on counternarcotics operations such as the one that took place on May 11.<sup>87</sup> If this is the case, then it would appear that the mission could have provided direct medical assistance to the victims of the incident yet failed to do so.

- According to various witnesses, Hilder Lezama, son of Hilda Lezama, attempted to come to the assistance of his injured mother, but was prevented from doing so by counternarcotics agents. Instead he was forced by agents to assist them in retrieving the agents and cocaine in a boat located downstream.
  - Eyewitnesses report that agents physically assaulted and threatened local residents present on the Landing. For instance, Dole Wood, an elderly man with a heart condition, was thrown to the floor and forced to maintain a prostrate position for approximately two hours with his hands over his head, resulting in permanent damage to his pacemaker. A 17 year-old boy, Celin Erickson Corbelo, was repeatedly punched in the chest and threatened at gunpoint by agents.
  - Agents reportedly damaged property and stole gasoline belonging to one of the local residents.
4. The Honduran investigation of the incident appears to be of poor quality and subject to significant delays. U.S. cooperation in the investigation appears to be limited.

To date, the investigation carried out by the Honduran public prosecutor appears to be gravely flawed. The Public Prosecutor apparently did not undertake a series of important investigative measures including interviewing witnesses. Many key witnesses of the incident have not been interviewed, and exhumations and autopsies occurred extremely late and were carried out in both an

unprofessional and disrespectful manner. Forensic examinations were never carried out at the scene of the incident and ballistics tests of the weapons used by Honduran security forces have reportedly only just begun. It is not clear whether weapons carried by U.S. agents during the operation will be submitted to similar tests.

Furthermore, the Honduran judiciary is notoriously unreliable. International human rights organizations, such as Human Rights Watch, have in recent years, repeatedly denounced the high level of impunity in Honduras and the rampant inefficiency and corruption existing in the judicial system.<sup>88</sup> Cases of homicides and other violent attacks that allegedly involve state security forces generally never result in prosecutions. The State Department 2011 country report on human rights in Honduras acknowledges that “Although the constitution and law provide for an independent judiciary, the judicial system was poorly funded and staffed, inadequately equipped, often ineffective, and subject to patronage, corruption, and political influence. (...) Low wages and lack of internal controls rendered judicial officials susceptible to bribery, and powerful special interests exercised influence on the outcomes of court proceedings.”<sup>89</sup>

While a former Texas police detective is apparently assisting the Public Prosecutor for Human Rights, which has reportedly taken the lead on the investigation, this office has been extremely slow in ordering investigative measures. While two important investigative measures were undertaken by this office on August 9 – the ordering of the ballistics tests of weapons carried by Honduran police during the operation and interviews of the Honduran agents that participated in the operation – these measures were undertaken three months after the incident and at the request of the victims. The exhumation and autopsy of the victims was requested not by the Special Prosecutor for Human Rights but rather by the Public Prosecutor for Ethnicities. Furthermore, the participation of a U.S. Embassy employee in the investigation may be interpreted as a conflict of interest, given the role of U.S. agents in the May interdiction operation.

To date, none of the DEA agents that participated in the operation have been questioned, nor have ballistics tests been performed on their weapons. Also, a U.S. government aerial surveillance video that allegedly has key footage of the May 11 operation, as of mid-July, had not been provided to investigators.

##### 5. The victims and their families have been abandoned although they have urgent needs.

While the Honduran government investigation of the incident fails to advance effectively, the surviving victims of the shooting and the victims’ families languish with no assistance from Honduran or U.S. authorities. Three of the injured survivors require long-term medical attention and rehabilitation that necessitate significant resources. The two injured survivors have been unable to resume their normal work activities. Furthermore, the deceased victims were the primary providers for a total of 10 children and also helped provide for ageing family members. The financial burden now weighing on the surviving victims and victims’ families is overwhelming. Although non-governmental organizations, such as the Red Cross, have provided some temporary support, there is no long-term assistance in sight.

6. The May 11 shooting incident has had a traumatic impact on the community of Ahuas and the Moskitia in general, and has increased the vulnerability of the region's population to human rights abuses.

Interviews with local residents clearly show that the incident was a traumatic blow to a community entirely unused to violence. The delegation noted that discussion of the incident provokes consternation and outrage in other parts of the region, such as Puerto Lempira, the capital of the Moskitia. Community members, including those with no direct connection to the families, expressed a profound sentiment of injustice. This sentiment was heightened by the perception that, since the May 11 incident, the community has been stigmatized in the press and in U.S. and Honduran official statements portraying Miskitu people as drug traffickers.

The shootings also generated tangible fear in the population around the use of the region's waterways, especially at night. Given that waterways like the Patuca River are the main system of transportation of passengers and goods throughout the Moskitia, this perception – heightened by the lack of effective judicial action to address the May 11 incident – can negatively affect the livelihoods and communication within the Miskitu community; what one indigenous rights activist described as a “de facto state of emergency.”

The lack of investigation and subsequent impunity that has prevailed to date leaves an already marginalized population in a position of greater vulnerability. It also affects Miskitu communities' ability to effectively resist land grabbing and to advocate for their rights at a time when outside individuals and groups are establishing themselves in the region, and showing increasing interest in acquiring large land plots and exploiting the area's natural resources.

7. Militarization and military-style tactics applied to drug interdiction efforts are negatively impacting Miskitu communities and are not yielding effective results.

The militarized response to drug trafficking, which involves military units and military-style tactics by civilian police units, is seen as inefficient and detrimental to local communities. U.S. policy makers have focused on the creation of “vetted” units such as the TRT, in response to widespread corruption in the justice system. These vetted units carry out anti-drug actions focused on interdictions of specific shipments, which are necessarily high-risk. These high-risk operations, which put bystanders and security agents in danger, occur in a context with no framework to protect the rights of those caught in the crossfire, something that a functional justice system would normally provide. This situation constitutes a de facto suspension of fundamental rights much as tends to occur in combat zones.

Additionally, local reports indicate that traffickers respond to increased interdiction in one region, such as the northwest coast of Honduras or the Moskitia, by shifting to other areas. Without effective measures to combat the highest levels of organized crime, which require effective investigation practices rather than merely police action, the capacity to effectively enforce laws against drug trafficking will be extremely limited. Corruption at the highest levels of government translates into impunity that extends to senior officials potentially implicated in drug trafficking.



Many interviewees expressed concern that, given the widely recognized infiltration of the police and military by drug trafficking networks and instances of unauthorized land grabbing perpetrated by recent migrants to the region, militarization could contribute to the displacement of Miskitu communities. A strongly prevalent view is that the increased militarization in the region is in part motivated by an interest in establishing firm control over the area ahead of plans to exploit the Moskitia's resources.

Interviewees also expressed their belief that the marginal participation of members of Miskitu communities in trafficking activities could be effectively limited if greater support were given to economic and social development in the region.



## **Part III.**

# **Conclusion and Recommendations**

Thanks to the extensive information gathered in the course of this investigation we were able to confirm that a passenger boat engaged in a legitimate commercial mission was fired upon repeatedly by agents of a joint counternarcotics operation. Four passengers were killed and four were injured. All of these individuals – like the nine other passengers – had legitimate reasons for being present on the boat. U.S. agents were present during the incident. Although U.S. officials in Washington have sought to downplay the DEA's role in the interdiction operation, statements from U.S. officials in Honduras as well as eyewitness accounts suggest that U.S. agents in fact played a leading role. And while the U.S. government has expressed support for a Honduran government investigation of the incident, our inquiry determined that this investigation is seriously delayed and appears to be deeply flawed.

While we were not able to determine with certainty all of the facts around the May 11 incident, we believe our investigation raises serious concerns and questions about how and why these killings occurred, particularly in a locality that has an exceptionally low rate of violence. U.S. and Honduran officials have appeared dismissive of the boat passengers' versions of events and reluctant to acknowledge any errors or wrongdoing on the part of security agents. But they cannot as easily ignore the deep negative repercussions of the May 11 killings within the tight-knit community of Ahuas and throughout the Moskitia. Historically marginalized indigenous communities already troubled by the growing militarization of the region, are rendered yet more vulnerable. Local residents who are opposed to drug trafficking and its effects on their communities are also growing increasingly skeptical of U.S.-sponsored drug interdiction efforts. Whether from a humanitarian or a purely practical standpoint, the May 11 "massacre" – as it is commonly referred to in the region – is a disaster that must be acknowledged and dealt with by all the responsible parties, including the U.S. government.

Our recommendations are far from exhaustive. We wish to highlight areas of action for policymakers and civil society groups, but it is also our hope that the contents of this report will spark a broader collective discussion which will, in turn, generate additional ideas on how to ensure that justice is served in this case, and that future tragedies like that of May 11 are averted.

## **Recommendations:**

### 1. The U.S. government should fully cooperate with the Honduran investigations of the May 11 shooting incident.

Although the judicial investigations underway appear to be flawed and greatly delayed, the U.S. must support in any way it can the May 11 victims' appeals for justice under Honduran law. Given the U.S. role in the May 11 interdiction operation in Ahuas, U.S. authorities should make all evidence in its possession available to Honduran investigators. This includes the classified video referenced in the New York Times article of June 22 entitled "Video Adds to Honduran Drug Raid Mystery."<sup>90</sup> The U.S. should also hand over all weapons carried or manned by U.S. agents during the May 11 operation to the Honduran Public Prosecutor's office to be submitted to forensics tests, including the mounted guns that were fixed to the U.S. helicopters deployed during the operation. Forensics tests are reportedly being performed on the firearms carried by Honduran agents during the operation, but not on any of the weapons carried by U.S. agents.<sup>91</sup>

2. The U.S. should investigate the May 11 interdiction operation in Ahuas to determine what role U.S. agents had in the shootings and other alleged abuses that occurred during the operation.

Given the participation and apparent central role of U.S. agents in the May 11 interdiction operation, an impartial, thorough investigation should be carried out by the U.S. to determine what, if any, responsibility U.S. agents had in the shootings, and whether accidental or inappropriate actions on the part of U.S. agents resulted in unnecessary injury or loss of life. Said investigation should identify the lack of existing accountability or preventive measures and contemplate related administrative actions and procedural reforms.

3. The U.S. government should establish policies and procedures to minimize the risk of unnecessary casualties in interdiction operations abroad, and establish improved accountability mechanisms to ensure that U.S. agents are systematically held accountable for any breach of conduct or procedural violation.

National judicial systems should ensure some degree of legal accountability around the actions of U.S. agents abroad, but in some cases, such as that of Honduras, judicial institutions are dysfunctional and lack capacity to address such infractions. The U.S. government should implement more rigorous and efficient accountability mechanisms to compensate for the institutional shortfall of national systems. Further, the U.S. should join the international community in full participation in treaty bodies charged with enforcing compliance with human rights obligations.<sup>92</sup> Finally, joint counternarcotics operations should have medical contingency response plan procedures in place to adequately address potential medical emergencies, such as the one that occurred following the May 11 shooting in Ahuas.

4. The U.S. government should suspend all forms of assistance to the Honduras Tactical Response Team (TRT) until reports of human rights violations committed during the May 11 counternarcotics operation in Ahuas are fully examined. More generally, the international community should respond to appeals of Honduran human rights groups to suspend assistance to Honduran security forces.

With regard to the U.S. Congress, Section 563 of the 2001 Foreign Operations Appropriations Act – also known as the Leahy Law – requires the suspension of funding and training to foreign security units that have committed gross violations of human rights, “unless the Secretary [of State] determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice.”

Given credible evidence of the involvement of TRT agents in egregious human rights violations during the May 11 operation, the State Department should fully comply with the Leahy Law and suspend assistance to the TRT until effective judicial measures are taken by Honduran authorities.

It is worth noting that a recent State Department report obtained by the authors of this study announces the suspension of assistance to Honduran security forces under the “direct supervision” of Honduran Police Chief Juan Carlos Bonilla while a review of allegations of human rights abuses against him is underway.<sup>93</sup> In a possible reference to the TRT, the report states that the State Department is “carefully limiting assistance to the special Honduran law enforcement units, staffed by Leahy-vetted Honduran personnel who receive training, guidance, and advice directly from U.S. law enforcement, and are not under Bonilla’s direct supervision.” (Note that the Leahy-vetting of

the reference Honduran units predates the May 11 incident in Ahuas). The same rationale that the State Department invokes in its decision to suspend assistance to Honduran units directly under Bonilla's supervision, can be applied to the TRT.

More generally, the international community should respond to the call from Honduran human rights organizations to suspend all assistance to the Honduran military and police as a consequence of the widespread human rights abuses of which the May 11 shooting is an example.

5. The international community should monitor the impact of militarization and quasi militarization in the Moskitia. In recent years, the Moskitia region of Honduras has been subject to increased militarization, ostensibly as a result of increased counternarcotics efforts taking place in that region.

The increased military and quasi-military presence in the Moskitia has a deep and often adverse impact on the lives and livelihoods of indigenous Miskitu communities, as described to the authors of this report by members of these communities. It is imperative that the international community carefully monitor the impact of militarization in this region and ensure that measures are taken to avoid irremediable damage to local traditional culture and livelihoods. Civil society groups with a focus on the region, or on U.S. policy in the region, should engage in independent monitoring of the militarization phenomenon in the Moskitia.

6. The international community should reevaluate policies promoting the use of military methods and tactics in counternarcotics efforts.

Throughout Central America – and in other parts of Latin America – the militarization of counternarcotics efforts, including the use of heavy-handed military tactics by police agents is increasingly viewed as inefficient, counterproductive and threatening to communities, especially vulnerable indigenous and Afro-descendent communities. The May 11 incident in Ahuas should give pause to policymakers, of all nations and multinational institutions, to reevaluate the promotion of a militaristic drug policy that leads to unnecessary casualties and alienates the communities most affected by drug trafficking.

## Endnotes

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1 Soon after the May 11 incident, two delegations of human rights defenders visited the community of Ahuas: a delegation coordinated by Rights Action and the Alliance for Global Justice that visited Ahuas from May 22 to May 23, and a commission from the Committee of Family of the Disappeared and Detained of Honduras (COFADEH), Witness for Peace and the Honduran Accompaniment Project (PROAH) visited May 20-24. Both groups published preliminary reports regarding the incident that are available on line. The COFADEH report can be viewed here: [http://defensoresenlinea.com/cms/documentos/2012\\_INFORME\\_Casos\\_Mosquitia\\_ingles.pdf](http://defensoresenlinea.com/cms/documentos/2012_INFORME_Casos_Mosquitia_ingles.pdf). The RA/AGJ report can be viewed here: <http://hhrd2012.wordpress.com/>

2 On May 11 Frank Munguía, a local resident and Congressional candidate for the ruling National Party, explained to the press “the people who were killed aren’t part of a group of narcos [drug traffickers]; they are innocent civilians that had just left the divers that were being dispatched to a vessel that was going to go fishing and they were returning from Barra Patuca.” “Las personas que han fallecido no son parte del grupo de narcos, son inocentes civiles que venían de dejar a los buzos que estaban despachando a una embarcación que iba a pescar y regresaban de Barra Patuca. En la embarcación venían algunos pasajeros, que son los muertos”

3 “Country Reports on Human Rights Practices for 2012, Bureau of Democracy, Human Rights and Labor, U.S. State Department, June, 2012.<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

4 Shanker, Thom and Savage, Charlie. 2012. “Video Adds to Honduran Drug Raid Mystery,” *New York Times*, June 22, 2012. <http://www.nytimes.com/2012/06/23/world/americas/video-adds-to-mystery-of-drug-mission-in-honduras.html>

5 The population according to the 2011 census by the National Statistics Institute of Honduras, as quoted by the mayor of Ahuas during a July 12, 2012 interview, who also explained that the census does not include ethnic data, so the ethnic data presented is an estimate by the mayor of Ahuas.

6 “Report on the Government of Honduras’ Protection of Human Rights and the Investigation and Prosecution of Security Services Personnel Credibly Alleged to Have Violated Human Rights, U.S. Department of State, No Date (Estimated Date: August, 2012)

7 “Declaración y demanda pública del pueblo Miskito,” *Defensores en Línea.com* (Honduras), May 16, 2012. [http://defensoresenlinea.com/cms/index.php?option=com\\_content&view=article&id=2009%3Adeclaracion-y-demanda-publica-del-pueblo-miskito&Itemid=159](http://defensoresenlinea.com/cms/index.php?option=com_content&view=article&id=2009%3Adeclaracion-y-demanda-publica-del-pueblo-miskito&Itemid=159)

8 Discussion of commercial fishing conditions is based on interviews with several family members of divers and residents of Ahuas, including but not limited to Marlene Jackson, Clara Woods, Leopoldo Prado, and Hilda Lezama.

9 Discussion of increased presence of migrants from neighboring departments and the mode of operation of drug traffickers is based on elements drawn from all of the residents and local officials in Gracias a Dios.

10 Prado, Leopoldo. Miller, Wesly. Goff, Norvin. Miranda, Miriam.

11 Prado, Leopoldo. Goff, Norvin. Miranda, Miriam.

12 “Construction Starts on Patuca III,” *Central America Data*, May 16, 2011.” [http://en.centralamericadata.com/en/article/home/Honduras\\_Construction\\_Starts\\_on\\_Patuca\\_III](http://en.centralamericadata.com/en/article/home/Honduras_Construction_Starts_on_Patuca_III)

13 Prado, Landa

14 Lopez, Venacio,

15 “El Futuro de CARSI en Honduras,” U.S. Department of State, March 12, 2012.[http://photos.state.gov/libraries/honduras/23248/pol/carsifuthn\\_sp.pdf](http://photos.state.gov/libraries/honduras/23248/pol/carsifuthn_sp.pdf); Shanker, Thom. “Lessons of Iraq Help U.S. Fight a Drug War in Honduras,” *New York Times*, May 5, 2012. <http://www.nytimes.com/2012/05/06/world/americas/us-turns-its-focus-on-drug-smuggling-in-honduras.html?ref=thomshanker>

16 “El Futuro de CARSI en Honduras,” U.S. Department of State, March 12, 2012.

17 Prado, Leopoldo. Williams, Benny. Raudi, Edmundo.

18 “Dos Muertos en Operación Antidroga en la Mosquitia,” *El Heraldo* (Honduras), May 11, 2012. <http://www.elheraldo.hn/Secciones-Principales/Sucesos/Dos-muertos-en-operacion-antidrogas-en-La-Mosquitia>; <http://www.proceso.hn/2012/05/11/Caliente/Decomiso.de.droga/51774.html>

19 Peralta, Camilo; Cabrera, Valdemar.

20 “Nadie explica sobre perforaciones en hélice de narcoavioneta,” *El Heraldo* (Honduras), June 14, 2012. <http://www.elheraldo.hn/Secciones-Principales/Sucesos/Nadie-explica-sobre-perforaciones-en-helice-de-narcoavioneta>

21 Air Bridge Denial is an interdiction tactic intended to prevent airways from being used for drug trafficking which involves forcing down airplanes suspected to transport illegal drugs using deadly force if necessary. A Central Intelligence Agency Air Bridge Denial program was shut down in 2001 after a U.S. missionary and her young child were killed when the program mistook the plane in which she was traveling for a drug plane. In 2010 sixteen CIA officers responsible for the program were given administrative punishments for their roles in the operation. The program was restarted in Colombia in 2003, though the General Accounting Office has questioned its efficacy in achieving drug interdiction goals. Agent Jim Kenney in a May 27, 2012 interview claimed that the Air Bridge Denial program in Colombia has forced Colombian smugglers to initiate flights from Venezuela. Ronken, Theo. “Airbridge Denial: The Success of a Failure,” *Chronicles of the Drug War*, April 1999. <http://forusa.org/programs/panama/archives/30.htm> ; “CIA Punished 16 Officers in Peru Plane Shootdown,” Associated Press, November 1, 2012. <http://www.newsmax.com/Newsfront/US-CIA-Peru-Shootdown/2010/11/01/id/375579>; “Airbridge Denial Program in Colombia has Implemented New Safeguards but Its Effect on Drug Trafficking is Not Clear,” General Accounting Office, September 6, 2005. <http://www.gao.gov/products/GAO-05-970>

22 Corcoran, Katherine and Arce, Alberto. 2012. “DEA Honduras raid part of aggressive drug strategy,” *Associated Press*, June 25, 2012. <http://bigstory.ap.org/article/dea-honduras-raid-part-aggressive-drug-strategy>

23 “Se pelean por recoger coca!”, *La Tribuna* (Honduras), June 25, 2012. <http://www.latribuna.hn/2012/06/25/se-pelean-por-recoger-coca/>

24 Interview, Jim Kenney, May 27, 2012, Tegucigalpa.

25 The New York Times also noted that other members of the community confirmed that “the family business had been making the trip for years.” Cave, Damien. 2012. “From a Honduras Hospital, Conflicting Tales of a Riverside Shootout”, *New York Times*, May 19, 2012.

<http://www.nytimes.com/2012/05/19/world/americas/from-honduras-conflicting-theses-of-a-shootout.html>

26 Kenney, Jim.

27 In a May 17 statement from U.S. Department of State Spokesperson Victoria Nuland, “We do have two helicopters supporting the Honduran National Police Tactical Response teams. The helicopters are titled to the State Department as part of our narcotics and law enforcement program, our INL program.” While the May 17 statement would seem to indicate that the total number of State Department helicopters assisting DEA is two, on June 25, the Guatemalan daily *El Periódico*, reproduced a Spanish language AP article that reported that the DEA operations in Honduras are supported by six U.S. State Department helicopters transferred to Honduras from Guatemala. Daily Press Briefing, U.S. State Department, May 17, 2012. <http://www.state.gov/r/pa/prs/dpb/2012/05/190242.htm> ; “Intervención de la DEA en Honduras, parte de ofensiva antidrogas”, *El Periódico* (Guatemala), June 25, 2012.

<http://www.elperiodico.com.gt/es/20120625/elmundo/214113/?tpl=61874> This version apparently reflects plans announced in a March 12, 2012 U.S. Embassy Spanish language brochure about CARSI, which explained that “Up to six Huey II helicopters will be located at the Air Force Base in La Ceiba, and be periodically moved between the forward operating bases in Puerto Castilla, El Aguacate and Mocerón. The aircrafts will be piloted by a U.S. contractor pilot and Guatemalan military pilots, and will be used to transport the 42 members of the Tactical Response Team of the DEA to the landing areas of clandestine flights of drugs throughout eastern Honduras. The Joint Task Force-Bravo (JTF-B) has been providing logistical support in the construction of the Advanced Operating Bases, and will continue to provide gasoline and other articles necessary for the length of the implementation.” [Hasta seis aviones Huey II Se encontrarán en la base de la Fuerza Aérea en La Ceiba, moviéndose periódicamente entre las bases de Operaciones de Avanzada, en Puerto Castilla, El Aguacate y Mocerón. El avión será pilotado por un contratista estadounidense y pilotos del ejército guatemalteco; y será usado para el transporte de los 42 miembros del equipo de Respuesta Táctica de la DEA a las zonas de llegada de vuelos clandestinos de drogas en todo el oriente de Honduras. La Fuerza de Tarea Conjunta Bravo (JTF--B) Ha estado proporcionando apoyo logístico vital en la construcción de las bases de Operaciones de Avanzada y seguirá



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proporcionando combustible y otros suministros a lo largo de la implementación.

[http://photos.state.gov/libraries/honduras/23248/pol/carsifuthn\\_sp.pdf](http://photos.state.gov/libraries/honduras/23248/pol/carsifuthn_sp.pdf)

28 Kenney is presumably referring here to the Minister of Security, who is in charge of the national police force. Interview, Jim Kenney, May 27, 2012, Tegucigalpa.

29 Interview, Lisa Kubiske, July 10, 2012, Tegucigalpa.

30 Savage, Charlie. 2012. "D.E.A. Squads Extend Reach of Drug War," *New York Times*, Nov. 6, 2012.

<http://www.nytimes.com/2011/11/07/world/americas/united-states-drug-enforcement-agency-squads-extend-reach-of-drug-war.html?pagewanted=all> It is important to note that counter drug operations in

31 Arce, Alberto and Corcoran, Katherine. 2012. "Hunt for Traffickers Terrorizes Honduran Villagers" *Associated Press*, May 22, 2012. <http://bigstory.ap.org/content/hunt-trafficker-terrorizes-honduran-villagers>

32 "Cuando los helicópteros se aproximaban para impedir que esta lancha partiera desde tierra abrieron fuego hacia la nave poniendo en peligro la vida de los agentes." (Translation by Alexander Main.) "Ramírez del Cid: Desde la lancha atacaron a los policías," *El Tiempo* (Honduras). May 11, 2012. <http://tiempo.hn/index.php/portada/10564-ramirez-del-cid-desde-la-lancha-atacaron-a-los-policias>

33 Cave, Damien. 2012. "Anger Rises After Killings in U.S.-Honduras Drug Sweep," *New York Times*, May 17, 2012. <http://www.nytimes.com/2012/05/18/world/americas/united-states-says-no-dea-agents-took-part-in-honduras-shootout.html>

34 "Dos muertos y tres heridos en confuso operativo antidrogas," *El Tiempo* (Honduras), May 11, 2012.

<http://tiempo.hn/index.php/honduras/10611-dos-muertos-y-tres-heridos-en-confuso-operativo-antidrogas>

35 Shanker, Thom and Savage, Charlie. 2012. "Video Adds to Honduran Drug Raid Mystery," *New York Times*, June 22, 2012. <http://www.nytimes.com/2012/06/23/world/americas/video-adds-to-mystery-of-drug-mission-in-honduras.html>

36 Ibid.

37 Here we follow the common designation of "left bank" and "right bank" in which "left" and "right" are relative to an observer facing downstream.

38 According to local residents, during most of the route from Barra Patuca to Paptalaya there is no cellular phone service, but as one approaches Paptalaya the cellular phone towers become visible.

39 As anyone who has traveled in a small *pipante* can confirm, these vessels are fairly unstable.

40 Justice of the Peace Miller reported that the security forces had been ordered to stay in their quarters while Judge Camilo Peralta in Pto Lempira reported they were later evacuated. Miller, Wesley. Peralta, Camilo.

41 A private aid organization that airlifts people from isolated areas to hospitals in cases of emergency which operates in Central America.

42 "Dos muertos y tres heridos en confuso operativo antidrogas," *El Tiempo* (Honduras), May 11, 2012.

<http://tiempo.hn/index.php/honduras/10611-dos-muertos-y-tres-heridos-en-confuso-operativo-olkantidrogas>

43 "Drug Enforcement Administration Honduras," Taken Question. Office of the Spokesperson. State Department, June 6, 2012. <http://www.state.gov/r/pa/prs/ps/2012/06/191857.htm>

44 Telephone interview, Jari Dixon Herrera, former public prosecutor, August 2, 2012.

45 Interview, Tirza Flores, Attorney and former judge, August 10, 2012.

46 Herrera, Jari Dixon.

47 Palacios, Marvin. 2012. "COFADEH interpone denuncia ante fiscalía de Puerto Lempira por ataque militar perpetrado en Ahúas", *Defensores en línea.com* (Honduras), May 24, 2012.

[http://www.defensoresenlinea.com/cms/index.php?option=com\\_content&view=article&id=2030:cofadeh-interpone-denuncia-ante-fiscalia-de-puerto-lempira-por-ataque-militar-perpetrado-en-ahuas&catid=42:seg-y-jus&Itemid=159](http://www.defensoresenlinea.com/cms/index.php?option=com_content&view=article&id=2030:cofadeh-interpone-denuncia-ante-fiscalia-de-puerto-lempira-por-ataque-militar-perpetrado-en-ahuas&catid=42:seg-y-jus&Itemid=159)

48 Herrera, Jari Dixon.

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49 While Leonidas Rosa Bautista was Attorney General or Fiscal General, in 2007 and 2008 the professional organization of public prosecutors undertook two different hunger strikes to protest corruption within the justice system, specifically undue pressure exerted over prosecutors in their investigations.

50 Information obtained from interviews with Victor Fernandez, former president of the Association of Public Prosecutors, May 2011.

51 The assignment of specific prosecutors to specific cases or a biased decision to close an investigation have been important elements of corruption of the justice system, both responsibilities of the Coordinator of Prosecutors. In late July 2012, charges of abuse of authority were levied against Danelia Ferrera, the current Coordinator of Prosecutors, related to a case in which a former Special Prosecutor Against Corruption claims that an investigation into the murder of her brother, which occurred after she had received threats against him intended as a means to pressure her in the course of an investigation she was carrying out, was prematurely closed through illegal actions by Ferrera and other prosecutors. See “Piden suspender a coordinadora de fiscales por supuesto encubrimiento en varios delitos,” *Proceso Digital* (Honduras), July 23, 2012. <http://proceso.hn/2012/07/23/Term%C3%B3metro/Piden.suspender.a/54963.html>

52 “...muertes, lesiones graves, detenciones ilegales, amenazas a muerte, allanamiento, obstaculización en el rescate de heridos, tratos crueles inhumanos y degradantes, abuso de autoridad en contra de pobladores y pobladoras del municipio de Ahuás.” (Translation by Annie Bird). Palacios, Marvin. 2012. “COFADEH interpone denuncia ante fiscalía de Puerto Lempira por ataque miliar perpetrado en Ahuás”, *Defensores en línea.com* (Honduras), May 24, 2012.

53 As reported by victims, representatives of COFADEH, MASTA and OFRANEH, Judge Peralta and a representative of the Prosecutor for Ethnicities in July interviews.

54 Reported by Jeny del Cid, Special Prosecutor for Ethnicities in a June 28, 2012 telephone interview.

55 As reported by former prosecutor Jari Dixon Herrera in a telephone interview on August 2, 2012.

56 Palacios, Marvin. 2012. “COFADEH no tiene acceso a expediente de Ahuás porque Fiscalía decretó secretividad,” *Defensores en línea.com* (Honduras), July, 2012. [http://defensoresenlinea.com/cms/index.php?view=article&catid=42%3Aseg-y-jus&id=2122%3Acofadeh-no-tiene-acceso-a-expediente-de-ahuas-porque-fiscalia-decreto-secretividad&tmpl=component&print=1&page=&option=com\\_content&Itemid=159](http://defensoresenlinea.com/cms/index.php?view=article&catid=42%3Aseg-y-jus&id=2122%3Acofadeh-no-tiene-acceso-a-expediente-de-ahuas-porque-fiscalia-decreto-secretividad&tmpl=component&print=1&page=&option=com_content&Itemid=159)

57 As reported by former prosecutor Jari Dixon Herrera in a telephone interview on August 2, 2012.

58 Telephone interview, Ninoska Benitez, August 2, 2012.

59 “A revisión balística armas usadas en operativo antidrogas en la Mosquitia”, *El Tiempo* (Honduras), August 10, 2012. <http://www.tiempo.hn/index.php/honduras/16234-a-revision-balistica-armas-usadas-en-operativo-antidrogas-en-la-mosquitia>

60 Peralta, Camilo.

61 Ibid.

62 Letter to Rights Action; Norvin Goff; President of MASTA; July 3, 2012.

63 Peralta, Camilo.

64 Trapp, Geraldina.

65 Ibid.

66 Jackson, Marlene.

67 Ibid.

68 Peralta, Camilo.

69 Jackson, Marlene.

70 Ibid.

71 Enriquez Valladares, Cornelia.

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72 Peralta, Camilo Peralta.

73 Enriquez Valladares, Cornelia.

74 Kenney, Jim.

75 Police Report. Policía Preventiva Jefatura Departamental No.9, May 18, 2012.

76 Arce, Alberto and Corcoran, Katherine. 2012. "Hunt for Traffickers Terrorizes Honduran Villagers" *Associated Press*, May 22, 2012. <http://bigstory.ap.org/content/hunt-trafficker-terrorizes-honduran-villagers>

77 Cave, Damien. 2012. "From a Honduras Hospital, Conflicting Tales of a Riverside Shootout", *New York Times*, May 19, 2012. <http://www.nytimes.com/2012/05/19/world/americas/from-honduras-conflicting-tales-of-a-shootout.html>

78 "Drug Enforcement Administration Honduras," Taken Question. Office of the Spokesperson. U.S. State Department, June 6, 2012. <http://www.state.gov/r/pa/prs/ps/2012/06/191857.htm>

79 "Queda establecido con claridad, que una vez en manos de la Policía Nacional la embarcación con la droga incautada, fue interceptada por otra embarcación, cuyos ocupantes agredieron con armas de fuego a los elementos policiales, situación que obligó a las autoridades nacionales a repeler y responder a la agresión". (Translation by Annie Bird.) "Descartan Violación de los DDHH en La Mosquitia," *El Heraldo* (Honduras), June 14, 2012.

80 "Ha habido incidentes de defensa, de nuestros policías y de la DEA con personas que andaban transportando droga, eso es lo que ha habido,"... "la información es concreta, se incautó la droga, se incautó la avioneta y hubo prisioneros". Al preguntarle sobre los responsables de estas muertes, Alvarez contestó que "por qué responsabilidades si fue en defensa propia, en el primer caso todavía no está el informe, pero si hay un video gracias a Dios que indica con toda claridad que fue en defensa propia." (Translation by Annie Bird.) "Agentes antidroga actuaron en defensa propia," *El Tiempo* (Honduras), July 2, 2012.

81 Miranda, Miriam..

82 "Muertos en la Mosquitia no eran narcos dicen autoridades", *El Tiempo* (Honduras), May 14, 2012. <http://www.tiempo.hn/index.php/honduras/10766-muertos-en-la-mosquitia-no-eran-narcos-dicen-autoridades>

83 <http://www.state.gov/r/pa/prs/ps/2012/06/191857.htm>

84 Interview, Ambassador Lisa Kubiske, July 10, 2012.

85 Castillo, Mariano. "Honduran, US relations overcome deadly drug raid," *CNN*, June 10, 2012. <http://www.cnn.com/2012/06/10/world/americas/honduras-us/index.html>

86 Kenney, Jim.

87 Ibid.

88 Human Rights Watch. "World Report 2012: Honduras." <http://www.hrw.org/world-report-2012/world-report-chapter-honduras>

89 "Country Reports on Human Rights Practices for 2012, Bureau of Democracy, Human Rights and Labor, U.S. State Department, June, 2012. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

90 Shanker, Thom and Savage, Charlie. 2012. "Video Adds to Honduran Drug Raid Mystery," *New York Times*, June 22, 2012. <http://www.nytimes.com/2012/06/23/world/americas/video-adds-to-mystery-of-drug-mission-in-honduras.html>

91 "A revisión balística armas usadas en operativo antidrogas en la Mosquitia", *El Tiempo* (Honduras), August 10, 2012. <http://www.tiempo.hn/index.php/honduras/16234-a-revision-balistica-armas-usadas-en-operativo-antidrogas-en-la-mosquitia>

92 The U.S. has not ratified its signatures to the American Convention on Human Rights or the Rome Statute which would obligate the U.S. to comply with Testimony provided by Cornelia.

93 "Report on the Government of Honduras' Protection of Human Rights and the Investigation and Prosecution of Security Services Personnel Credibly Alleged to Have Violated Human Rights, U.S. Department of State, No Date (Estimated Date: August, 2012).