General Secretariat of the Organization of American States

Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH-OAS)

Toward institutional strengthening:
“UFECIC-MP/MACCIH-OAS partnership, breaking paradigms”

Fifth Biannual Report
October 19, 2018
INTRODUCTION

The MACCIH is Consolidating its Efforts

In the wake of changes/events that transpired in February 2018, the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH-OAS) has continued to work and strengthen its activities.

The work team has been buttressed by the arrival of new domestic and foreign staff who have joined the Mission, thereby ensuring fulfillment of the objectives set forth in the Agreement between the Government of the Republic of Honduras and the General Secretariat of the Organization of American States (GS/OAS) for the establishment of the MACCIH-OAS.

In March 2018, a constitutional challenge was filed against the decree passed by the National Congress of the Republic of Honduras approving the Agreement signed between the Government of Honduras and the SG/OEA which established the Mission; the challenge was received and subsequently examined by the Supreme Court of Justice. Over a period of several months, Honduran political and economic actors and civil society organizations, as well as the international community, came out in support of the MACCIH-OAS. On May 29, 2018, the Constitutional Bench ruled (SCO-0189-2018 RI) the decree in question [to be lawful], confirming that the MACCIH-OAS is constitutional and does not violate the Constitution of Honduras.

This decision by Honduras’ highest court reinforces the work of the Mission as it endeavors to meet the objectives set out in Article I of the Agreement:

1.1. To support the Honduran State in its compliance of the international commitments it acquired through the Inter-American Convention against Corruption and the MESICIC, as well as the United Nations Convention against Corruption (UNCAC);
1.2. To support, strengthen, and actively collaborate with Honduran state institutions charged with preventing, investigating, and punishing acts of corruption;
1.3. To help improve coordination between the different State institutions working in this area;
1.4. To propose reforms of the Honduran justice system to the Government, including legislation on strengthening the fight against corruption in and from the private sector; and
1.5. To help strengthen the accountability mechanisms with which the State’s justice agencies report to Honduran society, and the mechanisms with which civil society observes and monitors the justice system.

The fact that Honduran civil society and the international community recognize and support the work of the MACCIH-OAS must be stressed.

Another important development during this time was the reelection of Attorney General Oscar Fernando Chinchilla Vanegas by the Honduran Congress to another five-year term. Although that process was called into question by some sectors of Honduran society, the Mission believes this
election is evidence of a recognition of the Attorney General’s commitment to the fight against corruption and strengthening of the Office of the Attorney General’s Special Prosecution Unit to Fight Corruption-related Impunity (UFECIC-MP), as well as the work of the integrated teams with the MACCIH-OAS, which was made evident during his first term.

Lastly, the Mission would like to thank:

The people of Honduras for their support for the work of the MACCIH-OAS. Not a day goes by without some statement of support for the Mission’s efforts to back Honduran institutions in the fight against corruption and impunity.

Civil society, for its essential participation through its organizations, which are ever present in the discussions about the issues facing the nation.

The Government of Honduras, and the cordial relationship we have built, based on open and frank dialogue regarding issues that might arise while implementing the Agreement, and for always respecting institutional structures.

The donor countries, which have supported the Mission from the very outset, not just financially, but also by providing political support when necessary to ensure the conditions the Mission requires to operate.

Finally, we must highlight the GS/OAS team in Washington, which provide essential support for the fulfillment of the Mission’s objectives, its optimal functioning, and indeed its existence.

None of this would be possible without the firm support of OAS Secretary General Luis Almagro and his team.
# Table of Contents

Executive Summary ........................................................................................................................................... vii

1. DIVISION FOR PREVENTING AND FIGHT AGAINST CORRUPTION .................................................. 1
   1.1. Support for and active collaboration with the Office of the Attorney General: Consolidation of the Special Prosecution Unit to Fight against Corruption-related Impunity (UFECIC/MP) ........................................................................................ 1
   1.2. Prosecution of new integrated investigation and criminal prosecution cases. Breaking paradigms .................................................................................................................................................................................. 1
      1.2.1. The “Pact of Impunity” case ........................................................................................................ 2
      1.2.2. The “Pandora” case .................................................................................................................. 3
         The first asset forfeiture case pursued by the UFECIC, with the technical support of the MACCIH-OAS. Asset forfeiture process in the “Pandora” case ............................................................................. 4
   1.3. The tools needed to improve how the justice system works when it comes to corruption ....................................................................................................................................................................... 5
      1.3.1. Law on Effective Collaboration ................................................................................................. 5
      1.3.2. Amendments to the Law on Classification of Public Documents related to Security and National Defense ........................................................................................................................................... 6
   1.4. Protocols for action with government institutions ................................................................................. 6
   1.5. Training of operators from the anti-corruption units of the Office of the Attorney General and the Judiciary ................................................................................................................................................. 7
      1.5.1. International training for UFECIC and FETCCOP prosecutors ................................................ 7
      1.5.2. International training for anti-corruption circuit judges .............................................................. 8
   1.6. Special corruption prevention initiatives ............................................................................................... 8
      1.6.1. Development of corporate probity mechanisms ....................................................................... 9
      1.6.3. Draft Law on Prosecutorial and Judicial Careers ...................................................................... 9

2. DIVISION OF CRIMINAL JUSTICE REFORM .................................................................................. 10
   2.1. Criminal Justice System Observatory ................................................................................................. 10
2.1.1. Data collection and presentation of the first criminal justice system indicators ................................................................. 10
2.1.2. Organizational structure of the Honduras Observatory ................................................................. 11
  2.1.2.1. Internal meetings of the Provisional Committee ................................................................. 11
2.1.3. Dialogue with civil society .............................................................................................................. 11

3. DIVISION OF PUBLIC SECURITY ........................................................................................................... 12
  3.1. Monitoring of the National Citizen Security System ......................................................................... 12
  3.2. Activities to support gender as a crosscutting topic in the National Citizen Security System, as an essential factor for promoting better strategic planning and management within the National Police ........................................................................ 13
    3.2.1. International forum on “Human Rights and Citizen Security: A protection approach for vulnerable groups” ........................................................................................................................................... 13
    3.2.2. Training workshop for National Police officers on protecting human rights as an essential part of citizen security policy related to vulnerable populations ........................................................................................................... 14
  3.3. Support for the process to reform the Honduran National Police ............................................... 14
  3.4. Creation of a Special Protection Unit for Judges, Magistrates, and Public Defenders ................................................................. 15
  3.5. Development of the project to support the Office of the Attorney General’s witness protection mechanism ......................................................................................................................... 15
  3.6. Development of a project to protect victims in criminal cases .................................................. 15

4. MANAGEMENT OF THE MACCIH-OAS. TOWARD THE STRENGTHENING OF THE MISSION ........................................................................................................... 16
  4.1. Appointment of the new Mission Spokesperson and Special Representative of the OAS Secretary General ................................................................................................................................. 16
  4.2. Coordination meetings between the new Spokesperson and various government officials, representatives of civil society and academia, and foreign diplomats ........................................................................................................... 17
  4.3. New organizational structure of the Mission ..................................................................................... 17

5. RECOMMENDATIONS ........................................................................................................................................ 18
1. Executive Summary

The fifth semiannual report of the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH-OAS) describes the achievements and challenges faced by the three existing divisions in executing the mandate under the Agreement between the Republic of Honduras and the General Secretariat of the Organization of American States (GS/OAS) for the Establishment of the Mission. This document covers the period from April 19 to October 19, 2018.

1. On July 1, 2018, after the Government of the Republic of Honduras gave its blessing, Dr. Luiz Guimaraes Marrey, a prestigious Brazilian prosecutor, took up his position as the new MACCIH-OAS Spokesperson and Special Representative of the OAS Secretary General. Dr. Guimaraes Marrey marked the beginning of his leadership by saying: “I respect and highly regard the Honduran people and am very pleased to have the opportunity to work here. I will offer you my expertise and want you to know that we have a valiant and adept team working to fulfill the Mission’s objectives. I wish to further express my thanks to this team, for the warm welcome it has extended to me and whose high level of professionalism and dedication I have already witnessed.”

2. The Support and Active Collaboration Unit of the Division for Preventing and Fighting against Corruption continues to provide support to prosecutors and the courts in high-impact corruption network cases, through the Office of the Attorney General’s Special Prosecution Unit to Fight against Corruption-Related Impunity (UFECIC/MP). Cases prosecuted during this period—known as the “Pact of Impunity” and “Pandora”—are examples of the importance of this support and of the institution-building efforts inasmuch as they break paradigms by bringing these offenses against both public administration and the form of government, to the detriment of internal security in the State of Honduras, to the Supreme Court.

3. During this period, the first asset forfeiture case pursued by the UFECIC stands out; as it prompted extensive legal debate about the civil liability of legal entities profiting from illicit proceeds.

4. The preparation or reintroduction of draft legislation, carried out with the technical support of international prosecutors and judges, includes a draft bill on effective collaboration and amendments to the law on classification of public documents related to security and national defense, as well as draft mechanisms for corporate probity and special initiatives to prevent corruption.

5. Training of government officials has continued, with the addition of legal topics outside of criminal law, such as administrative and banking law.

6. On June 11, 2018, the Criminal Justice System Observatory convened the First Inter-Agency Technical Round Table of the year, comparing new data with 2017 data to populate the indicators matrix. Meetings were held with the Observatory’s Provisional Committee, which
is made up of representatives of civil society organizations and academia. Discussions were organized with civil society, and employees of Honduras’ criminal justice system were surveyed.

7. The Division of Public Security has been working in tandem with the GS/OAS Secretariat for Multidimensional Security’s Department of Public Security in developing a “Road Map to Follow-up on the Recommendations of the Evaluation Report on the National Citizen Security System in Honduras.” In this particular case, the Division has been working with some of its national counterparts, including: the Judiciary, the Office of the Attorney General, the Office of Security of the Secretariat of State, National Police, and the National Institute for Penitentiaries, in order to follow up and provide advice and support, in fulfillment of the recommendations identified in the Follow-up Reports for the National Citizen Security System (SNSC) prepared by the GS/OAS in 2012 and 2014.

8. The Division of Public Security has also supported the State’s institutions in developing protection mechanisms for justice operators (Office of the Attorney General and Judiciary) so that they may enjoy the necessary guarantees in order to carry out their functions, as stipulated by the Law for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators (hereinafter, “Protection Law”). The Protection Law protects and safeguards the lives of individuals involved in the criminal and administrative prosecution of cases having to do with corruption networks and strengthening the criminal justice system; it also helps to promote the human rights and fundamental freedoms of persons who promote and defend human rights, freedom of expression, and legal work, among others, as stipulated in international law.
1. **DIVISION FOR PREVENTING AND FIGHTING AGAINST CORRUPTION**

1.1. **Support for and active collaboration with the Office of the Attorney General: Consolidation of the Special Prosecution Unit to Fight against Corruption-related Impunity (UFECIC/MP)**

As noted in the Fourth Semiannual Report, Article 3.1.1 of the Agreement between the Government of Honduras and the GS/OAS for the Establishment of the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH-OAS) provides for the creation of a mechanism for active collaboration with the institutions of the Honduran Republic. In the case of the Office of the Attorney General, this entails collaboration on the investigation of corruption-related crimes.

Presently, these efforts to actively support the UFECIC-MP are being carried out by integrated investigation and criminal prosecution teams in major corruption network or high-impact cases, thereby strengthening the investigations for both the prosecution and the courts.

It is worth recalling that the cases MACCIH-OAS becomes involved in are chosen by the Case Selection Committee—chaired by the Spokesperson and comprised of senior experts from the Division for Preventing and Combating Corruption. These cases are approved by the Attorney General. The selections of cases focuses on matters involving systematic activities of corruption networks that could also be linked to organized crime networks.

Evidence of this effort can be found in the increased number of international prosecutors and forensic specialists. Five work teams have been created within the Division’s Support and Active Collaboration Unit, each one lead by an international prosecutor and made up of international experts who are undertaking to transfer capacity, skills, and best practices to their UFECIC-MP counterparts. An international judge is also providing technical guidance.

1.2. **Prosecution of new integrated investigation and criminal prosecution cases. Breaking paradigms**

The joint UFECIC-MP/MACCIH-OAS investigations have continued and thus far, two more cases have been prosecuted. Such cases have put the Supreme Court of Justice to the test inasmuch as they involved charges brought against sitting senior level officials.

It should be noted that the information on these cases provided in this report is only that which can be made public, in strict observance with the obligation of confidentiality provided for in the Agreement establishing the MACCIH-OAS and in Honduran criminal procedure. The two cases prosecuted are as follows:
1.2.1. The “Pact of Impunity” case

This case came about as a result of regulatory changes made in an alleged attempt to obstruct the first case known as Red de Diputados ("Network of Congressmen").

The MACCIH-OAS/UFECIC-MP partnership worked together actively on this case through integrated investigation and criminal prosecution teams, investigating the discrepancies between Decree 141-2017 to amend the Organic Budget Law and the official version printed the day after it was passed.

On January 18, 2018, the Honduran National Congress passed Legislative Decree 141-2017, which contains the General Budget of State Revenues and Expenditures – Fiscal Year 2018; it was subsequently published on January 19, 2018 in the official newspaper, La Gaceta No. 34,546. Article 238 of Decree 141-2017 amended the Organic Budget Law (Decree 83-2004) by appending a second paragraph to Article 16 and inserting Article 131-A.

During the investigation, it was noted that the critical aspects altered irregularly and not discussed or approved during the congressional session included: (i) An increased number of public officials protected thanks to the changes; and (ii) a ban on criminal prosecutions while the High Court of Auditors (TSC) is conducting special audits of public funds. These changes could stall corruption-related investigations, such as in the “Network of Congressmen” case, because they establish a new procedure for clearing and auditing public funds managed or received by members of the National Congress during the following terms: 2006-2010, 2010-2014, and 2014-2018.

The new law prescribes that this special audit process must be carried by the TSC three years from its entry into force. It also prohibits any judicial action for administrative, civil, or criminal liability against persons found to be involved in illegal activities pending completion of these investigations.

The National Congress published a corrigendum on January 26, 2018 in an attempt to validate the irregular insertions made to the text of the print version.

Once it had been verified that these discrepancies were neither errata nor style errors, an integrated criminal investigation was initiated against several members of Congress, the Director of La Gaceta, and other public servants.

On May 24, 2018, the UFECIC-MP, with the technical support of the MACCIH-OAS, filed a prosecution request in the “Pact of Impunity” case with the natural judge of the Supreme Court against the Vice-President of Congress, for abuse of authority and breach of duties by a government official, to the detriment of the government, forgery of public documents to the detriment of public trust, and crimes against the form of government, to the detriment of the internal security of the State of Honduras; and the Secretary of the Congress for the crimes of abuse of authority to the detriment of

1. The “Network of Congressmen” case dismantled a network of lawmakers of different political and legislative affiliations who were embezzling public funds earmarked for social projects. However, amendments to the Organic Budget Law, which the MACCIH-OAS denounced as a “pact of impunity,” were used by the judge of first instance as a legal argument for dismissing the case.
the government, forgery of public documents to the detriment of the public trust, and crimes against the form of government to the detriment of the internal security of the State of Honduras.

On June 27, 2018, the judge issued a ruling, ordering dismissal of the charges against the Secretary of the Congress and the formal indictment of the Vice-President of Congress. Two more legislators might also be involved.

The Mission underscores the importance of this case inasmuch as it represented a paradigm shift when the natural judge issued a formal indictment of the sitting Vice President of Congress, which included the charge of crimes against the system of government, to the detriment of the internal security of the State of Honduras.

It should be noted that the case is still pending and currently there are two unresolved constitutional appeals. This process will be finalized once the final ruling has been made.

1.2.2. The “Pandora” case

The MACCIH-OAS emphasizes as a fundamental accomplishment during this period, prosecution of the so-called “Pandora” case, which has further led to various paradigms shifts and enhanced integrated investigation and criminal prosecution teams.

On June 13, 2018, the UFECIC-MP, with the technical support of the MACCIH-OAS, filed a prosecution request with the Supreme Court against a former Secretary of Agriculture and Livestock and 37 other officials and individuals for the alleged crimes of abuse of authority, fraud, embezzlement, money laundering, and falsification and use of public documents, to the detriment of the public administration, public trust, and economy of the State of Honduras.

The allegations were denounced by an Italian investor and Honorary Consul of Italy in Roatán, after news came out in radio and digital media referring to the improper use of Dibattista Foundation funds in atypical and unauthorized transactions. Added to this was the Special Audit conducted by the High Court of Auditors on the State Secretariat in the Office of Agriculture and Livestock (SAG).

The MACCIH-OAS proposed to the Office of the Attorney General, that the case be referred to the UFECIC-MP for investigation by an integrated investigation and criminal prosecution team.

During the investigation, the integrated UFECIC-MP/MACCIH-OAS team found sufficient signs that public funds meant for agricultural, agro-industrial, and horticultural projects for young mothers, improving agro-food policies in Olancho, Intibucá, and Colon, building capacity for planting basic grains in the communities of Yorito, Victoria, and Sulaco, and field schools for farmers in the departments of Francisco Morazán, La Paz, Choluteca, Paraíso, Ocotepeque, Valle, Intibucá, Gracias a Dios, and Comayagua, had purportedly been used to finance political campaigns in 2013 and other personal expenses in the amount of 282,016,175 lempiras.

These funds came from the Secretariat for Agriculture and Livestock and the Finance Secretariat. To manage this, two foundations were used: _Todos Somos Honduras_ and Dibattista. The foundations
were given the funds to implement the above-mentioned projects, but ultimately the funds were allegedly funneled into the accounts of individuals and candidates for deputy, mayor, and alderman from the Partido Nacional (PN), Partido Frente Amplio (FAPER), and the Partido Liberal (PL). The main findings are as follows:

1. A portion of the funds was allegedly used to finance the “tarjeta cachureca;”
2. Delivery of funds to Partido Nacional campaign coordinators;
3. Resources reportedly used on election day (November 24, 2013);
4. Purchase of two offices in the Metrópolis building; and
5. Payment of loans held by the Consejo Central Ejecutivo del Partido Liberal (CCEPL) in the amount of 99,030,000 lempiras.

In view of the serious nature of the charges investigated, the Office of the Attorney General’s Special Prosecution Unit to Fight Corruption-related Impunity (UFECIC-MP), has asked the natural judge of the Supreme Court of Justice to issue arrest warrants for the accused as well as seizure of assets.

The MACCIH-OAS highlights as a matter of special importance, the initial decision by the natural judge who, on July 23, 2018, ordered judicial detention for 19 defendants in the “Pandora” case. Thereafter, the same judge issued a formal indictment and ordered pretrial detention or precautionary [asset seizures] against a number of the defendants. The judge also dismissed the charges of money laundering and conspiracy, a ruling that has been appealed by the Office of the Attorney General.

It should be noted that the case is still pending.

The first asset forfeiture case pursued by the UFECIC, with the technical support of the MACCIH-OAS. Asset forfeiture process in the “Pandora” case

The Mission to Support the Fight against Impunity and Corruption in Honduras (MACCIH-OAS) proposed to the Attorney General that he delegate the authority to pursue asset forfeiture cases to a prosecutor from the Special Prosecution Unit to Fight Corruption-related Impunity (UFECIC-MP).

The Attorney General, via Memorandum FGR-041-2018 of July 23, 2018, assigned responsibility for asset forfeiture cases to a UFECIC-MP prosecutor. The MACCIH-OAS appointed a team of its own experts, led by an international legal investigator, with the guidance of an international judge, to support and actively collaborate in these efforts.

On August 24, 2018, the UFECIC-MP, with the support of the MACCIH-OAS, asked the presiding judge of the Court for the Forfeiture of Assets of Illicit Origin to order the seizure of illicit assets and assets of equivalent value, pursuant to Articles 11 and 12 of the Law on Asset Forfeiture, since the financial and expert information in the case known as “Pandora” demonstrated that the public funds provided to the Dibattista and Todos Somos Honduras foundations were diverted into the accounts of individuals and legal entities, among them the Central Executive Boards of both the Partido Nacional and the Partido Liberal.
The purpose of the above is to recover, for the State of Honduras, the public funds that were, at one point, misappropriated from the Secretariat of Agriculture and Livestock, and originally earmarked for agricultural, agro-industrial, and horticultural projects for young mothers, improving agro-food policies in Olancho, Intibucá, and Colón, building capacity for planting basic grains in the communities of Yorito, Victoria, and Sula, and field schools for farmers from the departments of Francisco Morazán, La Paz, Choluteca, Paraíso, Ocotepeque, Valle, Intibucá, Gracias a Dios, and Comayagua, and purportedly used, among other things, to finance political campaigns.

The Asset Forfeiture Court ordered the precautionary measures of 46 properties, 6 vehicles, 9 commercial enterprises, 2 fixed-term CDs, 3 bank accounts, and the face value of a check, which were placed with the Office for the Administration of Seized Assets (OABI) pending a final decision on the asset forfeiture process.

The MACCIH-OAS is highlighting this asset forfeiture case, not only because it is the first of its kind pursued by the UFECIC, but also because they were able to get the judge to order the seizure of goods of equal value given that it was impossible to recover the funds diverted to finance the election campaign; this ultimately prompted extensive legal debate about the civil liability of legal entities profiting from illicit proceeds.

1.3. The tools needed to improve how the justice system works when it comes to corruption

The MACCIH-OAS, in its firm commitment to the consolidation of the national anti-corruption system, in fulfillment of its obligation to help enhance the legal and institutional framework to prevent and combat corruption, pursuant to Article 3.1.3 of the Agreement for the establishment of the MACCIH-OAS, reiterates in this report the need for progress in passing the laws being proposed.

From April to October 2018, the MACCIH-OAS continued preparing or reintroducing, depending on the case, several draft laws that, if passed, will allow institutional strengthening and effective fight against corruption possible. The laws and amendments proposed to improve the legal framework are the following:

1.3.1. Law on Effective Collaboration

In December 2016, the MACCIH-OAS submitted to the Executive Branch a draft bill of the Law on Effective Collaboration, which was subsequently presented to the National Congress on April 7, 2017. The bill was not, however, passed that year. In Honduras, the legislative practice is, bills debated, but not passed, during one legislative period that then gives way to a new term of the National Congress, must be formally reintroduced in order to be up for debate once again and subsequently passed, as reported in the Fourth Semiannual Report of the MACCIH-OAS.

For this reason, on March 15, 2018, the MACCIH-OAS organized, with the co-sponsorship of the Konrad Adenauer Foundation (KAS) and the National Autonomous University of Honduras (UNAH), a forum on the draft Law on Effective Collaboration aimed at persuading the public about the need to have this bill placed on the different relevant policy and government agendas once again.
After the Office of the Attorney General, National Congress deputies, and other government officials were approached again, and considering that both the Parliamentary Front to Support the MACCIH-OAS and the Honduran government had presented two different draft bills, a technical team comprised exclusively of MACCIH-OAS staff was created. This team conducted a comprehensive review of both draft versions of the Law on Effective Collaboration, reconciling the different elements and inputs into a single text.

The new draft bill has been forwarded to the Governmental Unit of Support and Accompaniment to the MACCIH (UGAR-MACCIH) for review and re-submission to the Honduran National Congress.

1.3.2. Amendments to the Law on Classification of Public Documents related to Security and National Defense

We reiterate that this law is important to the MACCIH-OAS, inasmuch as, arguing national security concerns, financial and administrative information has been classified as secret.

The Mission is still awaiting a response to the joint offer, along with the United Nations Office of the High Commissioner for Human Rights, made to the Honduran National Congress to provide technical guidance in support of the work of the committee established by the Congress to opine on the draft law presented by the Executive Branch. Technical meetings have been held with the Institute for Access to Public Information (IAIP), as the IAIP must regain its authority when it comes to classifying documents.

1.4. Protocols for action with government institutions

Article 8.2.2 of the Agreement establishing the MACCIH-OAS stipulates that work plans, protocols, guidelines, and report formats for coordination and cooperation and for the fulfillment of the objectives of this Agreement have to be developed with the following: the Judicial Council; the Attorney General’s Office; the Secretariats for Security, Human Rights, Justice, Governance, Decentralization, and Defense; the Office of the Inspector General of the Republic; the National Banking and Insurance Commission; the High Court of Auditors; the Executive Office of Revenue; the Inspectorate of Courts; and other State institutions whose efforts are needed for the MACCIH-OAS to implement this Agreement.

To effectively meet this objective, cooperation protocols have been signed with the National Anti-Corruption Council (CNA), High Court of Auditors (TSC), Institute for Access to Public Information (IAIP), Office of the Inspector General (PGR), and the Office of the Attorney General (MP).

For implementation of these protocols, the MACCIH-OAS has put together work teams to meet with representatives of the above-mentioned government institutions and of civil society to provide continuity and to begin execution of the strategic lines of the protocols.

New technical meetings will be held with the National Banking and Insurance Commission and the Office for the Administration of Seized Assets in order to evaluate the existing draft protocols.
As to the Property Institute, Revenue Administration Service, National Government Procurement Office, and the National Penitentiaries Institute, preliminary meetings have already been held with members of the Mission for the development and subsequent signing of protocols for action.

1.5. **Training of personnel from the anti-corruption units of the Office of the Attorney General and the Judiciary**

The MACCIH-OAS, with the support of the Judicial School, the Office of the Attorney General’s Training School, the Catholic University of Honduras (UNICAH), and USAID’s United for Justice [Unidos por la Justicia] project, has been conducting a series of training activities for UFECIC-MP prosecutors, researchers, and analysts, as well as for the National Anti-Corruption Council.

The topics addressed include: money laundering, crimes against the public administration, special investigative methods, criminal investigation methods and techniques, managing high-impact investigations, use of forensic tools, techniques for detecting false documents, video analysis and clipping, handling and use of evidence, and forensic audits—planning, execution, and reports. In addition, training was provided on case theory, litigation techniques, oral argument, examination techniques, and techniques for using appeals in criminal matters.

In August, the Mission began a second round of trainings for personnel of other government agencies, including, the Office of the Inspector General (PGR), the Office of the Special Prosecutor for Transparency and the Fight against Public Corruption (FETCOOP), and the Prosecutorial Support Unit (UNAF).

As in prior cycles, both international and Honduran experts will offer a series of workshops on topics selected by the Mission, based on observations and discoveries made by the MACCIH-OAS while supporting Honduran institutions, thereby supporting capacity-building amongst the staff who attend the training.

One of the features of this new round is the addition of topics related to areas of law other than criminal law, given how difficult it is to effectively investigate and issue indictments for acts of corruption. The new trainings include specific topics related to domestic legislation in connection with administrative and banking law. Moreover, in order to improve understanding as to how different Honduran institutions dealing with corruption operate, daylong trainings on administrative procedures and the institutional work of the Property Institute, the Chamber of Commerce and Industry, and the Revenue Administration Service will be offered.

Additionally, recognizing the importance of ensuring an adequate work environment in these institutions that enables employees to effectively carry out their daily duties, a training workshop on management and leadership has been included, the aim of which is to improve communication and office management in each of the National Anti-corruption System’s entities.

1.5.1. **International training for UFECIC and FETCCOP prosecutors**
The MACCIH-OAS, in its commitment to build the skills of UFECIC-MP and FETCCOP prosecutors, held an international training called “Criminal Prosecution of Corruption in Peru” in Lima, Peru from July 9 to 13, 2018. This academic activity was co-sponsored by Peru’s Office of the Attorney General Training Academy.

The activity sought to give UFECIC-MP and FETCCOP prosecutors the opportunity—through interaction with prosecutors specializing in corruption-related offenses committed by government officials in Peru—to learn about the system for criminally prosecuting cases of corruption involving government officials and, specifically, how Peruvian prosecutors strategically design their investigations. To that end, the following was accomplished:

- Peruvian anti-corruption prosecutors and judges shared the experiences they have had in criminally prosecuting corruption-related offenses committed by government officials.
- Cooperation and knowledge-exchange ties related to how to put together and prove criminal cases in the courts were developed between Peruvian and Honduran prosecutors.

1.5.2. International training for anti-corruption circuit judges

The MACCIH-OAS also organized an international training in Guatemala City—from May 28 to June 2, 2018—for Honduran anti-corruption circuit judges (professional judges, trial judges, and appeals court magistrates).

The participating judges and magistrates met with different actors in the fight against high-level corruption in Guatemala. They attended the sessions of flagship cases and interacted with high-risk case judges and magistrates, asset forfeiture judges and magistrates, and duty court judges.

The judges visited the Chief Justice of the Supreme Court and met with prosecutors from the Special Anti-Corruption Prosecutors Office, which is the office that investigates high-level corruption cases together with the International Commission against Impunity in Guatemala (CICIG).

Additionally, they visited the Special Methods Unit, which runs the wiretapping system for judicial investigations, met with the General Prosecutor of Guatemala, and were given an introduction to the digital case files used in Guatemalan courts, which Honduras intends to implement with the support of Unidos Por la Justicia.

It should be noted that the above activity was funded by USAID, which has developed the project through Unidos por la Justicia.

1.6. Special corruption prevention initiatives

The Agreement for the establishment of the MACCIH-OAS, particularly Article 3.1.3.1.1 thereof, sets out as one of the Mission’s mandates preventing corruption in both the public and private sectors. To that end, a number of projects in this area are being implemented.
During the period covered by this report, the MACCIH-OAS worked in the following areas: (i) development of corporate probity mechanisms; and (ii) identification of administrative simplification mechanisms. It also visited the High Court of Auditors to test the viability of creating of a working group for cooperation between the MACCIH-OAS and this important Court. The activities included:

1.6.1. Development of corporate probity mechanisms

The MACCIH-OAS, in fulfillment of its Agreement, has been working since September 2017 to implement [anti-corruption] compliance initiatives in Honduras with respect to the promotion of corporate probity, Honduran accession to international conventions against bribery, and analysis of the legal regime governing the criminal and administrative liability of legal entities.

The Government of Honduras, through the Presidential Directorate for Transparency, Modernization, and Reform of the State of the Secretariat for General Government Coordination, requested the support of the MACCIH-OAS to continue the corporate probity project. To this end, a number of different meetings were held between the Mission’s team and the Government to consolidate the second consultancy and take significant steps in the implementation of the technical secretariat, the signing of corporate probity pacts, etc.

Discussions were held with businesses in Tegucigalpa on the topic of probity and mechanisms for preventing corruption. In this context, on September 27, the Mission’s Spokesperson visited San Pedro Sula to hold meetings with the Chamber of Commerce and Industry. This visit also included a meeting with the Office of the Attorney General and Judiciary of San Pedro Sula, where discussions were held about the need to improve rule of law and the fight against corruption.


In follow up to the proposal made to the President of Honduras on February 7, 2018, which proposed a public contest entitled “The Most Useless Procedure” to identify administrative procedures that lack efficiency and transparency via a grievance/reform mechanism between the public and the government, the Mission held meetings with the designated representative of the Office of the President, Vice President Maria Antonia Rivera. Vice President Rivera is in charge of the administrative simplification process and the relationship between the business community and the Presidential Directorate for Transparency, Modernization, and Reform of the State of the General Government Coordination Secretariat, to implement this project. Presently, the Government is expected to formalize its request of support to the MACCIH-OAS on this matter.

1.6.3. Draft Law on Prosecutorial and Judicial Careers

The MACCIH-OAS has indicated that while there are laws regulating access to the Office of the Attorney General and the Judiciary, their current structures do not make either prosecutorial or judicial careers appealing to Honduran attorneys.
Hence, the Mission believes it is essential to prepare draft laws that, taking into account comparative experiences, reformulate the three main pillars of prosecutorial or judicial careers: the system for entry, tenure and promotion, and disciplinary control.

In that regard, the MACCIH-OAS and representatives of the Office of the Attorney General and Judiciary have put together a technical team to examine existing laws and come up with draft laws to help improve this career.

2. CRIMINAL JUSTICE REFORM DIVISION

2.1. Criminal Justice System Observatory

In fulfillment of paragraph 2.2.2 of the Agreement with the Government of Honduras, the MACCIH-OAS Honduras Observatory aims to engage in follow-up, monitoring, and evaluation of the Honduran criminal justice system, and to that end, the MACCIH-OAS has primarily been working on the following:

2.1.1. Data collection and presentation of the first criminal justice system indicators

From April to June 2018, the Mission continued to compile data to populate the ongoing evaluation matrix by: (1) processing the on-site observations made in Francisco Morazán, Tegucigalpa, Cortés-San Pedro Sula, Comayagua-Comayagua, and Siguatepeque during the month of March; (2) processing the data received from the different State institutions that comprise the inter-agency working group; and (3) creating, thanks to the collection of data from official letters and the processing thereof in the evaluation matrix, the first graphs of the indicators input into the Honduras Observatory’s monitoring matrix.

On June 11, 2018, the Mission convened the First Inter-Agency Working Group Meeting of 2018, which was attended by representatives of different government agencies, in order to present the main findings gleaned from the information they had provided for 2016, and to underscore the importance of receiving timely and appropriate data from 2017 in connection with the evaluation matrix indicators requested of them via official letters.

Additionally, in March, the MACCIH-OAS conducted a series of opinion surveys among users and employees of the criminal justice system in the cities of Tegucigalpa/Francisco Morazán, Comayagua-Siguatepeque/Comayagua, and San Pedro Sula/Cortés. The purpose of the exercise was to follow up on and monitor the legal system in order to determine whether there had been any changes in the perception of citizens and officials in this sector between 2017 and 2018. The survey’s results indicate that in both years, the general perception has been that the Judiciary does not have the personnel or

2. The participating government institutions were the: Judiciary, National Police, Supreme Electoral Tribunal, Political Party and Candidate Financing, Transparency, and Oversight Unit, High Court of Auditors, Institute for Access to Public Information, and Government Unit to Support and Back the MACCIH.
logistics necessary to carry out its work, or the infrastructure to assist disabled individuals, pregnant women, or seniors. In addition, in the two years examined, the prevailing perception that the public is in a position to monitor the performance of the justice system persisted.

Furthermore, on-site observations continued in the month of August in tribunals and courts of the Departments of Santa Bárbara/Santa Bárbara, Copán/Santa Rosa de Copán, Ocotepeque/Ocotepéque, Gracias/Lempira, Intibucá/La Esperanza, Colón/Trujillo, Atlántida/La Ceiba and Tela. And, in September the same surveys were conducted in Choluteca/Choluteca, Valle/Nacaome, Danlí/El Paraíso, and Olancho/Juticalpa.

2.1.2. Organizational structure of the Honduras Observatory

2.1.2.1. Internal meetings of the Provisional Committee

During this time, an important task of the Provisional Committee was its involvement in the selection process of the new head of the Observatory upon request of the OAS Secretary General. And thus, in September, Cecilia Cortes, a Costa Rican, was selected to serve as the new head of the MACCIH-OAS Observatory.

The Provisional Committee also held several meetings with the new members of the MACCIH-OAS in an effort to jointly draw up a road map for its mandate, including background, agreements, objectives, and proposed work. The provisional committee carried out a division of tasks between its members in order to implement effectively and competently the work plan of the observatory. With this objective the following committees were created to follow up different key issues for the observatory: (1) Monitoring and Follow-up Committee: Organization for the Integral Sustainable Development of Honduras (OPADISH), Outraged United for Honduras (Indignados Unidos por Honduras), Center for Human Development (Centro de Desarrollo Humano); (2) Regulatory Committee: Association for a More Just Society (ASJ), Social Forum of External Debt and Development of Honduras (FOSDEH), Coordinator of Private Institutions for Girls, Boys, Youth, Adolescents and their Rights (COIPRODEN), CATTRACHAS Observatory; (3) Dissemination Committee: College of Social Workers, Student Anti-Corruption Coordinator (CEA), Organization for the Integral Sustainable Development of Honduras (OPADISH); and (4) Decentralization Committee: International Plan Honduras, COIPRODEN.

It is also necessary to point out that, given the importance of a participatory process for selecting the new Attorney General of Honduras, in May, the Provisional Committee met and proposed to examine and publish the profiles of the candidates for Attorney General and Deputy Attorney General on the website so that the general public would have the opportunity to get to know the candidates for this important position.

2.1.3. Dialogue with civil society

As part of its mandate, the Observatory fosters opportunities for civil society, academia, and the general public to point out structural issues, progress, lack of progress, and setbacks, as well as offer effective solutions to these challenges. In order to enhance opportunities for oversight, dialogue, and
active participation by civil society and academia, the Observatory organized and collaborated with other MACCIH-OAS units to hold forums/discussions, including:

a. “Social Oversight in the Process for Selecting the Attorney General and Deputy Attorney General,” held on June 18, 2018, which invited civil society organizations and representatives of academia for purposes of promoting citizen oversight of key aspects of the fight against corruption. Experts from the National Anti-Corruption Council, Edmundo Orellana, former Attorney General of Honduras, and MACCIH-OAS experts, discussed the important role civil society plays in monitoring the effectiveness of mechanisms involved in the process for selecting the Attorney General. This forum was a chance to introduce the Observatory’s Provisional Committee to other civil society organizations, thereby fulfilling the mandate to publicize and open up spaces to new civil society networks.

b. Conference on the “Right to be Forgotten,” held on July 28, and attended by expert Carlos Cortés, Special Advisor to the Inter-American Commission on Human Rights (IACHR) and founder of the media outlet Silla Vacía (Colombia) and La Mesa de Centro. This was a joint effort between the MACCIH-OAS and the Konrad Adenauer Foundation, attended by 49 representatives of civil society, academia, and important actors in the fight against corruption. The conference enabled civil society organizations and academia to take part in an important debate on topics like freedom of expression, the right to be forgotten, transparency, and access to information.

c. Workshop: How Do We Build an Independent Observatory for the Administration of Justice? Experiences from the Report on the State of Justice in Costa Rica, with the participation of civil society representatives of the Observatory, specialists, and academic legal experts, as well as interested cooperators as observers. Those responsible for the publication in Costa Rica were present at the event.

3. DIVISION OF PUBLIC SECURITY

3.1. Monitoring of the National Citizen Security System

Creation of a road map for following up on the recommendations of the Evaluation Report of the National Citizen Security System (SNSC) of Honduras:

In order to develop the road map, the MACCIH-OAS Division of Public Security has, from the very outset, been monitoring compliance with the recommendations made to the SNSC and has held meetings with different offices3 of the Secretariat of State in the Office of Security and the National

3. Office of Logistics, Office of Strategic Communications, Office of Planning, Operational Procedures, and Ongoing Improvements, Office of Human Resources, Office of Telematics, National Office of Border Police Services, Office of Police Intelligence, Office of Liaison with the National Inter-Agency Security Force (FUSINA),
Police of Honduras, pursuant to a mutually agreed timeline of activities, and in the context of a compliance matrix. Accordingly, the Mission has divided its actions based on the level of the police officers with which it has had to engage. It has met with executive-level oversight and support agencies as well as agencies responsible for the institutions’ operations. All of foregoing, in order to ascertain the status of the recommendations and prepare the respective reports.

The “Road Map for the SNSC in Honduras” was also developed during the period covered by this report. This road map corresponds to a strategy created by the GS/OAS Department of Public Security and the MACCIH-OAS Division of Public Security, for purposes of creating a clear and expeditious mechanism to improve understanding of some of the many areas included in the recommendations to the SNSC and verify, in a relatively short period of time, compliance therewith according to the following categories of actions:

- Promote a culture of strategic planning and management

3.2. Activities to support gender as a crosscutting topic in the National Citizen Security System, as an essential factor for promoting better strategic planning and management within the National Police

The MACCIH-OAS has supported the National Office for Prevention and Citizen Security and the Gender Equity Division of the National Police in developing a comprehensive gender policy plan, with actions aimed at preventing and ending domestic violence, human trafficking and smuggling, sex crimes, etc. It has likewise worked to promote the rights of and opportunities for women police officers. The Mission has also been helping to improve implementation of gender policies via the following actions:

3.2.1. International forum on “Human Rights and Citizen Security: A protection approach for vulnerable groups”

This forum was held on August 8, 2018 in Tegucigalpa, with the support of the Konrad Adenauer Foundation and the Master’s Program in Government and Public Policy of the Universidad Nacional Autónoma de Honduras (UNAH).

Participating in the event were two international experts and two Honduran presenters from the UNAH Master’s Program in Government and Public Policy, as well as representatives of the Government Secretariat in the Office of Security, the National Police’s Gender Equity Division, and civil society, the latter from one of the vulnerable groups.

During the event, different co-existing perspectives on gender issues in Honduran society were shared, as was, very especially, the need for more extensive training for personnel who, in the performance of their duties, work more directly with vulnerable groups, in order improve outreach

and understanding of the matter. In attendance at this forum were 80 police officers from different units that work with vulnerable sectors of society, as well as with the general public, and representatives of different universities and NGOs.

The most important aspects of the forum included the thoughts shared by both presenters and attendees with respect to the need for better professional training to improve assistance for vulnerable groups, particularly lesbians, gays, bisexuals, transsexuals, and intersex (LGTBI) individuals, and the possibility of greater interaction between these groups and police officers trained in gender-related issues and responsible for investigating crimes against these sectors, so as to gain a deeper understanding of the special characteristics inherent to crimes against these groups and adapt investigative methods to such circumstances.

Given the enthusiasm for the forum, the Mission is considering organizing a second edition, but this time with more Honduran actors, in other departments in the country, such as San Pedro Sula.

3.2.2. Training workshop for National Police officers on protecting human rights as an essential part of citizen security policy related to vulnerable populations

In August, the MACCIH-OAS, the Konrad Adenauer Foundation, and the UNAH Master’s Program in Government and Public Policy, organized a training workshop on preventing and ending domestic violence, human trafficking, investigating sex crimes, and human rights. This workshop, held in the city of Tegucigalpa, was exclusively for police officers with responsibilities related to gender issues and human rights, as well as members of the Community Policing Unit and the “Tigre” special unit, among others.

Two international experts participated in the workshop, which encouraged interaction between presenters and attendees, who examined different types of gender-related crimes and came up with proposals on how to prevent such crimes. The Mission remains in contact with each of the participating units in order to support them in promoting the mainstreaming of human rights.

The Mission has also worked has been done with the National Office for Prevention and Citizen Security on a project to extend the Offices to Assist Victims of Gender-based Violence, if possible, to 18 of the country’s departments since they currently exist only in seven departments. These units, known as UDEP 14, UDEP 13, UMEP 1, UDEP 10, UDEP 15, and UDEP 6, will be comprised of National Police officers and will be supported by professionals who are experts in treating gender-based violence.

3.3. Support for the process to reform the Honduran National Police

The activities involved in follow up to the recommendations to the SNSC include support for the process underway to reform the Honduran National Police. The Special Commission for the Purging and Transformation of the National Police (CEDTPN), whose term has been extended for another 12 months by the National Congress in order to assist in the transition of the Office on Police Disciplinary Affairs (DIDADPOL)—an agency charged with cleaning up the police—has been involved not just in the police purge process, but also in the institutional transformation of the National Police, thereby
facilitating draft legislation and regulations to govern the police. In this regard, the MACCIH-OAS has been working on a protocol with the CEDTPN that would support police officers who leave policing as a result of the police reform policy. It has also been working to assist in the development of measures to follow up on the efforts of the “Purge Commission” in order to ensure that such efforts continue and thereby prevent the progress made by the Commission after two years in operation fromwaning.

3.4. Creation of a Special Unit to protect Judges, Magistrates, and Public Defenders

Since last year, the MACCIH-OAS has been working on developing mechanisms for a Protection Program for Justice Observers (Judiciary and Office of the Attorney General), which would serve to foster effective enforcement of the Law for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators, and thus protect individuals involved in the criminal and administrative prosecution of corruption networks and cases and bolster the criminal justice system.

In this regard, the Mission submitted to the consideration of the authorities of the Judiciary and the Office of the Attorney General, a draft bill that included the creation of the regulation for the protection mechanism, the structure of the respective offices, and a selection guide for the positions that need filling. Consequently, in May of this year, the Chief Justice of the Supreme Court of Honduras gave effect to the establishment of the “Special Protection Unit for Judges, Magistrates, and Public Defenders” (pursuant to its publication in the La Gaceta, under number 34,645, of May 21, 2018). It is important to note that until this point, the Judiciary had not had a Unit devoted exclusively to the examination of whatever protection measures might be required based on the specific needs and circumstances of government workers.

Starting now, the institution will have risk analysts and experts capable of verifying the viability and results of the protection measures instituted for justice system officials, as well as risk specialists and experts in harm assessment and redress.

3.5. Development of the project to support the Office of the Attorney General’s witness protection mechanism

The MACCIH-OAS has worked on the design of the “Technical proposal for the development of risk analysis tools and action protocols for the program to protect prosecution witnesses in the Republic of Honduras.” This proposal contains basic guidelines to ensure that, just like in the program to create protection mechanisms for justice operators, the Office of the Attorney General has cutting edge tools to protect witnesses, since they serve an essential part of the criminal investigations. The purpose of this program is to ensure that the Office of the Attorney General uses its human and material resources more efficiently. The program includes training on risk prevention strategies and the development and monitoring of protection measures until the harm has been repaired. It is expected that this program will be carried in the same way that the program of protection mechanisms for justice officials.

3.6. Development of a project to protect victims in criminal cases
Honduran society has been clamoring for the creation of a legal protection mechanism for crime victims, though to date, no suitable legal instrument to guarantee such protection exists. That being the case, the MACCIH-OAS, in executing its mandate to support the creation of protection measures to strengthen the criminal justice system, has developed a project to be presented to government agencies entitled, “Analysis of the Honduran Regulatory Framework and Public Policies to Guarantee and Protect the Rights of Victims of Grave Human Rights Violations.” The Mission is hereby contributing to the protection of all those involved in criminal proceedings, in each one of the phases and circumstances, thereby guaranteeing not just the human rights of these individuals, but also the fight against corruption and impunity in such proceedings.


4.1. Appointment of the new Spokesperson and Special Representative of the OAS Secretary General for the MACCIH-OAS

On February 16, 2018, management of the MACCIH-OAS was turned over to Interim Spokeswoman, Ana María Calderón Boy, who led the transition and reorganization of the Mission until June 30, 2018.

During that time, the OAS General Secretariat (GS/OAS) and the Government of Honduras were working on the technical and professional aspects necessary to reinforce and improve the capacity of the Mission to more robustly support the fight against corruption and impunity.

On June 18, 2018, a meeting was held between Secretary General Luis Almagro and President Juan Orlando Hernández at OAS headquarters in Washington D.C. During the meeting, the appointment and subsequent acceptance by the Government of Honduras of Dr. Luiz Antonio Guimaraes Marrey as new Spokesperson and Special Representative of the Secretary General to the MACCIH-OAS was announced.

---

4. Dr. Luiz Antonio Guimaraes Marrey has more than 38 years of experience in Brazil’s Office of the Public Prosecutor. He joined the State of São Paulo’s Public Prosecution Service in 1980 and is currently a senior member of the Special Branch of the Association of Public Prosecutors; he also works criminal cases before the State of São Paulo’s Court of Justice. During his illustrious career in Brazil’s Office of the Public Prosecutor he has held the following positions:

- General-Director of Legislative Affairs of the Ministry of Justice – 1986/1987
- Chief of Staff of the Minister of State for Justice – 1987/1988
- Secretary of Legal Affairs of the Municipio of São Paulo (2005/2006)
- Secretary of the Civil House of the Government of São Paulo (April/December 2010)
- Member, Superior Council of the Public Prosecution Service (1994/1995)
- President of the National Council of Attorneys General of Justice (1997)
- Member, National Council of Criminal and Prison Policy (1989)

He was also a Professor of Criminal Law at Unip-Universidade Paulista (starting in 1992).
On July 1, 2018, the new Mission Spokesperson officially began his tenure. However, from the time his appointment was announced, and prior to his arrival in Honduras, the new Spokesperson was already engaging in intense workdays with GS/OAS staff and conducted an on-site visit to the Mission in order to get to know the team.

4.2. Coordination meetings between the new Spokesperson and various government officials, representatives of civil society and academia, and foreign diplomats

In an attempt to bolster communication and cooperation with different Honduran and foreign institutions, Dr. Guimaraes Marrey met with several national authorities, namely: the President of Honduras, the Attorney General, the Chief Justice of the Supreme Court, liaison officers between the Honduran government and the MACCIH, the Chair of National Banking and Insurance Commission, the Finance Secretariat, different civil society organizations, representatives of assorted professional associations and national and private universities, cooperation chiefs and ambassadors from donor countries, and diplomatic representatives of the member countries of the [UN] Latin American and Caribbean Group (GRULAC) and the G16 Coordination Group, among many others.

Likewise, as already stated in this report, the MACCIH-OAS Spokesperson conducted a site visit to San Pedro Sula, where he met with the Regional Director of the Office of the Attorney General, the city’s judges, and representatives of the Cortés Chamber of Commerce.

4.3. New organizational structure of the Mission

The changes that took place at the beginning of the year, as well as a better understanding of both the institutional and regulatory needs of Honduras to fight corruption and impunity, prompted a need for structural adjustments to the Mission. Against this backdrop, the Mission and the GS/OAS devised a new organizational structure based on the MACCIH-OAS objectives and lines of action, which was gradually implemented starting in June 2018 and is now completely in place.

One of the principal changes has been to reinforce the responsibilities of the Spokesperson and Special Representative of the Secretary General. Firstly, the need to have the Spokesperson perform an exclusively managerial role, through which he coordinates the other Divisions and guides them in fulfillment of the Mission’s objectives, was determined. The position of Coordinator of the Division for Preventing and Combating Corruption was then created; this was a role that traditionally fell to the Spokesperson. This new position was also formally assigned the role of Alternate Coordinator General, which takes effect whenever the Spokesperson is absent.

The new structure seeks to reinforce the work of the Division for Preventing and Combating Corruption through the composition of the collaborative teams – UFECIC/MACCIH. In an effort to optimize support and active collaboration efforts in cases of integrated criminal investigations, the Support Unit is comprised of international legal investigators, international judges, and forensic experts. To date, there are five support and active collaboration teams: four are in charge of the various integrated (UFECIC-MP/MACCIH-OAS) criminal investigation cases, and one is in charge of the
asset forfeiture cases initiated by the UFECIC-MP. The Analysis Unit Chief position was also eliminated.

The new structure also reflects changes to the Mission in this second phase, with one significant alteration being the elimination of the Electoral Reform Division, since the tasks set forth in the Agreement in this area had been fully executed.

Lastly, in addition to the Divisions mandated by the Agreement, the Management Team that brings together the Press and Communications Area, Administrative Area, IT Area, and the Department of Security was also reorganized.

5. **RECOMMENDATIONS**

In its Third and Fourth biannual Reports, the MACCIH-OAS made various recommendations, all of which still stand, currently reiterates with particular emphasis on the following:

**FIRST:** The MACCIH-OAS reiterates that its main priority is to strengthen the Special Prosecution Unit to Fight Corruption-Related Impunity (UFECIC) and the courts with national jurisdiction in anti-corruption matters by ensuring their independence and autonomy and the safety of justice operators so that they can operate in an environment that protects their work.

**SECOND:** The Office of the Attorney General is the Mission’s most important counterpart in the fight against corruption and impunity, which makes maintaining this institution’s constitutionally guaranteed independence imperative.

**THIRD:** The MACCIH-OAS reiterates the need to strengthen legal tools that can be used to improve investigations and uncover corruption networks linking senior government officials to individuals in the private sector, and has therefore proposed a new draft of the Law on Effective Collaboration.

**FOURTH:** We reiterate the need to implement a witness-protection protocol that effectively protects witnesses’ lives and ensures their appearance before competent judges, so that high-profile investigations involving individuals identified as having real political and/or economic power can go forward with some guarantee of success.

**FIFTH:** In order to strengthen democracy, the MACCIH-OAS recommended the need for a law on prosecutorial and judicial careers to regulate the system for access, tenure and promotion, and disciplinary control, in an effort to strengthen those professions and ensure the necessary guarantees for the performance thereof.

**SIXTH:** It is necessary to ensure that the justice system is not politicized or associated with any political party such that trust in, and recognition of, the independence of the Office of the Attorney General and the Judiciary as instruments of the rule of law that apply to all improves.
SEVENTH: In addition to the above recommendations, the MACCIH-OAS recommends the need to digitize the justice system in order to guarantee data transparency for the general public.

EIGHTH: A law on corporate responsibility is needed. Such a law would constitute a regulatory framework for anti-corruption pacts signed in the context of implementation of a compliance model in Honduras that would help tackle corruption in the business sector, thereby ensuring the legal certainty needed for economic development and job creation.

NINTH: Since telephone and communications interceptions are an effective tool in the fight against corruption, the Mission recommends that crime-seeking bodies should be able to use this information autonomously as a resource/tool during their investigations. It must be underscored that as this measure constitutes a restriction on the fundamental right to privacy of communications, it should be, as a general rule, authorized and overseen by the competent judicial body.