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

**Second Semi-Annual Report
April 19, 2017**

“Above all, corruption affects the poorest, the weakest, those who rely on the state to provide basic services. Corruption not only steals money, it steals rights, since the looting of public resources ends up engendering disregard and indifference; impunity denies access to justice and gives rise to frustration among citizens. Corruption is a perverse crime that should demand the undivided attention of government.”

Luis Almagro
Secretary General of the OAS

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Executive Summary

A year after its installation, the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH-OAS) presents its Second Semi-Annual Report, outlining its achievements and challenges. During this time, MACCIH-OAS has made significant progress in complying with the mandate established for exercising its functions in Honduras.

The Mission continues its establishment the work divisions of the MACCIH-OAS: Preventing and Combating Corruption and Impunity, Criminal Justice System Reform, Political and Electoral Reform, and Public Security, the latter of which being the most recently created. In February 2017, the OAS Secretary General appointed the coordinator of the MACCIH-OAS Division of Public Security. Since that time, the coordinator has worked jointly with the OAS Secretariat for Multidimensional Security to prepare the 2017-2018 work plan for that Division.

The Mission also has reached a critical mass of technical and operational personnel, which has been made available to Honduran institutions, and civil society in order to effectively fight corruption and impunity and contribute to the improvement of the Honduran justice system through its active collaboration. It is in this spirit that during the last six months, in keeping with paragraph 8(2)(2) of the Agreement establishing the Mission, cooperation agreements have been entered into with Office of the Attorney General, the National Anti-Corruption Council, and the Office of the Inspector General in order to determine the parameters of joint work.

During the period covered by this report—October 2016 to April 2017—the MACCIH has promoted legislative and institutional reforms that are needed to address the problem of corruption in the country. The creation of the National Anti-Corruption System, for example, entails a nationwide regime of special prosecutors and jurisdictional units for addressing crimes of corruption. This System also has a Special Prosecution Unit to Fight Corruption-Related Impunity (UFECIC), which was created in January 2017. This Unit will be charged with implementing the new work methodology between the MACCIH and the Office of the Attorney General through integrated investigative and criminal prosecution teams and exclusively will assume the exclusive follow-up of the cases selected by the Mission.

Additionally, the Mission continues to work in conjunction with the Office of the Attorney General to investigate the Honduran Social Security Institute (IHSS) case, actively supporting those lines of inquiry it considers a priority. Mainly, the Mission has supported the Office of the Attorney General in designing procedural strategies and in building cases.

In these last six months, different measures instigated by the Mission have shown results. At the same time, a number of challenges has also emerged, which have had or could have a direct or indirect impact on the performance of the MACCIH-OAS. The results achieved and challenges faced in these last months include the following:

1. Since October 2016, the MACCIH has increased the number of international prosecutors, financial and forensic investigators, and analysts to assist the Office of the Attorney General's investigation into corruption cases. The MACCIH has been actively collaborating with the prosecutor's office in the IHSS case, supporting Honduran institutions' investigation of the principal suspect to date, Mario Zelaya. Zelaya has already been convicted and sentenced to a total of 25 years in prison in the first three proceedings brought against him. He has received the longest sentence ever

handed down for corruption against a former public official in the history of Honduras. Two vice-ministers, who held positions on the IHSS Board of Directors, have also been convicted.

2. The Mission publically stated that it will also work with the Office of the Attorney General on the investigations related to the charges of bribes and criminal activities of public officials, which were leveled by Devis Rivera, the former leader of the Los Cachiros cartel.
3. In addition to actively supporting cases that the MACCIH is working on with Honduran institutions, work to provide technical assistance has begun in other specific cases, as well as training for institutional strengthening. One example is the training on techniques to improve oral litigation skills to prosecutors of the Office of the Attorney General in March 2017. The Mission will have an ongoing program to bolster investigation and litigation skills.
4. For the Mission to conduct its work in fulfillment of its mandate, it is critical to have full access to information sources of the relevant Honduran institutions. In this regard, the Mission has officially requested from the pertinent authorities, access to the databases of the Business Registry, Property Registry, and Integrated Financial Management System. The request is in keeping with the powers and obligations of the Mission provided for in paragraphs 3(1)(1)(1), 8(1)(2), and 8(2)(2) of the Agreement between the Republic of Honduras and the OAS General Secretariat.
5. An indispensable instrument for a true system to fight against corruption is that of obtaining information “from within” criminal organizations, which thus allows for them to be dismantled or weakened. For this reason, the MACCIH-OAS has proposed a bill to establish the Law on Effective Collaboration, which would allow members of criminal organizations indicted for crimes committed in the furtherance of an organization’s plans to provide accurate and timely information in exchange for some benefit when they are sentenced. This bill was presented by the executive branch to the National Congress on April 7, 2017.
6. In November 2016, the Congress selected nine judges for the High Court of Auditors. At the time, the Mission highlighted in MACCIH Report N°3, *“Election of the Judges of the High Court of Auditors: A Key Element in the Policy to Prevent and Fight Corruption in Honduras,”* the importance of depoliticizing the selection of authorities for the country’s oversight bodies, as provided for in the international standards for courts of this kind. It is worth noting that not all of the recommendations of the report were considered by the State. In order to bolster institutional capacity, the MACCIH-OAS, in conjunction with the respective authorities, is designing a cooperation program so that the High Court of Auditors may meet the expectations of Honduran society in its role in preventing and fighting corruption.
7. The Law on the Financing, Transparency, and Oversight of Political Parties and Candidates, promoted by the MACCIH-OAS, was published in the Official Gazette, *“La Gaceta”* on January 18, 2017. The version of the Law approved by Congress was different from the version published in the Official Gazette as to the date of the Law’s entry into force, the date on which the Financing, Transparency, and Oversight Unit would begin to operate, and the ban on campaign contributions from companies awarded concessions. After the MACCIH-OAS expressed its concern in this regard, the Congress proceeded to publish an erratum on March 20, 2017, in which the discrepancies were clarified. This important Law has been in effect since that day.

8. The Division of Political and Electoral Reform of the MACCIH-OAS is working with Congress on selecting the members of the Financing, Transparency and Oversight Unit, as provided for in the Law on Financing, Transparency, and Oversight of Political Parties and Candidates. On this point it is necessary to underscore the importance that members have the appropriate experience and technical capacity to fulfill the mandate entrusted to the Unit under this Law.
9. The Mission has made significant strides in creating Criminal Justice Observatory of the MACCIH-OAS with academia and civil society. It has designed a permanent assessment matrix of the Honduran Criminal Justice System. To that end, the Mission has been working on the creation of a preliminary proposal with 131 indicators, which are being validated by civil society and Honduran institutions. Likewise, it has conducted crucial meetings through the "Dialogue Forums" [*"Foros de Diálogo"*] of the Observatory of the MACCIH-OAS in order to exchange ideas, information, and knowledge on issues that are critical for improving the Honduran Criminal Justice System.
10. The Division of Public Security of the MACCIH-OAS began work on a proposal for a regulatory framework to enforce the Law on the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Workers, concentrating specifically on the justice workers. To this end, the Mission designed a basic organizational scheme of special protection mechanisms for justice workers from the Prosecutor's Office and the Judicial Branch, and conducted validation workshops with each institution to determine the effectiveness of the proposed regulations and institutional designs presented.
11. The MACCIH supported the GS/OAS Department of Legal Cooperation in celebrating the commemorative event "The Inter-American Convention against Corruption, 20 Years Later," which took place on March 28, 2017, at the Central American Technological University (UNITEC). A message was read from OAS Secretary General, Luis Almagro, and in attendance were the President of the Supreme Court of Justice, Rolando Argueta, General Coordinator of the Government, Jorge Hernández Alcerro, President of UNITEC, Marlon Brevé, as well as a group of international expert panelists. During the event an historical review of the Convention was presented, as well as the breakthroughs and challenges that have emerged over these last two decades.

Glossary

ASJ	<i>Asociación para una Sociedad más Justa</i>
ATIJ	Technical Agency for Criminal Investigation [<i>Agencia Técnica de Investigación Criminal</i>]
EU	European Union
FEPADE	Office of the Special Prosecutor for Electoral Crimes [<i>Fiscalía Especializada para Atención de Delitos Electorales</i>]
FIU	Financial Intelligence Unit
GS	General Secretariat
IAIP	Institute for Access to Public Information [<i>Instituto de Acceso a la Información Pública</i>]
IHSS	Honduran Institute of Social Security [<i>Instituto Hondureño de Seguridad Social</i>]
IJF	Federal Judicial Institute of Mexico [<i>Instituto de la Judicatura Federal</i>]
INE	National Electoral Institute [<i>Instituto Nacional Electoral</i>]
INP	National Penitentiary Institute [<i>Instituto Nacional Penitenciario</i>]
LTAIP	Law on Transparency and Access to Public Information [<i>Ley de Transparencia y Acceso a la Información Pública</i>]
MACCIH	Mission to Support the Fight against Corruption and Impunity in Honduras
MESICIC	Mechanism for Follow-Up on the Implementation of the Inter-American Convention against Corruption
MP	Office of the Attorney General [<i>Ministerio Público</i>]
OABI	Office for the Administration of Seized Assets [<i>Oficina de Administración de Bienes Incautados</i>]
OAS	Organization of American States
PGR	Office of the Inspector General [<i>Procuraduría General de la República</i>]
PJ	Judicial Branch [<i>Poder Judicial</i>]
SIAFI	Integrated Financial Management System [<i>Sistema Integrado de Administración Financiera</i>]
SSD	Secretariat for Strengthening Democracy
TSC	High Court of Auditors [<i>Tribunal Superior de Cuentas</i>]
TSE	Supreme Electoral Tribunal [<i>Tribunal Supremo Electoral</i>]
UFECIC	Special Prosecution Unit to Fight Corruption-Related Impunity [<i>Unidad Fiscal Especial contra la Impunidad de la Corrupción</i>]
UNAF	Prosecution Support Unit [<i>Unidad de Apoyo Fiscal</i>]
UNDP	United Nations Development Programme
UNITEC	Central American Technological University [<i>Universidad Tecnológica Centroamericana</i>]
USAID	US. Agency for International Development

1. Division for Preventing and Combating Corruption and Impunity

1.1. Active Support for the Office of the Attorney General

MACCIH-OAS is working on a series of tasks with the Office of the Attorney General aimed at improving the Honduran institutional framework to fight corruption. This active support entails involvement in joint investigative work on corruption cases through integrated teams that have been created with different prosecution units. Furthermore, the mission is providing technical assistance, which includes support to prosecutors and other dependencies of the Public Ministry to support the investigation of crimes of corruption. The units with which the MACCIH-OAS currently works include the National Prosecution Support Unit, the Office of the Special Prosecutor for Transparency and Fight against Public Corruption, and the Technical Agency for Criminal Investigation.

The work methodology for investigating cases consists of integrated criminal prosecution and investigative teams, in which MACCIH-OAS technical experts support the work on corruption cases by prosecutors, forensic experts, and officials of the Office of the Attorney General of Honduras. Technical assistance in investigations consists of an overall analysis of the case in order to recommend strategic lines of inquiry and preparation of a case theory. Similarly, a detailed analysis is conducted of each of the proceedings and their results to determine their relevance in clarifying the facts. Pursuant to the review of each one of these cases, specific recommendations are made for undertaking future proceedings. The work is conducted directly with prosecutors and other officials such as analysts and investigative agents. The aim is to assist different offices of the prosecutors and other entities in meeting legal requirements and improving their performance before the courts.

Furthermore, the Mission is providing technical assistance for developing investigative techniques in complex cases, and methodologies for financial investigations and criminal analyses. The MACCIH-OAS, together with the General Prosecutor's Office in Honduras, is promoting a new technique for "Case Management" with defined protocols and forums for coordination among prosecutors, analysts, and investigators, which will lead to better performance of the offices of the prosecutor. Similarly, this mission is also working in the design of improved protocols for investigations, proceedings for securing evidence, seizures, extraction of digital files when seizing computer equipment, among others.

As part of its collaboration to bolster investigative work to fight impunity, the MACCIH-OAS has prepared a Digital Information Extraction Protocol so that the different units of the Office of the Prosecutor can establish operational procedures for correctly collecting, preserving, and analyzing digital evidence, in accordance with international standards. The Mission has also provided the Attorney General with the Procedure for Preparing Technical Reports of Computer Forensic Experts in order to standardize the process for forensic reports.

The MACCIH-OAS understands that the Criminal Justice System's fight against corruption in Honduras involves other institutions whose responsibility is to contribute to the legal response of the Honduran State to acts of corruption. These institutions include the Office of the Inspector General [*Procuraduría General de la República*] (PGR), the Office for the Administration of Seized Assets [*Oficina Administradora de Bienes Incautados*] (OABI), the High Court of Auditors [*Tribunal Superior de Cuentas*] (TSC), the Financial Intelligence Unit (FIU), as well as the Revenue Administration Service [*Servicio de Administración de Rentas*], and independent institutions, such as the National Anti-Corruption Council [*Consejo Nacional*]

Anticorrupción] (CNA). For this reason, the Mission has entered into collaboration agreements with these institutions in order to develop cooperation programs.

1.1.1. Honduran Social Security Institute Case

The MACCIH-OAS continues to actively support the Office of the Attorney General in different investigations that are part of the Honduran Social Security Institute (IHSS) case. Mainly, the Mission has provided technical assistance and has participated with Honduran prosecutors in the investigations by different teams from the prosecutor's office. Additionally, work is being done on the cases already brought to court in order to prepare oral arguments before the trial court.

As to the Mission's involvement in [developing] lines of inquiry, its role has focused on finding evidence of an economic nature. This is essential in these kinds of cases that feature involvement of a large number of individuals and businesses, as well as a large number of complex business transactions.

The IHSS case is made up of 15 cases already brought to court and 45 lines of inquiry. The MACCIH-OAS is involved in the cases it considers a priority, creating teams with prosecutors, analysts, and investigators from the Prosecutor's Office. Experts from the Mission also attend oral hearings to ensure that the justice system guarantees the principle of judicial independence.

As a result of the joint work between the Prosecutor's Office and the MACCIH-OAS, a new line of inquiry, referred to as "Lines of Credit," has been opened. This line of inquiry has established the alleged responsibility of a whole host of government officials and businesspeople in managing numerous Social Security resources.

Of note is that the principal suspect to date, Mario Zelaya, has been convicted and sentenced to a total of 25 years in prison in the first three proceedings brought against him. He has received the longest sentence ever handed down for corruption against a former public official in the history of Honduras. Two vice-ministers who held positions on the IHSS Board of Directors have also been convicted.

As a result of the IHSS case, an important element that has been defined legally has gained muster: the possibility of including money laundering as part of corruption-related crimes. This opens up unprecedented prospects for fighting corruption in Honduras.

The Mission is also helping to build prosecutors' oral litigation skills. This topic was included in the training that was held, and plans are to address it in future activities.

Finally, the MACCIH-OAS wishes to reiterate in this report that ten fugitives are still at large and it is vital that the agencies charged with enforcing these arrest orders take all necessary steps to execute them. We thus reiterate our request for these individuals to be arrested as soon as possible.

1.1.2. The investigation of the Berta Cáceres case

In March 2017, the MACCIH-OAS welcomed the members of the family of Berta Cáceres, who formally requested the involvement and assistance of the Mission in this investigation. They also provided a series of documents that could be useful for the investigation. These documents had already been shared with the Office of the Attorney General.

It is public knowledge that the Judicial Branch opened an administrative investigation to determine the responsibility of Judge María Luisa Ramos Matute from the Criminal Court of Appeals of Francisco Morazán. Judge Ramos Matute removed the case file on the murder of the environmental activist Bertha Cáceres and was taking it home when she was robbed. This investigation concluded with a decision holding the judge responsible and imposing a 30-day suspension without pay. This decision was notified on March 16, 2017, pursuant to the Resolution of February 28, 2017 regarding Administrative File Nº 25-2016.

Despite the above mentioned incident, the MACCIH-OAS would like to acknowledge the progress made by the Office of the Attorney General with the indictment and arrest of eight individuals involved in the environmental activist's murder. Nevertheless, the Mission urges authorities to continue their investigative work and their prosecution of those directly and indirectly responsible, as a clear sign that impunity will not be tolerated with regard to crimes that outrage the country and the international community.

1.2. National Anti-Corruption Jurisdiction

The creation of a specialized criminal jurisdiction for corruption with national remit was an initiative promoted by the MACCIH-OAS and approved by the Supreme Court of Justice pursuant to Accord No. 01-2016 of May 12, 2016. It was subsequently introduced as a bill and approved by the National Congress (Decree 89-2016, published on August 11, 2016), and constitutes the first major anti-corruption reform measure established since the Mission's arrival in the country.

This new specialized jurisdiction is made up of 11 judges: three professional judges, who are competent to individually oversee the inquiry and intermediate stages, two of whom are in Tegucigalpa and one who is in San Pedro Sula; four trial court judges who hear as a panel the oral public trial in the first instance; four appeals court judges who hear as a panel remedies of appeal and are located in Tegucigalpa. These judges have been selected by joint consensus of the MACCIH-OAS and the Judicial Branch through a rigorous competitive process that concluded in January. These judges were introduced at a ceremony at which the Secretary General served as an honorary witness. In the case of assistant judges and other personnel, the selection process will end in upcoming days.

The national jurisdiction has its strategic counterpart in the Office of the Attorney General. On January 18, 2017, the Secretary General signed an "Inter-Institutional Mechanism for Bilateral Cooperation between the Office of the Attorney General of the Republic of Honduras and the General Secretariat of the Organization of American States through the Mission to Support the fight against Corruption and Impunity in Honduras." Its purpose is to develop a cooperation mechanism that enables an effective process of joint and coordinated work between the Mission and the Office of the Attorney General, by furthering impartial investigation, prosecution, pursuit of justice, and punishment of those responsible for committing crimes of corruption.

1.3. Special Prosecution Unit to Fight Corruption-Related Impunity (UFECIC)

The Special Prosecution Unit to Fight Corruption-Related Impunity [*Unidad Fiscal Especial contra la Impunidad de la Corrupción*] (UFECIC), whose creation was announced during the OAS Secretary General's

visit to Tegucigalpa, Honduras in January 2017, was created as a specialized unit with national jurisdiction and is directly under the Office of the Attorney General.¹

The UFECIC will be composed of a total of 43 professionals: 11 prosecutors, 14 investigative agents, 10 specialists in collection and analysis of financial information, four specialists in collection and analysis of criminal information, and four forensic computer experts. The UFECIC personnel may only be transferred or removed by a consensus decision of the Mission and the Attorney General. This means that the Mission may request that the Attorney General have personnel undergo proficiency and confidence testing, and, where necessary, that it take relevant administrative measures.

The UFECIC will assume exclusive responsibility of cases selected by the MACCIH-OAS. Its work methodology will be based on creation of investigative teams that work jointly under an integrated criminal investigation and prosecution system. This innovative methodology allows the Unit to be involved in the investigation, indictment, prosecution, and sentencing. Furthermore, it confers on the Unit the prerogative of taking political and criminal initiatives in the fight against corruption.

The UFECIC may request that the other prosecutors and units of the Office of the Attorney General forward all information on a case, even that of a confidential nature. Where the Mission considers that one or more cases should be taken on by the Unit, it will communicate this directly to the Attorney General so that the case file is transferred or a new case file is opened by the UFECIC. Where a dispute arises regarding the UFECIC's jurisdiction versus other units or specialized prosecutor's office, such dispute will be resolved by the Mission and the Office of the Attorney General, endeavoring at all times to ensure that the principal aim of prosecution management in the fight against corruption prevails, as provided for under the MACCIH-OAS Agreement and the Cooperation Mechanism.

This new Honduran National Anti-Corruption System is expected to begin operations in May 2017, after the MACCIH-OAS's completes its training personnel.

1.3.1. Process of certification, selection, and appointment

The members of the UFECIC will be selected by a consensus of the Mission and the Office of the Attorney General through an internal competition open to all personnel of the Office of the Attorney General, with the exception of the position of computer forensic expert, who will be selected through an external competition. A Certification Commission will be charged with certifying candidates and will be comprised of two delegates from the MACCIH-OAS and two from the Office of the Attorney General, who will have a voice and a vote in the decision to certify candidates. The Certification Commission will also be assisted by a Secretariat led by a representative of civil society.

The list of candidates certified by the Certification Commission will be sent to the Attorney General and the MACCIH-OAS Special Representative/Spokesperson, who by consensus will select from this list the

¹ See: Inter-institutional Mechanism for Bilateral Cooperation between the Office of the Attorney General of the Republic of Honduras and the General Secretariat of the Organization of American States through the Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH-OAS), signed on January 18, 2017 in Tegucigalpa; <http://www.oas.org/es/sap/dsdme/maccih/new/docs/Acuerdo-Ministerio-Publico-MACCIH-creacion-Unidad-Fiscal-Especial-contra-Impunidad-y-Corrupcion.pdf> .

individuals who will occupy positions on the UFECIC. The candidates selected for the UFECIC will be appointed by the Attorney General of the Republic.

Through the certificate of appointment of February 21, 2017, the Attorney General of the Republic and the MACCIH-OAS Representative/Spokesperson appointed the full and alternate members of the Certification Commission, as well as the members of the Secretariat, led by representatives of the *Asociación para una Sociedad Más Justa (ASJ)*.

The call for registration for the process of certifying, selecting, and appointing candidates for the UFECIC opened on February 22, 2017 and closed on March 7, 2017, with a total of 184 candidates registering. Now that registrations have been received, the certification process essentially follows the same steps as those used for selecting national anti-corruption judges. It is expected that the process will conclude in May 2017.

1.4. Active Support for the Office of the Inspector General

The Office of the Inspector General [*La Procuraduría General de la República*] (PGR) is the body charged with defending the State, both from contingencies arising from complaints or lawsuits against the actions of the State allegedly resulting in harm to a third party, as well as in representation of the State as the victim in criminal proceedings in which compensation is sought for damages that someone might have caused it. This second dimension of the PGR's competences—of the two mentioned—is where we find crimes of corruption or crimes against the public administration, which are specifically those that interest this Mission, inasmuch as they are related to the subject of the Honduras/MACCIH-OAS Agreement. Although of a limited scope, improvements to the normative framework that underpins the institution could certainly contribute to more effective work, not only in the fight against corruption, but also in the quest for an appropriate legal representation of the State in general.

1.4.1. New system for assessing civil damages caused to the State in cases of corruption

The difficulty of measuring damages incurred by the State, and by extension citizens, from crimes against the public administration must be overcome in the understanding that judges expect to have appropriate parameters for assessing compensation that is proportional to the seriousness of the crime being prosecuted. To date, the PGR has not had uniform criteria for establishing the degree of seriousness and assessing an amount that remedies the damages that perpetrators of corruption-related crimes have caused the State. The MACCIH-OAS has prepared a document it has disseminated to PGR personnel, which proposes a formula for calculating damages from crimes of corruption and for setting an equivalent compensation.

This methodology consists of considering quantifiable variables that clearly affect non-economic damages of a crime of corruption. This will be done by using a scoring table to determine how serious each case is, taking as a reference the only stable variable in these situations: economic damages. In the case of crimes that do not cause economic damage, the idea is to work with averages of economic damage for each level of complexity (A, B, C, and D²), which would allow for assessing an amount that is objective as possible. It is hoped that over time, this methodology is validated by groups of experts, after which it would go

² Which have previously been defined in keeping with the criteria noted.

through a trial period. The Director of Judicial Matters has received the methodology and has disseminated it throughout the PGR.

On March 10, 2017, the MACCIH-OAS conducted training for PGR personnel charged with defending the State in cases of corruption-related crimes. In attendance was the Director of Judicial Matters, regional solicitors, and PGR personnel devoted to the actuarial calculations for civil compensation. At this meeting it was announced that the institution is committed to working on the State's claim for compensation in IHSS case using the formula imparted by MACCIH-OAS personnel.

1.4.2. Actions to recover assets and improve international legal cooperation

Very often the proceeds of corruption do not remain in the country where the crime was committed, rather they cross borders in search of laws that provide some protection over financial operations. For this reason, the PGR needs training in implementing systems to follow "the money trail" and in using international mutual cooperation mechanisms. In this regard, interaction and collaboration with an institution like the Financial Intelligence Unit would be important for the PGR's work. The MACCIH-OAS has initiated talks between the PGR and the Basel Institute of Governance in order to propose an agreement that can contribute to assisting PGR activities in this field.

1.5. Law on Effective Collaboration

Organized crime, particularly when its aim is to commit crimes against the public administration, acts with stealth. In other words, criminals always strive to go undetected, but in the case of a criminal organization, this is even more so. That is why the fight against these kinds of criminality must address this issue.

One of the indispensable instruments in a real anti-corruption system is directed at obtaining information "from within" criminal organizations in order to dismantle or weaken them.

For this reason, the MACCIH has proposed a bill on Effective Collaboration³. This bill would allow members of criminal organizations indicted for crimes committed in the furtherance of their organization's plans to provide true and timely information in exchange for some benefit when they are sentenced.

The MACCIH-OAS has held several meetings with civil society on the importance of undertaking a reform of the Law on Effective Collaboration. In keeping with paragraph 8(3) of the Agreement, the MACCIH-OAS sent the executive branch a draft bill of the Law on Effective Collaboration. Additionally, the Parliamentary Caucus to Support the MACCIH [*Frente Parlamentario de Apoyo a la MACCIH*] introduced a similar bill. This bill was submitted by the executive branch to the National Congress on April 7 last, and was presented to the plenary of the legislature at its session held on April 18, 2017. That same day MACCIH-OAS issued a press release recognizing the significance of this bill.

Effective collaboration is an indispensable requirement for the system. Its effectiveness has been proven in recent experiences in countries like Peru (dismantling of the Fujimori and Montesinos criminal network), Brazil (the recent "mega" corruption case called Lava Jato, related to Brazilian companies, like

³ In other jurisdictions it may be known as a "plea bargain."

Odebrecht, paying bribes to public officials in several countries around the world), and Guatemala (dismantling of several criminal groups of between 10 to 15 members, according to the International Commission against Impunity in Guatemala (CICIG)).

The bill provides that “collaborators” must provide information voluntarily and confess to the acts they are accused of (fully or partially: where they do so partially, the charges not admitted to will continue under investigation or criminal prosecution). Furthermore, they must return the proceeds of the crime or ensure their reimbursement. They must also pledge not to commit a new premeditated offence or to divulge the information that they have provided in their collaboration agreement.

The information from “collaborators” is to assist in: preventing the continuity, commission, or serious impact of crimes; providing knowledge about the circumstances surrounding the commission of these crimes, or about the criminal plan; identifying the crimes’ perpetrators, or the bosses or heads of a criminal organization; revealing the organization, or diminishing the organization’s action; ascertaining the whereabouts and the sources of financing of assets; and, surrendering assets related to illegal activity.

The bill also contains a section on protecting the security of individuals who decide to avail themselves of the effective collaboration process. This would also entail implementing the protection measures provide for in Decree 63-2007, Law on Witness Protection in Criminal Proceedings, as well as other measures expressly stipulated in the bill itself.

1.6. Law on Classifying Public Documents

On November 27, 2006, the National Congress issued the Law on Transparency and Access to Public Information [*Ley de Transparencia y Acceso a la Información Pública*] (LTAIP), pursuant to Decree 170-2006. The LTAIP came about as a consequence of transparency and accountability being introduced into the national agenda, starting with reconstruction efforts in the wake of Hurricane Mitch. At the same time the LTAIP takes its inspiration from the commitments contracted by the State of Honduras when it signed the Inter-American Convention against Corruption and the International Convention against Corruption (United Nations) .

Articles 16, 17, and 18 of the LTAIP and its regulations contain exceptions to access to information based on legitimate security and national defense interests, as well as other criteria. Likewise, Article 19 considers the possibility of having certain information be made classified for up to 10 years. When those provisions were being drafted, the Institute for Access to Public Information prepared the Guidelines for Classifying and Declassifying Documents [*Lineamientos sobre Clasificación y Desclasificación de Documentos*] (Agreement 2-2010).

Seven years later, on January 20, 2014, the National Congress passed the Law on Classifying Public Documents related to National Security and Defense [*Ley para la Clasificación de Documentos Públicos Relacionados con la Seguridad y Defensa Nacional*], via Decree 418-2013. Although this law was devised in the context of the State’s response to a public security situation, this type of legislation exists even in the most consolidated democracies and introduces several variables that come into conflict with the system developed under the LTAIP. For example, the Law establishes a different system for classifying documents that includes classification categories, procedures, and bodies different from those set forth under the LTAIP. Even the National Congress and judges are required to request authorization from the National

Security and Defense Council in this regard despite the fact that democratic doctrine holds that it actually falls to the legislative and judicial Branches to exercise oversight over security and intelligence agencies.

Based on the Law on Classifying Public Documents, the National Security and Defense Council adopted on July 14, 2014, *Resolution CNDS 069/2014*, wherein information stemming from at least 16 institutions is listed as classified; among these are several institutions with little clear or direct relationship to national security. This guideline in particular, and much of the Law, has prompted much debate. The law is thought to run counter to human rights treaties and specific international principles that guarantee the balance that must exist between citizens' right to access to information as a rule, and legitimate national security and defense interests as qualified and calculated exceptions.

For this reason, in December 2016 the MACCIH-OAS submitted a legal report to the Government of Honduras that discussed the issues with this law. Along the same lines, dialogue forums have been set up with civil society organizations to hear positions and inputs on the matter, which are to be compiled in a reform initiative in this area.

2. Division of Political and Electoral Reform

2.1. Law on the Financing, Transparency, and Oversight of Political Parties and Candidates

In October 2016, the National Congress of Honduras passed the Law on the Financing, Transparency, and Oversight of Political Parties and Candidates [*Ley de Financiamiento, Transparencia y Fiscalización a Partidos Políticos y Candidatos*], also known as the "*Ley de Política Limpia*" ["Clean Politics Law"], with the support of nearly all political forces. The ceremony to enact the law took place on January 17, 2017 at the seat of the executive branch, and was attended by the heads of the legislative and judicial branches, as well as the Secretary General of the Organization of American States, Luis Almagro.

The "Clean Politics Law" establishes a new model for recording and monitoring election campaign contributions and spending, creating a special unit responsible for financing, transparency, and oversight processes that has sufficient verification, investigative, and sanctioning authority. The MACCIH-OAS believes this is a key step taken by the Government of Honduras and one that will enable it to more assertively tackle the prevention of and fight against corruption.

However, a public complaint was filed days after the law had been published in the Official Gazette. The complaint pointed out that there was an inconsistency between what the National Congress had approved and what had been published. In response to the complaint, the MACCIH-OAS requested from the National Congress access to both the minutes and the audio and video recordings of the sessions during which the law had been debated and compared what had been passed to what had been published. The review revealed that three items had been changed: (a) the prohibition on campaign contributions from companies awarded concessions; (b) the date the law would enter into force; and (c) the date the Financing, Transparency, and Oversight Unit would begin operations.

The MACCIH-OAS met with the leadership of the National Congress, who agreed with the Mission that changes had been made to the text of the Law and that it had to be corrected, for which they drafted an erratum that was published in the Official Gazette on March 20, 2017. The Mission recognizes the willingness of these authorities to remedy this situation, but believes it is fundamental that better controls

on parliamentary procedure for drafting laws be established in Honduras to prevent such discrepancies from potentially undermining legal certainty in the country. According to information provided to the MACCIH-OAS by civil society, this is something that has happened on past occasions.

The MACCIH-OAS will also be involved, in tandem with members of civil society, in selecting and certifying the auditors and staff of the Financing, Transparency, and Oversight Unit. This is essential for ensuring that competent and independent individuals are put in charge of the sensitive task of monitoring election campaign and political party financing.

The Mission has developed a training program on the new transparency and oversight system provided for under the Law; the training will be given to Unit staff once its personnel have been selected.

2.1.1. Socialization of the law

It is important to note that the program for socializing the Law among civil society organizations and citizen groups will prioritize territories where criminal or violent elements exist in an attempt to make special efforts to prevent and draw attention to financing operations. Thus, cities with higher rates of murder, extortion, property seizures, drug trafficking, corruption, robbery, etc. will be specifically targeted in order to have an active presence that makes it possible to detect irregular financing operations. In addition, variables that include the number of posts up for election, number of candidates, population, and incidences of violence during the most recent elections will be cross-referenced.

For this process, the Mission has been working on developing teaching materials and documents for the training and socialization sessions to be held with political parties, responsible candidates, and different users of the Election Financing Oversight System. This includes an annotated edition of the Law.

3. Division of Criminal Justice System Reform

3.1. Criminal Justice System Observatory

Over the last six months, the Mission held periodic meetings with different interlocutors from universities, civil society organizations, professional associations, government authorities, labor unions, and the private sector nationwide, as well as with the international community, which helped to delineate the structure and methodology of the MACCIH-OAS Criminal Justice Observatory based on the reality and context of Honduras.

During this period, the Mission focused on conducting visits outside the capital in order to engage in dialogue with different social, political, and economic actors in Choluteca, La Paz, Intibucá, Comayagua, Atlántida, Colón, Catacamas, Olancho, Gracias a Dios, Danlí-El Paraíso, La Ceiba, San Pedro Sula, Santa Rosa de Copán, and Copán Ruinas. These encounters were also used to collect information and resources to support the instruments of the MACCIH-OAS Observatory, such as platforms for exchange with the public, databases, and information to populate the criminal justice system's assessment matrix, etc. In addition, these meetings served to establish channels of communications for becoming informed about corruption dynamics and levels of impunity in different regions of the country. This will enable the Mission to decentralize the Observatory.

The strategic plan for the MACCIH-OAS Criminal Justice Observatory has identified three specific lines of action:

1. Collect and examine quantitative and qualitative data about the Honduran criminal justice system so that civil society can monitor progress made in this area.
2. Create a platform for dialogue to raise awareness among civil society in Honduras about MACCIH-OAS activities and proposals.
3. Inform, educate, and raise awareness in Honduran civil society about the Observatory's activities as well as proposals to reform Honduras's criminal justice system, including civil society involvement via a virtual exchange platform for Honduran social actors.

3.1.1. Academia and civil society system for monitoring the criminal justice system

In the period covered by this report, the MACCIH-OAS has moved forward with important features of the Observatory in the development of an assessment matrix for the criminal justice system, which should be done jointly with academia and civil society organizations. This effort includes a methodology that is being shared with different organizations so that the justice system can be evaluated periodically, which we hope will prompt changes and improve services for the public, as well as strengthen judicial independence by reducing impunity in the country. To this end, the Observatory's team has advanced in the development and execution of a methodology that includes:

- Quantitative and qualitative methods: These include interviews, on-site observations, surveys, and panels of experts. The quantitative method enables the Observatory to obtain objective data from the time the Mission was created to whatever progress or setbacks might arise during or after its mandate. The qualitative method examines subjective data linked to the perceptions citizens have about the components of the criminal justice system.
- Document review: Prioritizes an analysis of existing data sources to prevent duplication of efforts.
- Comparative analysis: This serves to assess the status of the Honduran criminal justice system within the region and examine it in light of existing international standards.

The Mission has worked on developing draft indicators to populate the open-ended assessment matrix for the Honduran criminal justice system. To this end, the Mission preliminarily selected a group of 131 indicators compiled from specialized literature about criminal justice, as well as from a review of the data available in Honduran justice system institutions, and then broke them down into 13 categories: available justice services; criminal justice system services; corruption; data about prosecutors offices responsible for corruption-related crimes; economic crimes; justice-civil society; justice-vulnerable populations; electoral offenses; institutional trust; access to information; justice map in Honduras (regional presence); corruption map in Honduras(regional presence); and implementation of the recommendations of the Inter-American and universal systems.

The following criteria were considered when the indicators were being determined: (i) represent an empirical model of reality; (ii) feasibility of being analyzed; and (iii) has a fixed measurement methodology, whether qualitative or quantitative. The final selection of indicators was structured around the five main areas that will comprise the assessment matrix:

1. Access to justice: Measure the efficiency of services offered by the Honduran criminal justice system.

2. Mechanisms for transparency and the fight against corruption: Assess the efficiency of institutional mechanisms for combating corruption, including the Office of the Attorney General's specialized anti-corruption prosecution unit.
3. Due process and protection of human rights: To measure the impact of corruption on vulnerable communities and the response of the criminal justice system. It will also evaluate State compliance with its international commitments.
4. Statistical data: Gauge the existence of databases and the quality of information, as well as mechanisms for processing data and how accurate they are.
5. Electoral offenses: Indicators linked to the recently passed Law on the Financing, Transparency, and Oversight of Political Parties [and Candidates] will be included, especially those related to the illegal financing of political parties and other crimes frequently committed during election cycles.

To validate these indicators, the MACCIH-OAS Observatory held weekly workshops during the first quarter of 2017 with social and academic organizations, which have actively participated in the development, editing, and amendment thereof. A group of 26 organizations from around the country⁴ participated; this group may be extended based on whatever progress is made.

On February 10, 2017, the Observatory also installed the Inter-Institutional Technical Committee on Criminal Justice System Data, Statistics, and Indicators in Tegucigalpa. This Committee aims to create mechanisms for working with Honduran criminal justice system institutions such that the Observatory may obtain the information it needs to update the indicators and thus have an effective system for monitoring the criminal justice system. The Committee is comprised of representatives of the different justice institutions and the MACCIH-OAS and has a representative from USAID who serves as an observer. The Committee meets weekly.

3.1.2. Dialogue forums

The Observatory's efforts in its second line of work have been conducted via "dialogue forums." Such forums aim to gather recommendations, suggestions, and support from civil society and local experts on topics for which the MACCIH-OAS is seeking to propose reforms for strengthening the fight against corruption and impunity in Honduras. These include:

- The first forum was held on October 25, 2016 and discussed Legislative Decree 418-2013 on the limits of the Law on Official Secrets and Classifying Public Information.
- "Law on Classifying [Public] Documents related to [National] Security and Defense," held on December 15, 2016. The members of the Mission detailed the discussion on Legislative Decree 418-2013 on the Honduran Law on Official Secrets and Classifying Public Information.
- "Legislative Reforms on Security," held on January 26, 2017.
- "Law on Effective Cooperation," held on February 28, 2017. Members of the MACCIH-OAS presented this legislative proposal to the members of *Espacio ACI-Honduras*, which represents a conglomerate of 28 non-governmental organizations.

⁴ ASJ, CARITAS, FOPRIDEH, OXFAM, ASONOG, UNITEC, ANUPRIH, *Universidad Católica*, *Universidad Nacional de Honduras*, the Bar Association, the Professionals Association, COHEP, FOSDEH, *Oposición Indignada*, *300+ con Dignidad*, *Plan Honduras*, *Asociación de Jueces por la Democracia*, *Centro de Derechos de la Mujer*, *Frente Patriótico para la Defensa de la Constitución*, COIPRODEN, *Visión Mundial de Honduras*, *Asociación Feminista Trans*, *Asociación Arcoiris*, *C-Libre*, CIPRODEH, *Movimiento Amplio por la Dignidad y la Justicia*, and EROC.

Through this line of action, the MACCIH-OAS Observatory continued to promote the participation of social actors by having them provide comments and inputs on the legal reforms being proposed by the Mission. Such inputs were useful when it came to reorganizing, redesigning, and prioritizing MACCIH-OAS initiatives and have helped to foster civil society's commitment to monitoring the legal reforms presented to the corresponding authorities from the outset.

3.1.3. Informing and raising awareness among Honduran civil society

The Observatory has been working on building a website on which it will post its structure, methodology, civil society databases, and the assessment matrix (proposed indicators), together with other relevant information. The site is expected to launch in May 2017 and will also provide a virtual channel to inform civil society about its activities and the outcomes of its work.

A section that would monitor cases of corruption in which the MACCIH-OAS is actively collaborating is being considered for the website. The evaluation criteria being proposed for this would include specifics on the status of the case, case proceedings, government officials involved, outcomes, restrictions, and risks, as well as whether or not the reforms proposed by the Mission for the criminal justice system have been adopted.

4. Division of Public Security

In keeping with Article VI of the Agreement for the Establishment of the MACCIH-OAS on the functions of the Mission in the area of Public Security, during the period covered by this report, the work of this Division began when Virginia Contreras was brought on to the team as Division Coordinator in February 2017. When she arrived, the Coordinator began efforts to collect information to devise a work plan for this Division; the plan essentially consists of three lines of action:

1. Implement the recommendations proposed in the Report of the Honduran National System for Citizen Security (SNSC), particularly with respect to promoting a culture of strategic planning and management in order to implement a comprehensive criminal justice policy in connection with the fight against corruption networks;
2. Support promotion of regulation mechanisms that make it possible to protect witnesses, whistleblowers, and justice officials who work with state institutions in the investigation of cases of corruption in the framework of the Law on the Protection of Human Rights Defenders, Journalists, Social Commentators, and Justice Workers; and
3. Monitor the restructuring and purging of the National Police, and review and support certification of penitentiaries in Honduras.

In the first quarter of 2017, the Division began work on the second line of action corresponding to paragraph 6(2) of the Agreement on the effective enforcement of the Law on the Protection of Human Rights Defenders, Journalists, Social Commentators, and Justice Workers, which was passed in 2015. Accordingly, the MACCIH-OAS focused its efforts on building institutional capacity through the creation of special systems, particularly in those sectors involved in the criminal and administrative prosecution of corruption cases.

To this end, efforts were undertaken in the framework of international human rights instruments and best practices developed by other countries in this area, as well as local instruments and standards that already existed in both in the Office of the Prosecutor and the judiciary, with a view to strengthening national entities when it comes to risk analysis, developing safety systems, and effectively protecting justice officials and officials from the Office of the Attorney General.

After the Protection Law was passed in April 2015, its regulation was adopted pursuant to Executive Agreement 59-2016. For enforcement, the following bodies have been created under the law: the National Council, the Technical Committee, and the Directorate General for Protection. The first Director has been appointed, the initial technical protocols have been developed, and local staff have been trained on risk assessment. Article 64 of the Law stipulates that, “for purposes of ensuring the independence of justice operators, the judiciary and the Office of the Attorney General must progressively arrange a protection mechanism for judges, justices, public defenders, and prosecutors pursuant to the principles, risk assessment, and standards set forth under this Law.” Likewise, Article 10(6) of the Law’s Regulation stipulates that the National Protection Council (deliberative and advisory body for the system) is tasked with verifying that those two institutions “...progressively arrange a protection mechanism for judges, magistrates, public defenders, and prosecutors by providing the technical advisory services required to that end.”

Based on a diagnostic analysis conducted by the Mission on the protection situation for judicial operators in the judiciary and the Office of the Attorney General, joint efforts were undertaken with these two institutions to formulate draft regulations, an organizational structure, and mechanisms for special protection systems. The regulations include a list of risk factors and other prevention and protection measures for relevant operators for each institution. The list also contains the main orders, resolutions, briefs, and forms necessary to substantiate the cases brought.

A basic organizational design of the special protection mechanisms for justice operators from the Office of the Prosecutor and the judiciary was drawn up; the design proposes a structure that contains the positions necessary for implementing the respective mechanism, job profiles and a corresponding description of their functions, and a flowchart of the main procedures to be followed once a request for protection is filed.

In addition, validation workshops were held with each institution to determine the effectiveness of the regulations proposed and the institutional designs submitted, and recommendations were made to the Honduran authorities about minimum and full implementation phases and scenarios for them.

5. Process of Installing the MACCIH-OAS

5.1. Strategic Planning

With the support of the Government of Canada, experts in strategic planning and results-based management facilitated a three-day workshop in Tegucigalpa, Honduras for members of the MACCIH-OAS. The working sessions took place from January 12 to 14, 2017 and were attended by the spokesperson, the team of coordinators, and other officials from the Mission’s different divisions.

The main objective of the workshop was to organize and prioritize the Mission’s activities under a 2017-2018 work plan in order to fulfill its mandate based on the Honduran context, which also includes

measurement and accountability mechanisms. In this regard, the main outcome of the sessions was the development of a strategic framework to guide the Mission's actions in which the principles of results-based management were actively incorporated into: the 2017-2018 MACCIH-OAS work plan, its logical framework, and the indicators by means of which its results are to be measured. The strategic planning of the Mission was thus brought in line with high efficiency and accountability standards.

5.2. Resource Mobilization

The MACCIH-OAS has received financial contributions from eight countries including the United States, Canada, the European Union, Germany, Chile, Italy, Peru, and the United Kingdom, in the sum of \$9,605,412, which accounts for approximately 47% of the total budget for the Mission's first two years. It is important to highlight the contribution made by the Government of the United States to the Mission in the form of background checks for the mission.

Over the past six months, the MACCIH-OAS has received additional financial contributions from Germany, Chile, the European Union, and Canada. Additional contributions for this year are already being negotiated with the Governments of Germany, the United States, the European Union, the United Kingdom, Switzerland, Sweden, and South Korea.

The fundraising strategy for the Mission 2017-2019 was launched in January of this year. A donors meeting was held on March 21, 2017, during which the MACCIH-OAS presented the proposal and the 2017-2018 work plan to the 21 member states and observers in attendance. Similarly, meetings have been held with different donors in Honduras who have expressed interest in making financial contributions to fund that time period.

5.3. Hiring of Staff

For the MACCIH-OAS to operate properly, professional human resources with extensive experience in the specific work of the Mission are required. The MACCIH-OAS has a multinational and multi-disciplinary team of local and international experts from Peru, Mexico, Colombia, El Salvador, Guatemala, Venezuela, Argentina, Uruguay, Chile, and Germany who work continuously with their counterparts in Honduras. Over this period, 27 more local and international individuals were hired to help respond to the needs of the Mission as it moves forward in fulfilling its mandate. As of now, the MACCIH-OAS has a team of 51 people working for the Mission in Honduras and at headquarters in Washington, DC, of whom 53% are women and 47% are men.

The MACCIH-OAS has been holding both nationwide and international competitions for local hires and in search of international technical staff, respectively. The competitions have been held as funds from donors have become available. Thus far, 11 international and three national competitions have been held, with a total of 377 applications received.

5.4. Technical and Operational Contributions

The GS/OAS and the Federal Judicial Institute of Mexico [*Instituto de la Judicatura Federal*] (IJF) signed an agreement in March 2017 to have the IJF provide technical assistance for training and instruction for the

staff of the new special anti-corruption jurisdiction via criminal justice training courses for judges and magistrates from the Honduran judiciary with nationwide jurisdiction over corruption. USAID will also be supporting this effort.

Likewise, in the framework of the agreement signed between the GS/OAS and the National Electoral Institute [*Instituto Nacional Electoral*] (INE) of Mexico, several methodological meetings were held in connection with the design of the training program and technology transfer between the INE's Oversight Unit and the Honduran Supreme Electoral Tribunal's new Oversight Unit. The areas under consideration for cooperation include technology transfer and technical inputs (software), training on online oversight, on-site audit model development and training for the implementation thereof, audiovisual training materials, and technological mechanisms for processing data and oversight of political parties. The MACCIH-OAS and INE experts are honing a work plan to spell out this collaboration.

5.5. Inter-institutional Coordination of the MACCIH-OAS

For purposes of ensuring smooth inter-institutional coordination that facilitates the support the Mission is providing to different Honduran institutions, a work forum has been created by means of periodic meetings between GS/OAS coordinators for the Mission, the spokesperson and special representative of the OAS Secretary General, MACCIH-OAS division coordinators, and senior authorities from the different branches of the Honduran government, which seek to help constructively implement the Agreement between the Government of the Republic of Honduras and the GS/OAS for the establishment of the MACCIH-OAS.

To date, three inter-institutional coordination sessions have been held in both Tegucigalpa, Honduras and Washington, DC. During the sessions, the MACCIH-OAS worked in tandem with its State counterparts on the main advances, setbacks, or obstacles to their efforts, as well as in the quest for solutions through the development of concrete actions to monitor the execution of measures decided therein. The meetings took place in November 2016, and January and March 2017, and are expected to continue in order to enable joint work on implementation of the Mission's mandate.

6. Recommendations

Pursuant to its mandate, the MACCIH-OAS continues to actively support Honduran institutions in their efforts to combat corruption and impunity. Similarly, it continues to work very closely with civil society organizations to develop a system for monitoring the Honduran criminal justice system. In keeping with paragraph 7(6) of the Agreement between the Government of the Republic of Honduras and the OAS General Secretariat, the Mission hereby issues the following recommendations:

- a) It is important for the judiciary and the Office of the Attorney General to continue consolidating the national anti-corruption jurisdiction and the Special Prosecution Unit to Fight Corruption-Related Impunity, including logistical, salary, and security support such that these bodies may operate effectively and effect the changes that Honduran justice requires to combat corruption and impunity.
- b) The Office of the Attorney General, under the leadership of the Attorney General, should sustain its institutional strengthening process with additional resources to ensure that actions to fight crime in Honduras, and specifically, to combat corruption, continue.
- c) The methodology of the integrated criminal prosecution and investigation teams of the Special Prosecution Unit to Fight Corruption-Related Impunity and the expert investigators of the MACCIH-OAS is a contribution to help improve the performance of the Office of the Prosecutor in fighting corruption and impunity. In this regard, the Office of the Prosecutor, under Dr. Oscar Chinchilla, should continue to exercise the demonstrated leadership for its proper functioning, which will have an impact on the fight against corruption and impunity.
- d) The MACCIH-OAS believes access to databases and information having to do with the Agreement is of the utmost importance. For example, the Mission has officially asked the corresponding authorities of the Business Registry, the Property Registry, and the Integrated Financial Management System for access to their databases. To this end, it recommends that the means be provided to fulfill the Mission's mandate pursuant to paragraphs 1(2), 3(1)(1)(1), 8(1)(2), and 8(2) of the Agreement.
- e) The National Congress should establish procedures for its style committees in order to prevent discrepancies between what the nation's deputies have approved and what is published in the Official Gazette. The legal certainty of the decisions made by the Congress will thus be guaranteed.
- f) The MACCIH-OAS welcomes the executive branch's presentation of the Law on Effective Collaboration to the National Congress. The Mission likewise celebrates the fact that the Parliamentary Caucus to Support the MACCIH has presented a similar initiative. It is now up to all of the Congressional caucuses to make explicit their commitment against corruption. To this end, the Mission recommends quick passage of the Law on Effective Collaboration, which will constitute a powerful instrument against impunity.
- g) Enforcement of the Law on the Financing, Transparency, and Oversight of Political Parties and Candidates requires the establishment of a special unit with the appropriate staff, resources, and regulations to ensure that the finances of political parties and groups for the upcoming elections

to be held in November enjoy guarantees that prevent money from corruption or crime from undermining the political system. Accordingly, the National Congress, which is responsible for electing the members of the special unit, is urged to do so with complete transparency, ensuring that the individuals chosen are sufficiently independent vis-à-vis the political parties. Similarly the judiciary and Supreme Electoral Tribunal are being urged to provide the resources and support necessary for the full and proper functioning of this electoral campaign and financing oversight body.

- h) The MACCIH-OAS is asking civil society to remain proactively involved in matters of public interest and to participate actively in change scenarios that empower transparency and accountability as core elements in the fight against corruption and impunity. Accordingly, the Mission reiterates its full willingness to continue working with civil society organizations.
- i) The MACCIH-OAS believes it is necessary to address the issue of the Law on Classifying Public Documents, which requires a reform that will enable Honduran legislation to be brought in line with international standards, and more specifically, with the 2010 Inter-American Model Legislation on Access to Information of the OAS.
- j) The Observatory is an important MACCIH-OAS structure for virtual and in-person interaction with civil society and Honduran justice institutions and it is therefore recommended that justice entities continue to provide information that makes it possible to consistently update data indicators as well as the assessment matrix for the criminal justice system. Civil society is urged to continue participating in the Observatory's activities so it can be an active participant in the process to develop and consolidate this platform.
- k) The Office of the Inspector General of the Republic should continue to enhance its internal processes in order to prevent corruption-related crimes from being settled through conciliation. Similarly, actions to recover State assets and ensure payment of civil reparations are expected to be undertaken pursuant to the methodology jointly approved by the MACCIH-OAS and the Office of the Inspector General.
- l) The MACCIH-OAS welcomes the convictions of a number of officials in the IHSS fraud case. It specifically expresses its satisfaction with the 15-year prison sentence for Mario Zelaya in the *Migrante hondureño* [Honduran Migrant] case, which constitutes the harshest conviction of a former public official in the history of Honduras by an independent trial court, which was exemplary in its enforcement of the law.
- m) The MACCIH-OAS applauds the willingness of the Chief Justice of the Supreme Court of Justice, Dr. Rolando Argueta, to implement in other areas of the judiciary the anti-corruption system's best practice for selecting and certifying judges and magistrates.
- n) The continued prioritization of enforcement of the Law for the Protection of Human Rights Defenders, Journalists, Social Commentators, and Justice Workers is key to preserving the life and safety of such individuals. The MACCIH-OAS has worked on the regulation and structuring of a model with respect to justice operators and thus urges the judiciary and the Office of the Attorney General to implement the recommendations made. It further recommends that the executive branch appropriate the funds to put these protection mechanisms into operation.