
PARTICIPANTS' PAPERS

CURRENT SITUATION OF ORGANIZED CRIME IN HONDURAS

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I. THE SPECIAL OFFICE AGAINST ORGANIZED CRIME

The special office against organized crime was created in July 1999, as a response to the Honduran's call for the development of new modalities to tackle crime that threatens the internal security of the country.

In Tegucigalpa, the capital, the main office is located, but they have created two more offices against organized crime, one in the north zone of the country and another in the south, which are in charge of handling all the organized crime cases. All the attorneys have been trained in these specific areas, such as investigation methods, prosecution, special legislation, etc.

This special office has five sections:

1. Section against drugs
This section handles all the cases to do with drug trafficking, e.g. people that sell drugs in small amounts, etc.
2. Section against kidnapping
This also handles firearms trafficking and illegal immigration, where illegal people pass through the country where their final destination is to get into the United States.
3. Stolen vehicles section
4. Bank robbery, which has increased in the last few months in Honduras

5. Money laundering section

All these sections have special attorneys, and also investigators that manage all of the investigations. These investigators come under the Security Minister and there are two branches; the uniform police and the investigation division, that also have sections with certain specializations such as organized crime. They help the attorneys to get all the evidence that they need for the prosecution of the cases.

The office itself has an intelligence section that is in charge of taking the information from all the sections and putting it together so they can recognize the different organized groups. Much of the time, the same people that are bank robbers are also kidnappers and car thieves. This section helps a lot in solving cases; they have internet access and they share information with other police departments, and a telephone system where they can access the telephone company system and find out the name and the address of the owner of that number.

One of the difficulties that we have is that we have a very small budget, so we do not have enough cars, not enough attorneys, at the moment, but we hope in the near future we will get more help from the government, and also we work really closely with other countries too, such as the American Embassy. They help us a lot in sharing information about drugs, with DEA (Drug Enforcement Agency) people, with the Immigration

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Department about illegal trafficking of persons, etc. and with other governments such as Japan. This kind of course helps a lot in the training of attorneys and enables them to share information with other countries.

II. ACTUAL SITUATION OF ORGANIZED CRIME IN HONDURAS

Organized crime in Honduras has increased in the last 5 years. We started having many bank robberies and, for the first time, ransom kidnappings. Automobile theft has always occurred, but not as much as in the last few years. Now the criminals have become more professional and steal cars to commit other crimes. At present, we only have two cases of money laundering that are active in court, because the special law against drugs covers money laundering but only that related with drugs. Money sometimes comes from drug trafficking and we know that money has not necessarily come from drugs, it could also have come from stolen vehicles, bank robberies etc. The attorneys that work in the money laundering section right now are working on a new money laundering law that will regulate money laundering crime. We hope this law will be approved by the national congress very soon.

A. Situation of Drug Trafficking

Drug trafficking has increased in Honduras in the last years also. Honduras has a very good geographic location, having two oceans and the trafficking comes from both sides.

In the south of the country we have trafficking coming from Nicaragua and El Salvador, that enters the country through the borders, most of the time with cocaine and marijuana hidden in big containers and small cars. We found a large amount of cocaine of about 30kg in the roof and

trunk of a small car and more than 100kg in containers.

In the north of the country we have two ports that have more active drug trafficking, the port of La Ceiba on the north coast and the port of Roatan in the Bay Islands. Usually drugs come from Colombia, because Roatan, as an island, has small docks where any boat can stop and nobody would know about.

In La Ceiba we caught this speedboat coming from Colombia with more than 200kg of cocaine. We arrested two Colombians and this has been one of the biggest loads coming in that way.

Also in the Bay Islands we have these cruise ships that come from Houston or Miami, and sometimes the crew of these ships buy cocaine to take back to the U.S. When I was working there we had several such cases.

We can imagine that on the north side of the country people use more drugs, more than in central and southern areas.

The selling of marijuana and cocaine in small amounts have become very popular in Honduras lately, we can find a number of small houses in the middle of the city where people come at night to buy two or three cigarettes of marijuana or 2 or 3 grams of cocaine. Also in some discotheques people can find cocaine. Society is really concerned about this because we never saw this kind of situation before, but we know it is very common, so as a result, the investigators that work against drugs have more work to do, trying to close these businesses and searching houses, and conducting a lot of undercover investigations.

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B. Actual Situation of Kidnappings

Since 1995 we started having an increased incidence of this crime in Honduras. One of the first kidnappings for money was when these criminals kidnapped the son of a presidential candidate, he is also a big business man who used to be the president of the central bank. Since we had that case, kidnappings have become very common, sometimes we finally arrest the people and get the victim to safety, but in some cases we have not been that lucky and we have found the victims dead, and the family had already paid the amount of money demanded.

Most of the above cases happened in the north zone. These are the most complicated cases because they are committed by very well organized groups, that are also the groups that steal cars. In the west we had a lot of kidnappings also but most of the time we do not know about them because the victims families do not inform the police. They pay the money for the rescue and the victims are set free. In this area, we had a lot of farmers that work with coffee so they have a lot of money, so that is the reason kidnappers choose this area of the country.

The families of the victims now are very afraid that their relatives might get killed, so that is why sometimes they prefer to pay the money and ask the police not to interfere in the negotiation and in the rescue. About 1 month ago we had a case where they kidnapped a very rich lady in the city of Tegucigalpa, and her family paid three million six hundred thousand lempiras (Honduras currency) to set her free the next morning. The police did not interfere at all because the family asked them not to because they wanted her mother alive.

But in other cases we have found the victims and rescued them without paying the money. As you can imagine when we have this type of case, a lot of people work on it for a long time; uniformed police, investigators, attorneys, etc.

In 2000 we had 26 kidnappings in Honduras, that is a lot, and in 2001 until August we have had, at the moment, 18. Most of them occurred in the north zone and we have had some cases where the victims have disappeared and we have not found them yet.

C. Actual Situation of Firearms Trafficking

In Honduras we have had firearms trafficking since we had the war with El Salvador and the contra of Nicaragua. So much of the time the guns come from Nicaragua. In the north zone, close to the border with Nicaragua, we had these places where Nicaraguan soldiers hide the guns, and cover them with bombs, so we have to localize these places, and we are working on getting some bomb experts to recover those guns. That takes time, and they have to be very careful. Firearms trafficking is closely related with drug trafficking because some Central Americans, (Hondurans, Nicaraguans, etc.) make deals with people from south America and they exchange the guns for drugs, so this is another kind of organized crime.

Three months ago we had a case where we arrested a Lieutenant from the uniformed police with 88 AK-47 rifles. He was transporting them from the south to the north, he was wearing his uniform, and the investigators arrested him with the guns. Also, the car that he was driving had been stolen in Guatemala. As you can see we have corruption too, and this is a very dangerous situation for the country.

The problem that we have right now with this crime is that our law does not talk to much about gun trafficking, the legislation only covers cases when guns are used for terrorism purposes. They can pay bail and then have to be released. We are trying to get higher punishments for these crimes.

Other big cases that we have had involve gangs, because they manufactured their own guns, home-made guns. Almost all juveniles that are part of gangs carry one of these home-made guns, and also commit crimes with them. We usually make searches in their houses, but this is very difficult to control because they can manufacture more.

Most of the time we do not have many complaints about these crimes, so the investigators have to do a lot of undercover work to try to identify these people trafficking in firearms.

D. Situation of Illegal Immigration

In Honduras we do not have too many cases of organ or children trafficking. Most cases that we have is the trafficking of people to the United States. There are very well organized groups from south America to Mexico, who traffic people from South America and pass them through Central America to Mexico and then enter into the United States illegally.

We have had big cases with people from India and Cuba, but the biggest problem is with Chinese people. A lot of Chinese enter the country and then try to get into the United States. We have many Chinese restaurants, and hotels, where they keep people, and which are used as offices. The immigration office has a lot of work, they go to hotels to inspect everyday and they always find Chinese that are living in those hotels, staying

illegally in Honduras and waiting for the right moment to leave for the United States. Sometimes they are lucky and get an American visa, but most of the time they go by car to Mexico to enter the United States.

These Chinese groups are also very well organized, and they can protect their people a lot. In my office we had a lot of these cases related with Chinese gangs and some of their some members are in jail. But most of the time we deport them from Honduras back to China, because there is no sense in putting them in jail; they have no family in Honduras and the people we need to arrest are the people that create the procedures and ask them for money. They provide them with a Honduran passport so that it is easier for them to get a visa to enter the United States.

E. Situation of Bank Robberies

Bank robbery has been a very common crime in Honduras. Almost every week we have a bank raid where robbers steal millions of Lempiras and it is found that they are also kidnapers and car thieves.

In CCTV videos of the banks, we recognize a lot of gangs, and one man that was arrested for kidnapping was identified in the video of two bank raids. This is a very serious crime, because these men are really dangerous and they do not care if they kill somebody. Another problem is that some managers or cashiers do not like to testify because they are afraid of them. The thieves are very well organized groups and they are very professional. These crimes are committed all over Honduras, even in the small towns, and also on the islands, where they have speed boats ready to escape. These are the biggest gangs that we have in Honduras.

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F. Situation of Stolen Vehicles

There are a very well organized groups. First, this crime happened only on the north cost and the west, but now it is all over the country. They steal more pick up trucks and luxury cars. They take them, most of the time, to Guatemala over the border in the north and over the borders of Nicaragua and El Salvador in the south. They manufacture false invoices, registration documents of the vehicle and the license plates.

Other times they steal the cars and then use them during a bank robbery or a kidnapping. Later we find these cars abandoned by the roads. We have a lot of fancy cars that have been stolen in other countries, they change the color and then they sell them here. We send cars back to other countries from which they have been stolen, mostly from El Salvador, Guatemala and Nicaragua.

The investigators and attorneys that work in stolen vehicles are the ones that have the most work to do, trying to find cars and identifying gangs, the average number of stolen cars is about 20 cars a day and we are not that lucky to find all of them. We recover about 50% of them.

G. Situation of Money Laundering

As I mentioned before, money laundering as a crime in Honduras is only related to drug trafficking. Before 1993, money laundering crime did not exist, it was only mentioned in one article of the drug law, that was in 1998 when the money laundering law was created but only in relation with drug trafficking. The attorneys that actually work with that crime are working on some reforms of that law and they are trying to establish money laundry provisions related to other crimes such as stolen vehicles, kidnappings, bank robberies, human trafficking, etc.

At this moment we only have three big cases of money laundering, the biggest of which is one of a Colombian organized crime group that came to Honduras to launder money. Three of the Colombians began a business selling home appliances and domestic electrical goods. The investigators began an investigation of the business, because it was strange that these places were not open to the public, people needed to use a doorbell to get in. Also, the Colombian police sent the Honduran investigators information about them because they found out that some drug dealers that were located in the sea on boats had communication with a cell phone number in Honduras. So we started an intensive investigation, and finally found probable cause to present in court. The business and their houses were searched and all these people have been arrested or have arrest warrants. During the search, we found about 60 bank account books, check vouchers where they have paid pilots, they had bought boats, and paid the boat captains, and there was nothing related to the domestic electrical goods business. The judge ordered the arrest warrants and confiscated about 8, 2001-model luxury cars, froze all bank accounts and also all the houses that they were building at a cost of over 2 million lempiras.

When the investigators were doing the investigation they noticed that in some accounts people received large amounts of money. This money was in the bank for 5 days and in the next week all the money was gone, and the money transfer was very often from banks in Honduras to other banks, most of them in Miami, New York, Panama and Mexico.

The total money that they uncovered was several million dollars, and further investigation revealed bank accounts with other banks in Central, South and

North America, and even in Spain and Thailand.

We already know the people that send and receive money in Colombia and we are working with assistance from the legal authorities in Colombia.

III. INVESTIGATION TECHNIQUES

According to the criminal procedure law, investigators are not allowed to carry out electronic surveillance. They do this type of investigation but it is not allowed to be used as evidence. We present this but only as an illustration to the judge. We now have a new law and it will be implemented by next February. Electronic surveillance will then be admissible as evidence at future trials.

A. Undercover and Electronic Surveillance Investigation

In drug trafficking investigations, the detectives use a lot of undercover methods. In the smaller cases they go and buy the drugs and when the transaction is done they arrest the people on the spot. The people and the drugs are presented in court for trial.

With the bigger cases, undercover investigators infiltrate drug organizations using microphones, calculators, pencils, etc. A micro video camera can identify the dealers. They take part in the negotiations and when the day and hour is set for the controlled delivery they arrest the criminals at that moment. The undercover agents are allowed to escape police movement, or sometimes we arrest the undercover agent also. Later he and any informants are then released. To do this type of cases we, as attorneys, have to talk in advance with the judge and let him know what is going on so we avoid any problem of illicit evidence.

B. Investigative Techniques in Kidnappings

In kidnapping cases we have to use a lot of people and time for the investigation. Sometimes the case is solved quickly but other times we can spend a lot of time trying to find the victim.

Much of the time when we have a kidnapping, two investigators go to the victim's house to be there and tell the family how they have to act, tell them about the negotiation and how to ask for proof that the victim is still alive. The family can be nervous and confused and forget to ask for proof of life, also how and how much to offer the kidnapers is discussed, because we always offer less than the amount the kidnapers demand. Only in cases where the kidnapers do not want to negotiate will the family accept the amount demanded. Also the time that they spend in negotiation helps the investigators to try to get more information about them, listen to the phone calls and try to locate the place where they are and also the place where the victim is hidden.

We have had cases in which we located the kidnapers, the phone number and their location, then we follow them all the time, because much of the time they go to the place where the victim is being held, so in that way we can discover the location and search in that location to rescue the victim.

Other ways of doing this is at the delivery moment when we locate the place where they choose to make the delivery of the money, and when the family goes to leave the money we wait until the kidnapers pick it up. In some cases we wait until they release the victim, in other cases we arrest the kidnapers at that moment.

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C. Other Types of Investigation

In other cases, such as stolen vehicles, the investigators work most of the time with informants. They can provide good information about cars, because every gang has their own area of operation, which means that a member of a gang cannot enter and steal a car from another area that does not belong to them.

Also they have a list of all the places that the car thieves bring the cars to change the color of different parts, to make the car look different. Also in these places they change the VIN (Vehicle Identification Number). Investigators work with some chemicals which they can apply to reveal the real VIN number.

The investigators share a lot of information with other police agencies, and also with Interpol, and they have a list of all the stolen cars in Central America. When they find a car that they think that could be stolen, they check it out on the system and they know if it is stolen or not.

With bank robberies it is very important to make a very good study of the crime scene because in that manner we can know the *modus operandi* of the gang and, in this manner, perhaps recognize the gang. Also the video cameras help a lot in these cases, to show to the judges, and, most of the time, they grant the arrest warrants.

IV. LEGISLATION

The criminal law in Honduras regulate car crime, kidnappings and bank robberies. The Congress has improved the punishment for these organized crimes.

We have a special law against drugs and money laundering, with very severe

punishment. With drugs, for example, if a person is found with an amount that is considered more than would be for personal use, then it is considered to be trafficking and the punishment is 15 to 20 years in jail, plus a 1 to 5 million lempira fine.

We are trying to make some changes in that law because sometimes we arrest people that, for example, sell marijuana in small amounts and during a search we will find about 10 to 50 pounds, and most of the time they are poor people that sell drugs to live. We agree that they should receive punishment, but 15 years in jail is considered too harsh for 10 pounds of marijuana and the fine is more than they can pay. As attorneys, we try to find a way to help people, asking them to tell us about who gave them the drugs, so we can catch the big players and we offer to talk with the judge to obtain a more lenient punishment.