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June 21, 2024

VIA ECF

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Juan Orlando Hernandez, et al*, 15 Cr. 379 (PKC)

Dear Judge Castel:

Defendant Juan Orlando Hernandez, the former President of Honduras, submits this letter in aid of sentencing. Mr. Hernandez, a longtime ally of the United States in the war on drugs, maintains his innocence and asserts that he was wrongfully convicted, based on the word of Honduran drug dealers and murderers – the very people he spent years combatting – who are seeking revenge and trying to get themselves out of jail. He intends to challenge his conviction by all legal means to see that justice prevails. He will never give up.

Mr. Hernandez is scheduled to be sentenced on June 26, 2024 before this Court and submits that his sentence should be limited to the statutory mandatory minimum sentence that this Court is required to impose, which is 10 years on Count 1 and 30 years on Count 2, for a total combined sentence of 40 years' imprisonment. Mr. Hernandez is 55 years old, so a 40-year sentence equals a life sentence for Mr. Hernandez.

The Evidence at Trial

The trial evidence against Mr. Hernandez was weak. In short, the government accused Mr. Hernandez of running Honduras as a narco-state, accepting bribes from some of Honduras's biggest drug dealers in exchange for "protection" and information. The undersigned was appointed to represent Mr. Hernandez, as co-counsel with Raymond Colon, Esq., on January 23, 2024 and trial commenced on February 20, 2024.

There was virtually no independent evidence that Mr. Hernandez received any money from Honduran drug dealers, nor evidence that he ever provided any of them with protection – no video, no audio, no financial records, no details of what law enforcement information was provided, no specific dates of meetings, bribes, or assistance, no text messages or phone records with Mr. Hernandez, no evidence of unusual wealth, and no specific details. In fact, the opposite was true – as we discuss herein, Mr. Hernandez did more to combat narco trafficking in Honduras than any Honduran President before or since and for years received high praise from American government officials. Today, Honduras is a country moving backwards in the fight against narco traffickers.

Rather than provide any indisputable evidence of Mr. Hernandez's guilt, the jury heard from cooperating witnesses and notoriously violent drug cartel leaders Alexander Ardon Soriano ("Ardon") and Leonel Rivera Maradiaga ("Rivera"). Ardon, along with his brother, was the leader of a violent drug trafficking organization (DTO) in Honduras. He has accepted responsibility for 56 murders, importation of 250 tons of cocaine, and faces a life sentence plus 30 years, if he does not receive a § 5K1.1 letter from the government.

Rivera was a DEA informant since 2013 and the leader, along with his brother, of Los Cachiros DTO in Honduras. Rivera has accepted responsibility for 78 murders, importation into the United States of 130 tons of cocaine, and also faces a sentence of life plus 30 years, if he does not receive a § 5K1.1 letter from the government. Although Rivera recorded hundreds of conversations while working as a DEA informant, he mysteriously never recorded Mr. Hernandez. Also, despite claims that Rivera was supposedly under the protection of Mr. Hernandez, the Honduran government seized hundreds of millions of dollars (by some estimates, \$800 million) of property from the Rivera family.

The government also called Luis Perez ("Perez"), a member of the Sinaloa drug cartel and Fabio Lobo ("Lobo"), an admitted drug trafficker and the son of a different former President of Honduras, Porfirio "Pepe" Lobo. Perez and Lobo both claimed to have bribed Mr. Hernandez for "protection" of their drug trafficking.

Ardon, Perez, and Lobo all testified about receiving "radar" information to help them avoid detection (Tr. 221, 730-31, 1128-30), even though Xavier Rene Barrientos, a veteran fighter pilot and the former Head of the Honduran Air Force, testified that no radar existed in Honduras between 2004 and 2015 (Tr. 1446). Of course, they were unable to specify what "radar" information they received.

While Ardon, Rivera, Perez, and Lobo all testified that they paid Mr. Hernandez for protection, they did not identify a single instance in which Mr. Hernandez actually protected them or their organizations. In fact, the opposite was true – instead of getting protection from Mr. Hernandez, Perez was forced to flee Honduras in 2014 and his criminal partners, Los Valles, were extradited to the United States and had their properties seized; Rivera's properties were seized in 2013 and he quickly started cooperating with the DEA; Ardon was forced out of government, fled Honduras, and had his properties seized in Honduras. Mr. Hernandez did nothing to protect Lobo.

The jury also heard testimony from Miguel Reynoso, a Honduran police officer, who supposedly recovered nine drug ledgers during a car search in 2018 (GXs 250A through 250K). Even though the ledgers were not vouchered into evidence for 13 days, the government claimed

that references in two of the ledgers (GXs 250A-2 and 250C-2) to “La JOH” and “Tony Hernandez,” were references to Mr. Hernandez and his brother. The government only offered GX 250A and 250C into evidence and objected to the jury seeing the other ledgers, even though they were all admitted into evidence at the 2019 trial of Tony Hernandez. (Tony Hernandez Tr. 51). The Court sustained the government’s objection.

What the government did not want the jury to see was that the other ledgers made it clear that “JOH” referred to some sort of agricultural company: “payment to JOH for fumigation” (GX 250K-2-T) and “payment to JOH for weeding / cleaning of River” (GX 250K-2-T).


The Court also sustained the government’s objection to introduction of DX 3519-04, an October 18, 2018 Honduran law enforcement report on the ledgers, that the government produced in discovery. The government did not want the jury to see that DX 3519-04 was an analysis of the names and entities referenced in the ledgers. In particular, GX 250B-1, one of the ledgers the government objected to the jury seeing, contained a reference to an entity called “P.S. Technologia.”

According to DX 3519-04, P.S. Technologia was investigated by the Honduran police, who concluded that P.S. Technologia was related to a woman named Sinia Janeth Hernandez Rivera, who had relatives with the following names:

- “Antonio Hernandez Sarmiento” (“Tony Hernandez”)
- “Modesto Antonio Orellana Hernandez” (“Tony Hernandez”)
- “Cristina Janeth Orellana Hernandez” (“La JOH”)

The relevant portion of DX 3519-04 is shown below:

d.- Las socias y Representante de la sociedad mercantil **PS TECNOLOGÍA S. DE R.L DE C.V.** se identifican de la siguiente manera:

	NOMBRE: SINIA JANETH HERNANDEZ RIVERA IDENTIDAD: 1401197100464	
	DEISY RIVERA	MADRE
	ANTONIO HERNANDEZ SARMIENTO	PADRE
1613195600545	ANGEL MARIA ORELLANA	ESPOSO(A)
1604198600258	MODESTO ANTONIO ORELLANA HERNANDEZ	HIJO(A)
1604199800699	CRISTINA JANETH ORELLANA HERNANDEZ	HIJO(A)
	NOMBRE: LILIAN ARGELIA AREVALO AGUILERA IDENTIDAD: 0812197300060	
	NORMA AGUILERA FLORES	MADRE
	HIPOLITO GUSTAVO AREVALO BARAHONA	PADRE
0501200817542	DIEGO ALEJANDRO ORELLANA AREVALO	HIJO(A)
0501200403581	ANGELO GUSTAVO DOMINGUEZ AREVALO	HIJO(A)
0501200616514	SARA VALERIA ORELLANA AREVALO	HIJO(A)
	NOMBRE: ERVIN ADONAY ORELLANA IDENTIDAD: 1604197300087	
	CONSUELO ORELLANA	MADRE
0501200817542	DIEGO ALEJANDRO ORELLANA AREVALO	HIJO(A)
0501200616514	SARA VALERIA ORELLANA AREVALO	HIJO(A)

There could be little doubt that the reference to “La JOH” in GX 250A, was a reference to either a female “JOH,” consistent with the “Cristina Janeth Orellana Hernandez” referenced in DX 3519-04 or a business, consistent with the “JOH” agricultural entity referenced in GX 250K. The possible feminine or entity attribution of “La JOH” was confirmed by both the government’s Spanish translation expert, Manuel Prado (Tr. 549), and Miguel Reynoso.

The jury also heard testimony from Jose Sanchez, an accountant at Honduran rice company, Graneros Nacionales. Sanchez claimed that he had a video of Mr. Hernandez receiving cash from a known drug dealer, Geovany Fuentes Ramirez. No such video was ever produced. Instead, Sanchez incredibly claimed that all three copies of the video that he had stored on USB drives were “lost.” (Tr. 149). Sanchez also claimed that he had provided a copy of the video on a USB drive that was delivered to Honduran prosecutor Marlen Vanegas, who said that she had delivered the recording to then-Honduran Attorney General Oscar Chinchilla (Tr. 147). The government did not call Mr. Chinchilla or provide any explanation for what happened to the alleged recording, which would have been the most devastating piece of evidence in the case, if it really existed. Mr. Chinchilla has never publicly commented on whether he received this video. Sanchez also claimed that monthly checks were provided to Mr. Hernandez, but no checks were produced and no bank records. (Tr. 151).

The government also introduced Waze data extracted from the cell phone of convicted drug dealer Geovany Fuentes Ramirez (“Ramirez”) in an attempt to show that on May 29, 2019

and June 12, 2019, Ramirez visited “Casa Presidencial,” the Honduran White House. (GX 204-R200). But the Waze data also showed that on May 29, 2019, Ramirez’s Waze location data reflected a trip to “Embajada Americana,” the American Embassy in Honduras. The government offered no explanation for why a known drug dealer would be visiting the American Embassy.

In fact, the trial evidence showed that it would have been pointless for Ramirez to go to Casa Presidencial, if he was trying to meet with Mr. Hernandez, because in 2019, Mr. Hernandez’s office was not located at Casa Presidencial. (Tr. 1338).

The government also introduced GX 204-R50, contact information from Ramirez’s phone. GX 204-R50 showed that Ramirez had contact information for “Presidente Juan Orlando,” but the phone number listed, 504-999-2677, was not used by Mr. Hernandez after 2012. (Tr. 1351). In any event, the government did not produce a single phone record, text message, or email, reflecting any communication between Ramirez and Mr. Hernandez. GX 204-R50 also reflected that Ramirez had in his contacts the phone number of “Mel Zelaya,” the former president and current First Gentleman of Honduras.

The government also called cooperating witness Fabio Lobo, who testified about giving cash to Mr. Hernandez’s sister, Hilda Hernandez, who died in a helicopter crash. Lobo’s account of providing cash to Hilda materially differed from the account of this alleged payment that was provided at trial by Leo Rivera. There was no other evidence corroborating Lobo’s testimony and no evidence that Mr. Hernandez ever provided Lobo with “protection.” In any event, Lobo was himself the son of the former President of Honduras, Pepe Lobo, and would not have needed Mr. Hernandez’s protection.

The government ended its case with the testimony of cooperator Giovanni Rodriguez (“Rodriguez”), a former Honduran police officer, who claimed that he was under the protection of Mr. Hernandez – a person he never met. Rodriguez accepted responsibility for a murder in Honduras while he was a police officer, importing 450 tons of cocaine into the United States, influencing judges in Honduras to have his criminal conviction reversed, and lying under oath. The government provided no corroborating evidence supporting Rodriguez’s claims – no evidence of any payment to Mr. Hernandez and no evidence of any protection – in fact, Rodriguez was *prosecuted* in Honduras.

The jury returned a guilty verdict on all counts on March 8, 2024.

Mr. Hernandez’s Personal Background

The United States Probation Report (PSR) accurately details Mr. Hernandez’s early life. He was born in Lempira, Honduras and lived in Honduras his entire life, where he grew up on a small farm. (PSR ¶¶ 125-128). Mr. Hernandez has 13 siblings / half-siblings. He attended Liceo Militar del Norte, a military boarding school in San Pedro Sula, Honduras. (Id. ¶ 130). Mr. Hernandez is married to Ana Rosalinda Garcia Carias and they have three adult children. (Id. ¶ 134).

Mr. Hernandez is trained as a lawyer and received his law degree in Honduras in 1990. (Id. ¶ 151). He also has a master’s degree from SUNY Albany in public administration, which he earned in 1994. (Id. ¶ 150). Mr. Hernandez was a practicing lawyer in Honduras from 1991 –

2000, before entering politics. (Id. ¶ 163).

Mr. Hernandez's Political Background

In 1997, concerned about the rampant drug-fueled violence that was destroying Honduras, Mr. Hernandez decided to take action. He ran for political office and was elected as a Deputy of the National Congress of Honduras from 1998 – 2014. (Id. ¶ 161).

From 2010 – 2014, Mr. Hernandez was the President of the National Congress of Honduras. (Id. ¶ 159).

From 2014 – 2022, Mr. Hernandez was the President of Honduras. (Id. ¶ 158).

Achievements Fighting Narcotrafficking

The PSR provides some detail about Mr. Hernandez's efforts to combat narcotrafficking in Honduras. (PSR ¶¶ 160-162). Mr. Hernandez's efforts to combat narcotrafficking are the complete opposite of what would be expected if he were really running Honduras as a narco-state. But they also merit consideration for the good things he did for Honduras, which should be considered for sentencing.

Prior to the Hernandez administration, little hope existed for Hondurans for a secure and prosperous state. Following a June 28, 2009 coup d'etat, the U.S. Government suspended all counternarcotics efforts with Honduras until the inauguration of President Porfirio Lobo Sosa in January 27, 2010. The United Nations Office on Drugs and Crime's (UNODC) 2010 Global Homicide Survey ranked Honduras as the country with the highest murder rate in the world—82 per 100,000 inhabitants. The U.S. State Department's 2011 International Narcotic Control Strategy Report ("INCSR") openly admits that the "Lobo administration inherited a severely limited ability to combat illegal trafficking."¹ Despite marginal improvements prior to Mr. Hernandez's assuming the presidency, at the start of his first presidential term in 2014 Honduras remained the country with the highest murder rate in the world, with a murder rate of 79 per 100,000 inhabitants and the city of San Pedro Sula being considered the most dangerous city and murder capital of the world. Honduras was considered more dangerous than countries designated as active combat zones. In 2012, as much as 79 percent of all cocaine smuggling flights departing South America first landed in Honduras.²

Recognizing the havoc drug traffickers unleashed on the Honduran people, Mr. Hernandez tirelessly devoted his time in office to combatting drug trafficking. Although by no means exhaustive, the most successful of Mr. Hernandez's policies is outlined below.

In 2012, during Mr. Hernandez's term as the President of National Congress, the Honduran Constitution was reformed to allow for the extradition of individuals involved in drug trafficking, organized crime, or terrorism. The first extradition of a Honduran drug trafficker (Carlos Arnoldo Lobo a/k/a "Negro") to the United States was carried out by the Hernandez

¹ U.S. State Department, 2011 International Narcotics Control Strategy Report at pg. #, [International Narcotics Control Strategy Report \(state.gov\)](#)

² U.S. State Department, 2012 International Narcotics Strategy Report at pg. 251, [International Narcotics Control Strategy Report \(state.gov\)](#)

administration in 2014. From that point forward, the Hernandez administration complied with every extradition request the United States made. Mr. Hernandez played an integral role in the very same extradition reform that allowed him to face trial in the United States—and utilized it to its fullest extent in the spirit of cooperation to curb drug trafficking that jeopardized both the United States and Honduras. The following is a list of significant drug traffickers Mr. Hernandez extradited in full compliance with the U.S. Government:

1. Carlos Arnaldo Lobo AKA ‘El Negro Lobo’ on May 8, 2014.
2. Juving Alexander Suazo Peralta AKA ‘Chancleta’ on May 8, 2014.
3. José Inocente Valle Valle and Marlen Griselda Amaya Argueta on June 19, 2014.
4. Luis Alonso Valle Valle and Miguel Arnulfo Valle Valle on December 18, 2014.
5. Héctor Emilio Fernández Rosa AKA ‘Don H’ in September 2015.
6. Wilmer Carranza Bonilla on October 15, 2015.
7. Carlos Emilio Arita Lara and José Raúl Amaya on February 3, 2016.
8. Juan Carlos Arvizú AKA ‘Lanchita’ in June 2016.
9. Carlos José Zavala Velasquez, Jorge Alfredo Cruz Chávez, Juan Manuel Ávila Meza, Victor Oswaldo López Flores, and Mario Guillermo Mejía Vargas in June 2016.
10. Sixto Obed Argueta García on September 12, 2016.
11. Ludwig Criss Zelaya Romero on December 13, 2016.
12. Jairo Arias Mejía AKA ‘King Arthur’ on June 27, 2017.
13. Noé Montes Bobadilla on September 22, 2017.
14. Sergio Neftalí Mejía Duarte AKA ‘El Compa’ on October 25, 2017.
15. Arnulfo Fagot Máximo on December 12, 2017.
16. Roberto de Jesús Soto García on December 21, 2017.
17. Geffry Darío Guzmán Tovar on February 8, 2018.
18. Arístides Díaz on November 6, 2018.
19. Osman Donay Martínez on March 9, 2019.
20. José Adalid Amaya on April 27, 2019.

La Gaceta is the official journal of the Republic of Honduras in which laws are published. The following laws were implemented during Mr. Hernandez’s tenure as President of the National Congress (January 25, 2010 to January 25, 2014) and as the President of Honduras (January 27, 2014 to January 27, 2022) to combat drug trafficking and crime in Honduras:

Decree 26-2010 – Ley Sobre Privación Definitiva del Dominio de Bienes de Origen Ilícito (Law on the Definitive Confiscation of Assets of Illicit Origin), published in *La Gaceta* on June 16, 2010. This law allowed for Honduran law enforcement to identify, locate, recover, and secure illicit assets as well as the confiscation of illicit actions, in accordance with the provisions of the UN Convention against Transnational Organized Crime.

Decree 223-2011 – Reforma del Artículo 274 de la Constitución (Reform of Article 274 of the Constitution to Allow Armed Forces to Carry out Patrols), published in *La Gaceta* on December 3, 2011. This decree allowed the Honduran armed forces to engage in policing functions when a State of Emergency of Public Security had been declared by the executive decree of the sitting president in accordance with corresponding legal regulations.

Decree 241-2010 – Ley Contra el Financiamiento del Terrorismo – (Law Against the Financing of Terrorism Act), published in *La Gaceta* on December 11, 2010. This law established the means of prevention, location, repression, and control of activities aimed at financing terrorism as well as the confiscation of assets or funds belonging to persons or organizations with connections to terrorist acts or activities.

Decree 91-2012 – Prohibition of Two Men on Motorcycles, published in *La Gaceta* on July 12, 2012. In recognition that organized crime assassinations are widely conducted by two men on motorcycles, and that earlier measures aimed at addressing this significantly reduced these activities, this law prohibits two men from riding on a motorcycle.

Decree 269-2011 – Reforma del Artículo 102 de la Constitución (Reform of Article 102 of the Constitution), published in *La Gaceta* on January 24, 2012. This reform to the Honduran Constitution, which previously prohibited any extradition of Honduran nationals, allowed an exception for cases related to crimes involving drug trafficking, terrorism, or organized crime.

Decree 211-2012 – Ley de Inteligencia Nacional (Law on National Intelligence), published in *La Gaceta* on April 15, 2013. Established the legal scope of the National Directorate of Investigation and Intelligence as well as the National System of Intelligence to coordinate to protect the rights and liberties of citizens of Honduras while preventing internal and external threats. The law further obligates relevant institutions as well as private entities to share information with the National Directorate of Investigation and Intelligence in relevant circumstances.

Decree 255-2013 – Ley de Limitación de Servicios de Telefonía Movil Celular y Comunicaciones Personales (PCS) en Centros Penales a Nivel Nacional (Law of Limitation of Personal Mobile Telephone and Communications Service in Prisons), published in *La Gaceta* on January 31, 2014. In recognition that Honduran prisons had become centers where crimes were coordinated through phone calls, which ran contrary to the rehabilitative goals of incarceration, prohibited cellular phone calls and personal communications from prisons and installed devices to block signal in prisons.

Decree 347-2013 – Ley de Protección de la Soberanía del Espacio Aéreo (Law for the Protection of Airspace Sovereignty), published in *La Gaceta* on March 3, 2013. This law established norms, rules, and procedures for the investigation, interception, and definitive neutralization of aircraft in violation of provisions established under domestic legislation and the Convention on Civil Aviation International Law.

Decree 18-2017 – Ley Orgánica de la Secretaría de Estado en el Despacho de Seguridad y de la Policía Nacional de Honduras (New Organic Law for the National Police), published in *La Gaceta* on October 10, 2017. An extensive overhaul the Honduran National Police delineating new structures and protocols to improve the organization.

Decree 119-2018 – Ley de Seguridad de la Aviación Civil de Honduras (Civil Aviation Safety Law), published in *La Gaceta* on January 30, 2019. This law aimed at preventing acts of illicit interference involving civil aviation by expanding and

delineating the responsibilities and authority of the National Directorate of Investigation and Intelligence and its relevant branch of the Division of Airport Security.

Decree 101-2018 – Ley de Control de Armas de Fuego, Municiones, Explosivos y Materiales Relacionados (Law on the Control of Firearms, Ammunition, Explosives, and Other Related Materials), published in *La Gaceta* on February 8, 2019. This law aimed at regulating the activities of importation, exportation, registration, transportation, transference, distribution, use, manufacture, illegal trafficking, modification, and repair of firearms, munitions, explosives, and related materials to ensure use only by legal Honduran citizens with official authorization.

Acuerdo 264-2019 – Reglamento General de la Ley Orgánica de la Secretaría de Estado en el Despacho de Seguridad y la Policía Nacional (General Regulation of the Organic Law of the Secretary of State in the Security Office and the National Police), published in *La Gaceta* on February 9, 2019. This law delineated various responsibilities of the Secretary of State in the Security Office of the National Police to further hold the Honduran National Police accountable and ensure their competency.

Decree 54-2020 – Ley de Protección de la Soberanía del Espacio Aéreo (Law for the Protection of Air Sovereignty), published in *La Gaceta* on May 25, 2020. This law improved prior legislation aimed at ensuring Honduras' ability to prevent and address illicit activity in its airspace, namely drug trafficking.

In addition to these legislative measures, Mr. Hernandez also established new agencies and allocated resources to allow Honduran law enforcement to fight back on the threat of drug traffickers. The following are anti-drug trafficking organizations instituted during Mr. Hernandez's tenure in office:

1. **Creation of the Fuerza Nacional Antiextorsión (FNA) (National Anti-Extortion Forces)** in March 2013. In recognition that rampant extortion surpassed the capacities of the State, the FNA was founded as an interinstitutional coalition between the Public Ministry, National Police, Armed Forces, and the Directorate of Investigation and Intelligence to allow collaboration to investigate, detect, and prosecute in an effective manner all persons or groups that engage in extortion.
2. **Decree 103-2013 – Estrategia Interinstitucional en Seguridad y Toma Integral Gubernamental de Respuesta Especial de Seguridad (TIGRES) (Intelligence Troops and Special Security Response Groups (TIGRES) to Combat Organized Crime)**, published in *La Gaceta* on June 27, 2013. In response to security crises, established the TIGRES as a special elite unit of the National Police to strengthen State efforts to combat security threats, particularly organized crime, terrorism, and drug trafficking.
3. **Decree 168-2013 – Ley de la Policía Militar del Orden Público (Law of the Military Police of Public Order)**, published in *La Gaceta* on August 24, 2013. In recognition that a specialized military unit was needed to confront evolving organized crime, created the Military Police of Public Order (PMOP) to cooperate with the National Police to maintain public order and security for Hondurans.

4. **Creation of the Fuerza de Seguridad Interinstitucional Nacional (FUSINA) (Creation of National Interinstitutional Security Force)** in February 2014. Created the National Interinstitutional Security Force with the primary purpose of monitoring the daily operations of security and justice organizations in Honduras.
5. **Decree 254-2013 – Ley General de la Superintendencia Para la Aplicación de Pruebas de Evaluación de Confianza (General Law for the Superintendence for the Application of Trust Assessment Tests)**, passed January 24, 2014, published in *La Gaceta* on March 6, 2014. This law created the Superintendence for the Application of Trust Assessment Tests as an independent organ of the National Council of Defense and Security to evaluate the level of trust in public servants of the National Police, Public Ministry, Judiciary, Armed Forces, and other groups that under the law are subject to such tests. This agency holds public servants accountable, ensures their competency, and improves credibility of institutions.
6. **Decree 379-2013 – Creación de la Agencia Técnica de Investigación Criminal (ATIC) (Creation of the Technical Agency for Criminal Investigation)**, published in *La Gaceta* on March 18, 2014. Created the Technical Agency for Criminal Investigation which investigates serious crimes with significant social impact corresponding to crimes outlined in Article 184 of the Honduran Code of Criminal Procedure to uncover perpetrators and accomplices and provide state prosecutors with information to aid in prosecution.
7. **Executive Decree PCM-053-2014, Ratificación de Acuerdo DNII-008-20014, Creación de División de Seguridad Aeroportuaria (Ratification to the Division of Airport Security)** published in *La Gaceta* on August 25, 2014. This executive decree created the Division of Airport Security to safeguard Hondurans, their property, and the infrastructure of airports against illicit interference.
8. **Decree 144-2014 – Ley Especial Contra el Lavado de Activos (Special Anti-Money Laundering Law)**, published in *La Gaceta* on April 30, 2015.
9. **Decree 21-2016 – Declarar Situación de Emergencia por Seguridad Nacional e Interés Público el Proceso de Depuración de la Policía Nacional (Emergency Decree to Create the Special Commission for the Purge and Transformation of the Honduran National Police)**, published in *La Gaceta* on April 8, 2016. In response to rampant police corruption and a lack of faith in the Honduran National Police, a state of emergency was declared and a special commission was instated to purge corrupt officers from the police force. This commission purged many corrupt officers from the Honduran National Police.
10. **Creation of the Fuerza Nacional Anti Maras y Pandillas (FNAMP) (National Anti-Maras and Gangs Force)** which began operations on July 12, 2018. The Hernandez administration transformed the National Anti-extortion Force (FNA) into the National Anti-Maras and Gang Force (FNAMP) which provided the force with more authority and legal capacity to combat all criminal activities maras and gangs carry out. This included an increase in military personnel, logistics resources, and trainings for the unit as well as more logistics support ranging from vehicles to new technological equipment.

The expansion of Honduras' law enforcement capabilities through legislative reform and the establishment of new agencies allowed the Government of Honduras to carry out a series of operations that dealt significant blows to Honduran drug traffickers and their operations. The following are anti-drug trafficking operations undertaken during Mr. Hernandez's tenure in office:

1. **Operation Neptune** on September 19, 2013.
2. **Operation Avalanche** on February 23, 2016.
3. **Operation Centurion** on August 24, 2016.
4. **Operation Avalanche II** on October 17, 2016.
5. **Operation Centurion II** on January 23, 2017.
6. **Operation Harpy I** on March 15, 2017.
7. **Operation Harpy II** on April 25, 2017.
8. **Operation Harpy III** on May 16, 2017.
9. **Operation Earthquake** on June 19, 2017.
10. **Operation Firestorm** on June 21, 2017.
11. **Operation Harpy V** on September 28, 2017.
12. **Operation Harpy VI** on October 11 and 13, 2017.
13. **Operation Sparrowhawk** on June 2, 2018.
14. **Operation Trust** on February 28, 2019.
15. **Operation Hedgehog** on August 10, 2019.
16. **Operation Padlock** on September 25, 2019.
17. **Operation Trust II** on September 24, 2019.
18. **Operation Spark** on November 1, 2019.

The ability of drug trafficking organizations to operate within Honduran prisons presented yet another obstacle to the security and prosperity of Honduras. Recognizing this, Mr. Hernandez spearheaded a series of inmate transfers to significantly reduce and ensure the proper aims of incarceration were achieved. The following are inmate transfers across Honduran prisons during Mr. Hernandez's tenure in office:

- Transfer of inmates to El Pozo on September 19, 2016.
- Transfer of 95 inmates, 14 to El Pozo and 81 to La Tolva on August 15, 2017.
- Transfer of 7 inmates to El Pozo on August 18, 2017.
- Transfer of 93 prisoners to La Tolva on November 24, 2018.
- Transfer of 14 inmates from the National Women's Penitentiary for Social Adaptation to El Pozo on April 16, 2019.
- Transfer of 279 inmates to other penal centers on July 4, 2019.
- Transfer of 421 inmates to max security prisons on August 8, 2019.
- Transfer of 120 inmates to other penal centers on September 17, 2019.

These initiatives undertaken by Mr. Hernandez and his administration produced tangible results, leading to not only a safer Honduras—but less drugs coming into the U.S. Contrary to inaccurate claims raised by the government during trial (Tr. 614), the U.S. has consistently observed significant declines in cocaine trafficking through Honduras. In the first half of 2015, the U.S. Government estimated that the volume of cocaine that passed through Honduras before reaching the U.S. decreased by 40 percent from 2014.³ This pattern remained largely consistent, as

³ U.S. State Department, 2016 International Narcotics Control Report, [2016 International Narcotics Control Strategy Report \(INCSR\) \(state.gov\)](#)

even in the final year of his presidency, Mr. Hernandez remained steadfast in his efforts to fight against drug trafficking. In just the first 9 months of 2021, the State Department reported that the Government of Honduras seized “14.2 metric tons (MT) of cocaine—four times more than all seizures in 2020.”⁴

This progress was achieved through the combined efforts of the Hernandez administration and its willingness to cooperate with the U.S. As one example of tangible success of the Hernandez administration, its reforms to strengthen the security of its airspace produced remarkable results. By February 11, 2015 drug trafficking by air in Honduras was “down by 50 percent since 2012.”⁵ In 2016, the U.S. government estimated that the number of suspected drug trafficking aircraft decreased by 35 percent from the previous year.⁶ The U.S. Government estimated that “approximately 4%, or 120 metric tons (MT), of cocaine shipments from South America made a first stop by air or sea in Honduras in 2019.”⁷

These reductions in volume of cocaine transiting through Honduras largely benefitted the U.S., but the Hernandez administration greatly improved the security and prosperity of its own nation as well. From 2014-2015—just the first year of the Hernandez administration—the national homicide rate dropped 12 percent. This did not go unnoticed by Hondurans—the percentage of dissatisfied citizens decreased from 74 percent in 2013 to 56 percent in 2015, which U.S. officials attributed “to the success of President Juan Orlando Hernandez’s government in reducing the murder rate.”⁸ This trend continued the following year, as from 2014 to 2016, the homicide rate decreased by nearly 25% to 59.1 per 100,000.⁹ Under Mr. Hernandez’s leadership, this rate would continue to plummet. By the end of the Hernandez administration, homicide rates were nearly halved compared to their peak of 86 per 100,000 in 2011—with the UN reporting a homicide rate of 45 per 100,000 by 2021.¹⁰ Notably, the United Nations High Commissioner for Refugees attributes part of this homicide rate to the impact of COVID-19 and hurricanes Eta and Iota benefitting criminal organizations, suggesting that the Hernandez administration achieved even more progress than this figure denotes. In other words, under the Hernandez administration, Honduras ceased to be the murder capital of the world. In addition to this newfound security, the Hernandez administration restored faith in its law enforcement institutions. Between 2016 to 2019, the Special Commission for the Purge and Transformation of the Honduran National Police, instituted by Mr. Hernandez, “recommended the dismissal or provisional suspension of just over 6,000 corrupt criminal, or otherwise ineffective police officers.”¹¹

⁴ U.S. State Department, 2022 International Narcotics Control Report at pg. 138, [2022 INCSR Vol 1 Final for Printing-Rev. 2-24 1.35pm \(state.gov\)](#)

⁵ State, Foreign Operations, and Related Appropriations for 2016 at pg. 575, [CHRG-114hhr97414.pdf \(congress.gov\)](#)

⁶ U.S. State Department, 2017 International Narcotics Control Report at pg. 181, [2017-INCSR-Vol.-I.pdf \(state.gov\)](#)

⁷ U.S. State Department, 2020 International Narcotics Control Report at pg. 159, [Tab-1-INCSR-Vol.-I-Final-for-Printing-1-29-20-508-4.pdf \(state.gov\)](#)

⁸ Central America and the Alliance for Prosperity: Identifying U.S. Priorities and Assessing Progress at pg. 44 (April 19, 2016), [CHRG-114shrg30258.pdf \(govinfo.gov\)](#)

⁹ U.S. Southern Command Posture Statement of General John F. Kelly at pg. 16, (March 12, 2015) [2015 Posture Statement of Gen. John Kelly, commander U.S. Southern Command \(dtic.mil\)](#)

¹⁰ United Nations High Commissioner for Refugees Fact Sheet, (March 3, 2022) [UNHCR Factsheet March 2022 - Honduras | ReliefWeb](#)

¹¹ Bureau of International Narcotics and Law Enforcement Affairs: Honduras Summary [Bureau of International Narcotics and Law Enforcement Affairs: Honduras Summary - United States Department of State](#)

Praise From the United States

For years, Mr. Hernandez's efforts to combat narcotrafficking in Honduras received high praise from the United States. His efforts have been widely praised by various U.S. agencies and its highest-ranking officials time and time again. The Drug Enforcement Agency ("DEA") has praised Mr. Hernandez for his cooperation in their mission to prevent the damage caused by illegal narcotics. Following the first extradition of a Honduran drug trafficker in 2014, the DEA put out a press release commending the "efforts of President of the Honduran Republic Juan Orlando Hernandez Alvarado... for their cooperation and support during the extradition and prosecution of Carlos Arnoldo Lobo." In a June 7, 2018 Twitter post from the DEA, gratitude was extended to Mr. Hernandez for meeting with the DEA, who considered him "critical to reducing violence and addiction caused by drug trafficking that afflicts both our nations."¹² A March 1, 2019 Twitter post from the DEA indicates another meeting with the DEA attended by Mr. Hernandez, "to further build upon the relationship" Mr. Hernandez established with the agency as they "work jointly to combat drug trafficking."¹³

In addition to the various INCSR reports published by the U.S. State Department cited above, which consistently attest to the progress the Hernandez administration achieved in its crusade against drug traffickers, the U.S. State Department officially certified that the Hernandez administration took effective steps in cooperation with the United States to improve American border security and curb illegal immigration and human trafficking—presenting yet another roadblock to drug traffickers entering U.S. soil¹⁴. In an April 19, 2016 hearing before the Senate Committee on Foreign Relations, U.S. State Department official Francisco Palmieri was asked to discuss efforts to extradite drug kingpins. Palmieri responded that he "particularly want[ed] to single out Honduras, which has made significant progress" and "helped us detain and then extradite" high-level drug traffickers.¹⁵ A letter prepared by former Secretary of State Rex Tillerson for the Department of Homeland Security noted "Honduras is a consistent partner of the United States" that had "shown itself willing to proactively address concerns related to illegal immigration" and noting Honduras as a "receptive partner" of U.S. extradition requests of major drug traffickers. In recognition of "Honduras' own efforts under the Alliance of Prosperity" to "protect U.S. national security and create conditions to incentivize Honduran citizens to remain and prosper in their home country", Secretary Tillerson notes the United States would provide \$2 billion between from 2015-2017 to support Honduras, including programs "to dismantle transnational criminal organizations" and "combat drug trafficking." (*See Exhibit 7*).

Beyond the State Department, the U.S. Department of Defense has also consistently recognized the efforts of the Hernandez administration through the U.S. Southern Command ("SOUTHCOM"), the military command which oversees Latin America and the Caribbean. In July of 2014 then-SOUTHCOM Commander General John Kelly wrote an article discussing the security threat posed by Central American drug trafficking. Only 6 months into Mr. Hernandez's presidency, General Kelly observed that among other factors "the strong commitment of

¹² D.E.A. Account (June 7, 2018), <https://x.com/deahq/status/1004737069716000770?s=46>

¹³ D.E.A. Account (March 1, 2019), <https://x.com/deahq/status/1101583481526726656?s=46>

¹⁴ <https://www.govinfo.gov/content/pkg/FR-2016-03-21/pdf/2016-06311.pdf>; <https://www.govinfo.gov/content/pkg/FR-2017-08-29/pdf/2017-18305.pdf>; <https://www.govinfo.gov/content/pkg/FR-2018-09-12/pdf/2018-19792.pdf>; <https://www.govinfo.gov/content/pkg/FR-2020-05-27/pdf/2020-11383.pdf>

¹⁵ Central America and the Alliance for Prosperity: Identifying U.S. Priorities and Assessing Progress at pg. 22, (April 19, 2016), <CHRG-114shrg30258.pdf> (govinfo.gov)

Honduras' new president and national security team, has all but stopped airborne drug flights into Honduras." (See Exhibit 6).

In a 2015 hearing before the Senate Armed Services Committee, General Kelly was asked to assess the newly elected Mr. Hernandez. General Kelly recounted that in his time as president-elect, Mr. Hernandez personally requested a meeting to discuss "extraditing criminals out of his country to the U.S.", "cleaning up his police", and "reestablishing the institutions of government" in Honduras¹⁶. Three weeks later, General Kelly again met with Mr. Hernandez who asked the general "to help [Mr. Hernandez] develop plans and how to effectively deploy his military to get after the drugs that flow through his country." General Kelly concluded that Mr. Hernandez "wants to help us fight our problem and he's very serious." Notably, it was Mr. Hernandez who initiated an effort to collaborate with the U.S. and requested the help of the American government, weeks before he even assumed the presidential office.

General Kelly reaffirmed his faith in Mr. Hernandez in SOUTHCOM's March 2015 Posture Statement before the Senate Armed Services Committee.¹⁷ In May of 2015, General Kelly shared his belief in Mr. Hernandez's administration with the people of Honduras as well.¹⁸ In an interview with Honduran media outlet *El Heraldo*, General Kelly said that upon Mr. Hernandez assuming office in January 2014, Honduras was the number one transit country for South America cocaine destined for the U.S. By May of 2015—only a year later—Honduras had fallen to the fifth transit country. General Kelly attributed this to the "incredible" efforts and increased cooperation of Mr. Hernandez's administration, stating, "since President Hernandez took office, we have had very good collaboration on all fronts." General Kelly further remarked that the number of drug planes in Honduran airspace decline so drastically that "we almost stopped seeing any."

By December of 2015, General Kelly expressed optimism regarding cooperation in the fight against drug trafficking with multiple Central American countries—but noted that "the situation is especially encouraging in Honduras, where the government is working hard to combat the drug trade, re-establish governance in remote areas, and take meaningful action to protect human rights." Moreover, SOUTHCOM acknowledged that "the request for aid to move troops came from the Honduran President's Office." In what General Kelly described as "a historical first step", he commended Mr. Hernandez's administration for its extradition of drug traffickers, establishment of new law enforcement agencies, increased investigations into corrupt elected officials, and Mr. Hernandez's personal request to establish a UN High Commission on Human Rights Office in Honduras. General Kelly noted that compared to its 2014 homicide rate, Honduras experienced "a nearly 25% reduction in only two years."¹⁹

¹⁶ Hearing to Receive Testimony on U.S. Northern Command and U.S. Southern Command in Review of the Defense Authorization Request for Fiscal Year 2016 and the Future Years Defense Program, (March 12, 2015) <https://www.armed-services.senate.gov/imo/media/doc/15-25%20-%203-12-15.pdf>

¹⁷ Posture Statement before the Senate Armed Services Committee, (March 12, 2015) https://www.armed-services.senate.gov/imo/media/doc/Kelly_03-12-15.pdf

¹⁸ InSight Crime, US Official Praises Honduras Efforts to Combat Drug Trafficking, (May 5, 2015) <https://insightcrime.org/news/brief/us-official-praises-honduras-anti-drug-trafficking-efforts/>

¹⁹ Posture Statement before the Senate Armed Services Committee, (March 12, 2015) https://www.armed-services.senate.gov/imo/media/doc/Kelly_03-12-15.pdf

In a 2016 Department of Defense hearing before the Armed Services Committee²⁰, former SOUTHCOM Commander Admiral Kurt W. Tidd echoed the faith his predecessor placed in Mr. Hernandez's administration. Admiral Tidd noted that the U.S. experienced "success working with our Honduran partners, as they have been able to get out and apply pressure" in areas in which drug traffickers operated. In SOUTHCOM's 2017 Posture Statement before the U.S. Senate Armed Services Committee²¹, Admiral Tidd remarked that "Honduras has also made a concerted effort to dismantle threat networks, extradite suspected drug traffickers to the U.S., and eliminate corruption." In October of 2020, Admiral Craig Faller speaking on behalf of SOUTHCOM celebrated that "in 2020 already, Honduras has taken more drugs off the streets and has more prosecutions than in 2019 combined."²²

The U.S. Senate has celebrated Mr. Hernandez's achievements beyond its hearings with SOUTHCOM's commanders. A February 11, 2014, hearing before the Armed Services Committee²³ outlining global threats to American security noted Honduras as having the highest homicide rate in the world but anticipated that "new Honduran President Juan Orlando Hernandez will likely prioritize security policy and seek to build a coalition within the divided legislature to push his economic reform agenda." In an April 13, 2015, session²⁴, Senator Bill Nelson remarked that "President Hernandez came into office wanting to really make a difference" in the fight against drug traffickers. Senator Nelson noted that Honduras experienced a decline in both drugs entering Honduras and the Honduran homicide rate, commending "the limited albeit progress" of the first year of Mr. Hernandez's presidency. When noting that "the trends are in the right direction", Senator Nelson personally commended Mr. Hernandez, for both his efforts in combatting drug trafficking directly and his effort to "help their country with its economy so the extreme poverty" would not facilitate an environment "ripe for corruption and for paying off people to transport the drugs."

A 2016 hearing before the Committee on Foreign Relations²⁵ further applauded the Hernandez administration's "significant progress and commitment to fighting corruption" of its public officials, including the indictments and sentencing of five corrupt mayors on charges of money laundering, contract killing, and drug trafficking, among others. This commitment to combat corruption extended beyond these efforts, as the Senate observed that the GOH established the Special Commission for National Police's Purge and Transformation in response to police collusion with known drug traffickers. This Commission reviewed 272 officers of the Honduran National Police, providing complete transparency to the U.S. Embassy and increasing funding and resources to investigate corrupt members of the police.

²⁰ Department of Defense Authorization for Appropriations for Fiscal Year 2017 and the Future Years Defense Program, <https://www.govinfo.gov/content/pkg/CHRG-114shrg26098/html/CHRG-114shrg26098.htm>

²¹ Posture Statement before the Senate Armed Services Committee, (April 6, 2017) https://www.southcom.mil/portals/7/documents/posture%20statements/southcom_2017_posture_statement_final.pdf?ver=2017-04-06-105819-923

²² Honduras, Chief of the US Southern Command highlights Operation Dominion, (October 19, 2020) <https://www.laprensa.hn/honduras/jefe-de-comando-sur-estados-unidos-operacion-dominio-narcoterrorismo-FALP1416737>

²³ Senate Hearing 113-571 - Current And Future Worldwide Threats To The National Security Of The United States, (February 11, 2014) <https://www.govinfo.gov/content/pkg/CHRG-113shrg93412/pdf/CHRG-113shrg93412.pdf>

²⁴ Congressional Session, Congressional Record—Senate S2095, (April 13, 2015) <https://www.govinfo.gov/content/pkg/CREC-2015-04-13/pdf/CREC-2015-04-13-pt1-PgS2095.pdf>

²⁵ Senate Hearing 114-752 – Our Evolving Understanding and Response to Transnational Criminal Threats, (June 16, 2016) <https://www.govinfo.gov/content/pkg/CHRG-114shrg28584/pdf/CHRG-114shrg28584.pdf>

During this hearing, the Senate further observed that following Mr. Hernandez’s extraditions and seizure of hundreds of millions in drug trafficking assets, “Honduran drug traffickers have become increasingly concerned with the possibility of apprehension and extradition.” The Senate recognized that Mr. Hernandez “sent a shockwave through the criminal organizations, which had previously found Honduras to be a completely permissible environment.” The Senate concluded that the Hernandez’s administrations prosecution of financial crimes and drug related offenses sent “a strong message throughout Honduras that all people are subject to the law.” In a separate 2016 Department of Defense hearing, Senator Tim Kaine shared his experience of a visit to Honduras. When visiting San Pedro Sula—formerly the most dangerous city in the world—Senator Kaine remarked that he was surprised to see USAID projects assisting and Hondurans and that he and Mr. Hernandez discussed potential investments in the region to further this progress.²⁶

Mr. Hernandez’s efforts also garnered the support of the U.S. Department of Homeland Security and the U.S. Agency for International Development (“USAID”). On January 9, 2020, Former Department of Homeland Security Secretary Chad Wolf directly addressed Mr. Hernandez, pledged to continue U.S. support as Mr. Hernandez “continue[s] to do more to secure [his] borders” and “dismantle gangs and cartels.” Secretary Wolf concluded his address by acknowledging the shared goal with the Honduran government to “meet the needs of the Honduran people who yearn for a more secure Honduras in which to raise [their] families” and thanking Mr. Hernandez for “the candid conversations today and for [his] leadership on these issues.”²⁷ In his time as the Secretary of Homeland Security during May of 2017, General Kelly spoke of Mr. Hernandez, calling him “a great guy, good friend” and celebrated that he “has reduced violence by a third and he expects to add 600,000 jobs to his economy.”²⁸ Former USAID Chief Mark Green observed that in San Pedro Sula “we have seen a dramatic reduction in crime, a dramatic reduction in the activities of gangs” in a 2018 hearing before the House Committee on Appropriations.

Mr. Hernandez’s devotion to improving Honduras received the praise of both presidents and vice presidents as well. In his March 2, 2015 remarks before Central American leaders, President Joseph Biden—then-Vice President—celebrated that the Hernandez administration “signed a unique accountability agreement with Transparency International” which he emphasized, stating that Honduras “should be complimented on that” and noting “that’s a big deal—featuring a commitment to share more information with the public.” President Biden remarked that Honduras was “moving in the right direction”, following “standard operating procedures for countries that are doing well.” Speaking directly of Mr. Hernandez, President Biden stated “You’ve taken steps to tackle criminal networks responsible for your region’s security challenges, at great personal danger to yourselves. It takes a lot of courage, Mr. President.” President Biden even joked to General Kelly that “I keep talking to the President of Honduras to make sure he doesn’t have you move your headquarters to Honduras. He likes you so much.”²⁹ This further indicates not only the praise Mr. Hernandez received from our officials,

²⁶ Central America and the Alliance for Prosperity: Identifying U.S. Priorities and Assessing Progress at pg. 56 (April 19, 2016), [CHRG-114shrg30258.pdf \(govinfo.gov\)](#)

²⁷ Acting DHS Secretary Wolf’s Remarks with Honduran President Hernandez, (January 9, 2020) [Acting DHS Secretary Wolf’s Remarks with Honduran President Juan Orlando Hernández - U.S. Embassy in Honduras \(usembassy.gov\)](#)

²⁸U.S. Policy Toward Central America, May 4, 2017) [U.S. Policy Toward Central America | C-SPAN.org](#)

²⁹ Remarks by Vice President Biden at a Plenary with Central American Leaders (March 2, 2015) [Remarks by Vice President Biden at a Plenary with Central American Leaders - U.S. Embassy in Honduras \(usembassy.gov\)](#)

but his appreciation for cooperation between the U.S. and Honduras and his persistence on strengthening that relationship.



Former president Donald Trump also personally recognized Mr. Hernandez, celebrating that “President Hernandez is working with the United States very closely” and through this partnership “we’re stopping drugs at a level that has never happened.”³⁰ In a separate address, former president Trump further commended Mr. Hernandez’s administration, telling Mr. Hernandez directly “you’ve done a fantastic job. My people have worked with you so well.” Mr. Hernandez received more praise from the Trump administration.



In his meeting with Mr. Hernandez at the White House, former Vice President Pence “recognized the important progress that Honduras has made over the past two years in fighting

³⁰ Remarks by President Trump at the Israeli American Council National Summit 2019 (December 8, 2019), [Remarks by President Trump at the Israeli American Council National Summit 2019 – The White House \(archives.gov\)](#)

violent crime and corruption” specifically citing “police reform efforts” undertaken by Mr. Hernandez.³¹ In a Tweet sharing a photo from a March 23, 2017, Vice President Pence wrote “Pleased to meet with President Hernandez, a key ally on promoting security, stability, & democracy in Central America.”³²



Despite this consistent and continued praise from the American Government, Mr. Hernandez’s relationship with the DEA faced some challenges. In 2012, Mr. Hernandez and the administration approved a law permitting civilian drug trafficking planes to be shot down by the Honduran military. The U.S. Government, however, swiftly condemned this legislation, claiming it was “not compatible with US laws that regulate certain types of security assistance” and as such, ended the sharing of intelligence from anti-narcotics radars with Honduras. This decision underscored the widening chasm in drug war strategies between the two nations. In the same year the U.S. condemned Honduran legislation over its own sovereign airspace, DEA agents shot down a Honduran drug trafficking aircraft.³³

The situation hit a crisis in 2017, when the U.S. released a report – issued jointly by the Justice and State Departments – outlining the findings of an investigation regarding a botched DEA drug raid in Honduras in May 2012. The raid led to the shooting deaths of four civilians, including a pregnant woman and a 14-year-old boy, on a canoe-like river taxi carrying passengers, not drugs. While the DEA initially insisted that the victims were cocaine traffickers who had shot first, the Government issued report established that these claims were untrue.

In fact, the scathing report unequivocally reveals that the DEA intentionally misrepresented the facts, suppressed crucial information that would have disclosed the true events,

³¹ Readout of the Vice President Pence’s Meeting with President Juan Orlando Hernandez of Honduras (June 20, 2018) ([Readout of the Vice President Pence's Meeting with President Juan Orlando Hernandez of Honduras - U.S. Embassy in Honduras \(usembassy.gov\)](#))

³² Archived Account of Vice President Pence (March 23, 2017) [Vice President Mike Pence Archived on X: "Pleased to meet with President Hernandez, a good friend & key ally on promoting security, stability, & democracy in Central America. https://t.co/8vrAQMengz" / X](#)

³³ Charlie Savage, *Man Is Killed by U.S. Agent in Drug Raid in Honduras*, (June 24, 2012) [D.E.A. Agents Kills Suspected Smuggler in Honduran Drug Raid - The New York Times \(nytimes.com\)](#)

and consistently obstructed efforts by Congress and the Justice Department to gather accurate information about the incident. Indeed, it took nearly a year for the DEA to turn over all of its records regarding this event. Still, the truth was eventually uncovered. As the 329-page report starkly asserts: “Not only was there no credible evidence that individuals in the passenger boat fired first, but the available evidence places into serious question whether there was any gunfire from the passenger boat at any time.”³⁴

Understandably, these revelations ignited tension between the Honduran Government and the DEA, exacerbated by the furious public reaction in Honduras. In many ways, the report’s damning findings not only shattered the DEA’s credibility but also implicated its operatives in a cover-up of innocent Honduran lives lost. Unsurprisingly, this served to weaken the relationship between the DEA and the Hernandez Administration.

As a prominent statesman, the political implications of the extradition and trial of Mr. Hernandez cannot be ignored. While it is evident why drug traffickers had a vested interest in seeking revenge against Mr. Hernandez, similar claims can be made regarding the administration of current President Xiomara Castro and her Liberty and Refoundation party seeking to delegitimize its political opposition. In February of 2022, upon the indictment of Mr. Hernandez by the U.S. mere weeks after he stepped down, the administration of current President Xiomara Castro dispatched 600 police officials to swarm Mr. Hernandez’s personal residence as a clear act of political theater. Notably, Mr. Hernandez willingly surrendered to face justice, unwavering in his conviction of his innocence and faith in the justice system. Despite this, the Castro administration opted to make a televised spectacle and display of force to humiliate Mr. Hernandez and his family—an approach which it has maintained, causing immense hardship for the Hernandez family.

While the Castro administration has made countless statements to humiliate Mr. Hernandez and discredit his life’s work in the past two years, an official release upon Mr. Hernandez’s conviction exemplifies the political gains President Castro hopes to make, her efforts to defame Mr. Hernandez, and her wanton disregard for the U.S. (*See Exhibit 4*). Instead of solely discussing Mr. Hernandez’s conviction, President Castro seized the opportunity to use the proceedings in the U.S. as a condemnation of “those who seized power on June 28, 2009”, attributing these actions to the entire National Party. She refers to the democratically elected administration of Mr. Hernandez as a “dictatorship” which she defeated. In an effort to further suppress members of the National Party, President Castro concluded her message with “the enemies of the People who previously applauded [Mr. Hernandez] are hiding and continue unpunished” claiming “we have to learn to identify them” and heavily implying that Mr. Hernandez’s entire party is comprised of criminals.

President Castro did not stop at delegitimizing the National Party. While supposedly celebrating U.S. justice, the very same country her administration extradited Mr. Hernandez to, she leapt at the opportunity to claim the U.S. was complicit in all of her allegations of the Hernandez administration. Amidst her invalidation of the National Party, she notes “the blood and fire they attacked us with, the fraudulent elections of 2013 and 2017” to have been supported by both the U.S. and the European Union. President Castro had no issue sending her political opponent to the U.S. despite her belief that the U.S. played a role in the crimes she alleges.

³⁴ Office of the U.S Inspector General, (May 2017) [A Special Joint Review of Post-Incident Responses by the Department of State and Drug Enforcement Administration to Three Deadly Force Incidents in Honduras \(justice.gov\)](#)

President Castro mocks Mr. Hernandez throughout, referring to him as a “gangster elite” and claiming his administration was a dictatorship. President Castro even celebrates that the charges span the duration of 2004-2022— despite this being in categorical violation of the extradition requirements established by Honduras, which only allowed for Mr. Hernandez to be tried for acts occurring after February of 2012. This indicates that despite her celebration of the re-establishment of law, she is far more concerned with the humiliation of her political opponents than the execution of Honduran and American justice in accordance with the very extradition order approved at the onset of her administration.

In a clear political maneuver, President Castro further used the conviction as an opportunity to elevate her own party and sing its praises. Among many unrelated boasts, President Castro claimed, “it is imperative to dismantle the criminal organization that continues to operate.” However, while the Castro administration makes such overtures to champion the fight against drug trafficking, it has yet to match its rhetoric in a manner remotely comparable to that of the Hernandez administration.

For example, Insight Crime (citing data from the Honduran National Police) found “Honduras saw a dramatic 93% drop in cocaine seizures from 2022 to 2023” and only “confiscated 470 kilograms in 2023 compared to 7.1 tons the previous year.”³⁵ This pales in comparison to the 14.2 tons seized by the Hernandez administration in just 9 months of 2021. As has been expressed in the multitude of letters submitted on behalf of Mr. Hernandez (*See Exhibit 1*) this has been felt by the Honduran populace, with individuals expressing concerns on the political motivations behind Mr. Hernandez’s extradition and the consequences of seeing that those who fight against drug traffickers will be disavowed.

Other Good Works

Mr. Hernandez’s presidential achievements were not limited to those related to reducing drug trafficking. Indeed, Mr. Hernandez implemented a variety of laws and regulations that improved the quality of life for his citizens in many ways beyond those related to drug trafficking. He introduced social and economic reforms that enhanced the overall welfare of the population. These reforms included measures to improve public services, strengthen the rule of law, and promote social equity. His comprehensive approach to governance ensured that the benefits of his policies were felt across various sectors of society, ultimately leading to a higher quality of life for all Hondurans. Although by no means exhaustive, these revolutionary policies include³⁶:

- **MAXIMUM SECURITY PRISONS:** During his administration, Mr. Hernandez constructed the first maximum security prisons in Honduras, ending the lawlessness that had previously plagued its correctional facilities. This initiative effectively dismantled various criminal networks that had previously operated within these facilities.

³⁵ InSight Crime, *InSight Crime’s 2023 Cocaine Seizure Round-Up*, (March 20, 2024) [InSight Crime’s 2023 Cocaine Seizure Round-Up](#)

³⁶ A summary of the achievements of the Hernandez administration, including those outlined here, [Juntos Hicimos Historia | 8 Años de Juan Orlando Hernández \(juanorlandopresidente.com\)](#)

- **NATIONAL EMERGENCY SYSTEM:** Mr. Hernandez was also the first President to establish a modern and efficient national emergency system in Honduras. This initiative not only played a key role in the fight against crime, but also ensured that all Honduran people receive prompt and effective assistance whenever necessary.
- **VIDA MEJOR:** Vida Mejor is a government initiative dedicated to enhancing Honduran quality of life. It focused on poverty reduction, infrastructure improvements, social services, and community development initiatives. Vida Mejor achieved several significant goals, including:
 - Infrastructure Development: Building and upgrading infrastructure such as roads, schools, health centers, and water supply systems, which improved access to essential services.
 - Social Services: Enhancing access to healthcare, education, and other social services, thereby improving overall well-being and quality of life for beneficiaries.
 - Community Development: Empowering local communities through economic opportunities, training programs, and initiatives aimed at sustainable development.
 - Crime Prevention: Contributing to community safety by addressing socio-economic factors linked to crime and providing support to at-risk populations.
 - Grants: The Bono Vida Mejor (Better Life Grant) was created to provide comprehensive accessibility assistance to more than 500,000 households across Honduras.
- **COVIVIENDA:** Covivienda is a housing initiative aimed at providing affordable housing solutions through collaborative efforts between the government, private sector, and communities. These projects often focused on low-income families and aimed to improve living conditions by providing access to decent housing, infrastructure, and community services. The goal is to promote sustainable urban development and empower residents through participation in the construction and management of their neighborhoods.
- **CIUDAD MEJOR:** Ciudad Mejor is a comprehensive initiative aimed at improving women's rights and protections in Honduras. Specifically, the initiative focused on supporting the development of economic autonomy for women, on combatting violence against women, providing greater access to sexual and reproductive health, and other objectives.
- **SOCIAL SERVICES RELATED TO CHILDREN:** Mr. Hernandez spearheaded another initiative – Comprehensive System for Guaranteeing the Rights and Children and Adolescents in Honduras (“SIGADENAH”). Through this program,

Mr. Hernandez and his administration provided over 300,000 services to nearly 150,000 children across Honduras.

- **SCHOLARSHIPS:** Mr. Hernandez also established a scholarship program whereby he supported the under graduate education of over 15,000 Honduran individuals. Through this program, Mr. Hernandez and his administration also supported the continued education of nearly 1,500 Hondurans, providing opportunities for them to go abroad to receive a variety of degrees.
- **FISCAL CONSOLIDATION:** Following the financial decline triggered by the 2009 crisis, the country experienced a positive economic turnaround during the Mr. Hernandez's 2014-2022 administration. It emerged as one of the most dynamic economies in the region, marked by sustained growth, controlled inflation, and increased international reserves.
- **INVESTMENTS INTO THE ECONOMY:** From 2014 to 2021, L46,628.5 million were disbursed through 37,663 loans aimed at strengthening the Micro, Small, and Medium Enterprises (MSMEs), as well as the agriculture and housing sectors.
- **IMPROVEMENTS TO CUSTOMS SERVICE:** Over eight years, the government promoted the modernization and transformation of the Honduran customs system. This was achieved through process reengineering, innovative projects, the application of new technologies, personnel professionalization, and the establishment of practices meeting global standards, all of which enhanced competitiveness and facilitated trade.
- **TRADE FACILITATION:** Significant progress was also made in trade liberalization, trade facilitation, administrative simplification, and special regimes. These efforts strengthened and enhanced the competitiveness of the country's productive sectors.
- **DEBT RELIEF AND SUPPORT MEASURES FOR CITIZENS AND WORKERS:** The Debt Consolidation Law was enacted to help citizens burdened by debt recover a significant portion of their salary, allowing them to meet essential needs such as food, health, education, and housing. Additionally, temporary relief measures were introduced to support the working sector affected by the COVID-19 pandemic, as well as Hurricanes Eta and Iota.
- **AGRICULTURAL SUPPORT:** During President Juan Orlando's administration, agriculture received unprecedented support, positioning the country as a regional leader in high-quality export crops. The administration also became a model for supporting small farmers, exemplified by the success in the Dry Corridor, which produces 25 million pounds of vegetables weekly. Historically, the Dry Corridor – a region in central America, including parts of Honduras, characterized by its arid climate and susceptibility to drought – faced significant challenges due to its irregular rainfall and dry climate. Mr. Hernandez and his administration implemented

measures to improve agricultural practices in this area, ultimately enhancing water management efforts and supporting local farmers.

- The reactivation of agriculture began with financing at interest rates as low as 5 percent, ensuring true financial inclusion for small producers who previously lacked access to banking resources.
 - More than 342,000 small producers benefited from the Productive Solidarity Bond, over 122,000 producers received training, and 4,576 hectares were irrigated.
 - Another historic support initiative from President Hernández was the exemption of Sales Tax on the production and import of raw materials, machinery, and agricultural products. This boosted the agricultural sector and aimed to restore Honduras as the Central American granary.
 - The government of President Hernández also established guaranteed prices for red beans and white corn, benefiting thousands of small producer families by ensuring fair purchase prices for basic grains. Additionally, grain purchases were expanded to different productive areas of the country.
 - The administration facilitated access to assets for improving productive units and provided specialized technological services to Family Farming producers, contributing to sustainable development and enhancing the food and nutritional security of beneficiary families.
 - With Government support, water harvesters revolutionized farming in the country, helping producers maintain sustained production despite prolonged droughts by mitigating the effects of climate change.
- **LOGISTICS SYSTEM:** With an investment exceeding 28 billion lempiras, Mr. Hernandez and his administration orchestrated a complete transformation of Honduras' primary roads, revitalizing 1,182 kilometers across the nation. Prior to 2014, Honduras suffered from poor road conditions affecting 80% of its infrastructure. Under the Hernández administration, significant strides were made towards establishing Honduras as a key component of the Logistics System of the Americas.
 - Further, resources were allocated to rehabilitate roads in productive areas and implement approximately 2,109 pavement projects under the municipal pavement program across all 298 municipalities in the country.
 - Additionally, the Hernandez administration implemented the Fondo Vial project. The Road Fund is a dedicated financial mechanism or fund typically established by the government. Its primary purpose is to finance the maintenance, repair, and improvement of roads and transportation infrastructure within the country. Specifically, funds generated through this program are then used to support ongoing road maintenance, construction of

new roads, rehabilitation projects, and other related infrastructure developments aimed at improving the country's road network and transportation system.

- **COMPETITIVENESS RANKING:** During the Hernandez Administration, Honduras stood out as the sole country in Central America to enhance its competitiveness ranking, advancing two positions in the World Economic Forum (WEF) 2018-2019 report. This achievement underscored effective resource utilization, solidifying its position among the top three nations in road infrastructure investment and second place in maritime project development within the region.
- **AIR CONNECTIVITY:** During the Hernandez Administration, the Palmerola International Airport was constructed as a state-of-the-art five-star terminal. The airport had enhanced capacity, heightened security measures, advanced technology, and the distinction of being Honduras' first 24/7 operational airport. This development promised greater connectivity to major markets by accommodating all types of aircraft. Palmerola also includes a cargo terminal poised for expansion to meet future demands, positioning it as a primary hub for shipping goods from El Salvador and Nicaragua to key markets in Europe, Asia, and the Americas. Additionally, eight airfields strategically located across the southern, eastern, western, Atlantic, and island regions of Honduras were either newly constructed or rehabilitated to further bolster the nation's air connectivity. Further enhancing air travel, new airlines such as Air Europa, Volaris, and West Jet commenced operations, accompanied by increased flight frequencies to destinations across the United States, Central America, and domestic routes.
- **HONDURAN PORTS:** During his administration, Mr. Hernández spearheaded a strategy to modernize and enhance three key Honduran ports: Puerto Cortes, Puerto Castilla on the Atlantic Ocean, and Port Henecan on the Pacific. This initiative facilitated efficient goods movement by connecting both oceans across a mere 392 kilometers. Puerto Cortes emerged as a leading port in the region, bolstered by a significant investment of \$300 million recommended by the Economic Commission for Latin America and the Caribbean (ECLAC). It now features three container docks for bulk cargo and is equipped with Super Post Panamax cranes and new berthing facilities, enabling it to handle up to 7 ships simultaneously—a milestone unprecedented in the country's port history. The modernization and optimization efforts at Puerto Cortes have increased its capacity to accommodate approximately 2,000 vessels annually, handling an estimated cargo volume of 14.3 million metric tons and 296 tons of solid bulk per berthing hour.
- **CIVIC CENTER:** The Honduran Civic Center, or "Centro Cívico Gubernamental," is a large-scale government complex in Tegucigalpa, Honduras. It serves as a centralized hub for various government offices and agencies, aiming to streamline administrative processes and improve public service delivery. The complex houses offices of different ministries, governmental institutions, and public services under one roof, enhancing efficiency and accessibility for citizens and businesses interacting with the government. The Honduran Civic Center is an example of yet

another effort to modernize infrastructure and governance in Honduras, supporting the country's administrative needs and fostering development initiatives.

- **RENEWABLE ENERGY:** During President Juan Orlando Hernández's administration, various renewable energy projects were IMPLEMENTED, including Patuca III, a photovoltaic park in the southern region, and wind power plants in Francisco Morazán and Choluteca. These initiatives contributed to achieving 72% of the country's energy matrix from renewable sources. Additionally, significant efforts were made to install one of Latin America's largest solar parks, boasting 145.9 megawatts of capacity and employing advanced technologies. The administration also focused on geothermal power, known for its reliability and minimal CO2 emissions, representing a sustainable energy source that conserves natural resources. Mr. Hernandez further diversified Honduras' renewable energy portfolio with biomass, hydroelectric, and additional wind energy projects. The Renewable Energy Project for Sustainable Rural Development (PRO-ENERGIA RURAL) stands out as Latin America's largest social program of its kind, significantly impacting vulnerable communities. Further, through collaboration with the government of China (Taiwan), 5 million energy-saving light bulbs were distributed across residential areas and schools nationwide. This initiative aimed to reduce energy consumption and raise awareness about the benefits of technology use. Moreover, the Honduras Brilla program was also implemented, focusing on nationwide public lighting restoration with the installation of LED lamps for improved efficiency and sustainability.
- **INTERNATIONAL TRANSPARENCY:** Under Mr. Hernández's administration, Honduras achieved a historic milestone by becoming the first country globally to sign an agreement with Transparency International. This initiative aimed to combat corruption in procurement and contracting, ensuring transparency, accountability, and public integrity.
- **MEDICINE PURCHASE TRUST:** During his administration, Mr. Hernandez implemented the Medicine Purchase Trust (Fondo Rotatorio de Medicamentos). The Medicine Purchase Trust is a specialized government entity responsible for procuring and distributing essential medicines and medical supplies across the country. It operates under the Ministry of Health and serves to ensure that healthcare facilities, including hospitals and clinics, have access to a consistent supply of pharmaceuticals needed to treat patients effectively. The Medicine Purchase Trust plays a crucial role in managing the procurement process, maintaining inventory, and coordinating distribution logistics to meet the healthcare needs of the Honduran population. Its primary goal is to improve access to quality healthcare by ensuring the availability of essential medicines at affordable prices.
- **TRANSPARENCY IN CONSTRUCTION SECTOR:** During Mr. Hernández's presidency, Honduras was recognized as one of the top three nations globally for its leadership in transparent processes within the construction sector. This acknowledgment came as a result of Honduras subscribing to the Construction Sector Transparency Initiative (CoST).

- **OPEN BIDDING:** Throughout his administration, Mr. Hernandez conducted bids in public hearings, ensuring transparency. Additionally, to uphold transparency in government procurement and contracting, the administration promoted the Contracting and Procurement Law. It enhanced the capabilities of the Procurement Regulatory Office (ONCAE), the HonduCompras electronic platform, and the Financial Administration System (SIAFI).
- **HUMAN RIGHTS:** Ensuring the protection of human rights for the Honduran population was fundamental to the Hernandez administration. To this end, the installation of an office for the High Commissioner for Human Rights was requested and the Secretariat for Human Rights was established.
 - During his administration, the Inter-American Commission on Human Rights confirmed Honduras' removal from its blacklist, underscoring the government's steadfast commitment, under President Juan Orlando Hernández, to uphold and advance human rights.
 - Furthermore, the administration implemented initiatives aimed at advocating for positive changes, including the Law for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators. These efforts also included promoting respect for and ensuring the guarantee of human rights through the National Human Rights Policy and Action Plan framework.

Regardless of whatever sentence he receives in this case, Mr. Hernandez's good works for the people of Honduras will endure well beyond his lifetime.

Sentencing Letters

Mr. Hernandez has received an overwhelming flow of support from the countless lives he has impacted as a leader, father, husband, and friend. Despite the shock this has sent countless loved ones and Honduran citizens, they continue to have faith that American justice will prevail. A bates numbered compilation of these letters is included, with key excerpts noted below. (*See* Exhibit 1).

While all of these letters attest to the character of Mr. Hernandez, few do so more than those provided by his family. The events leading up to Mr. Hernandez's sentencing have caused unimaginable pain to his children and wife. In the words of his youngest daughter, Isabela Hernandez Garcia, Mr. Hernandez "is an honorable man, a dedicated husband, a loving father, and a committed patriot"—a sentiment shared by all those who wrote in support of Mr. Hernandez.

The Hernandez family's world shattered in February 2022, when "after all this work, effort, and sacrifices, someone who was once an ally is now treated like the enemy." On that day, with 600 police officers surrounding his family's home, his children were forced to watch on in horror, abroad and away from their father and mother. Even so, Mr. Hernandez did not resist arrest—he surrendered, willingly, confident in the very American justice he worked alongside to improve both our and his own country. Mr. Hernandez had only one concern—his children. Before his surrender, he took the opportunity to call his daughters: "He told us he was innocent and he always

tried to do the best for our country of Honduras” and asked them to “Please know that I am innocent.”

Despite the damage to his family in the last two years, Mr. Hernandez refused to abandon the example he set for his children. Even as he faced sentencing, rather than expressing frustration at this injustice, in the words of his third child, Ana Daniela Hernandez Garcia, “he told us we must learn to forgive the witnesses that lied during trial, to hold no hardships against them and for all this whole situation.” She writes of how this experience has changed her father, who has “grown closer to his family despite the distance” and that not a day goes by “that we talk that he doesn’t tell us how much he loves us.”

His family was denied the right to remain by his side during these difficult times due to the revocation of their visas—and his children wish more than anything else to have been able to support him and stand by his side. This deprivation was questioned with respect and candor by his youngest daughter, Isabela Hernandez Garcia, in her letter in support of her father: “I genuinely wonder why our family was denied this right” to be at her father’s side while “the actual criminals got to have their family there, as their verdict came through.” Above all else, his daughter Ana laments that after tirelessly placing his country before himself and his family, Mr. Hernandez may be unable to live out the life he had planned. He longed for him and his wife to retire peacefully to his native home of Gracias, Lempira “to dedicate themselves to farming, riding horses, watching their grandchildren grow up, and grow old together.”

Mr. Hernandez’s son—and the father of his grandchild—Juan Hernandez Jr. implores the Court to consider that he “can’t imagine a man who fought every day of his presidency against gangs and organizations who had a country on its knees would ever join forces with them.” He struggles to understand “how the justice system of one of the best nations of the world could so quickly believe the words of criminals, killers, drug addicts and cartel leaders over the actions and testimony of a once great ally and President.” Juan Hernandez Jr.’s “greatest wishes is for my dad to be able to spend quality time with my 2-year-old daughter”, who he now fears may not see her grandfather again.

Mr. Hernandez’s wife, Ana Rosalinda Garcia Carias, more than all others, “witnessed his hard work, his commitment, determination” to improve Honduras. As a legal professional in her own country, she views it as crucial that the Court consider the injustices Mr. Hernandez, a former U.S. ally, has faced at each turn since his extradition. She considers it unfair that “he was treated as a prisoner of war isolated in a cell for terrorists.” She regrets that Mr. Hernandez was left “defenseless” without “a real right to defend himself”, noting that his request to change counsel was denied and that upon appointing new counsel requests for additional preparation time were also denied. She further criticizes that Mr. Hernandez was denied “the use of classified information, all the meetings that Juan Orlando held with agencies such as the CIA, the DEA” which she believes demonstrate “Juan Orlando’s innocence because all this information contradicts the thesis of the prosecution.” Even following his conviction, she is deeply saddened by the continuous mistreatment of Mr. Hernandez, who “despite being injured in his leg, he was more than 10 days without medical assistance.” She also included some of the achievements of her husband for the consideration of the Court. (*See Exhibit 2*).

Mr. Hernandez’s sister, Aixa Hernandez, knew her brother to be “a man of unbreakable integrity” whose “compromise was to rescue our beloved Honduras from the paws of evil that lived

in our country.” His brother, Jose Amilcar Hernandez Flores, feels his brother embodies the values of their family “with the greatest responsibility, loyalty, sacrifice, honor, and above all honest with the service to others.” His brother Marco Augusto Hernandez Espinosa expresses that Mr. Hernandez is “a person of noble sentiments, solidarity, and a devout Christian” whose “many good deeds for those in need, and his magnanimity endeared him to a large part of the population.” Mr. Hernandez’s niece Margi Hernandez knew her uncle as a man who “exhibited qualities of resilience, humility, courage, and integrity that have consistently defined him in his roles as a father, friend, and colleague.”

Those who worked beneath Mr. Hernandez during his time in office share this unwavering conviction in his innocence and character. Particularly, those who served in the Honduran Armed Forces firmly maintain that Mr. Hernandez tirelessly championed the crusade against organized crime and *never* ordered them to violate the law.

Major Jonny Osman Pineda Meza served as a member of Mr. Hernandez’s security detail from 2013 to 2019. He recalls that Mr. Hernandez “gave his best, his dedication to generate a change at the country level was palpable” and that his “concern was that the low-income population had access to basic services.” Major Pineda Meza states that he “can categorically attest that he is innocent” as a member of Mr. Hernandez’s security detail, as “the security team accompanied him to all the places he went and visited and never left him alone.” Major Pineda Meza “can’t imagine” that Mr. Hernandez, who made a concerted effort against drug traffickers “will be affected by the same drug traffickers and sentenced to life imprisonment and whoever did the evil will benefit from reduced sentences.”

Major General Rene Orlando Ponce Fonseca, who served as both Commander General of the Honduran Army and the Chief of the Joint Chiefs of Staff during Mr. Hernandez’s presidency, knew Mr. Hernandez as “a President with great commitment and a high sense of responsibility, characteristics and qualities that a good statesman must show in order to move forward the nation that entrusted him with the vote to govern.” In his letter, he firmly states that “during my command I never received an illegal order to support criminal activities” and that “the Armed Forces of Honduras as an institution and especially during my command were not used to carry out operations contrary to the margin of the law.”

Wilfredo Martinez Aguilar, an officer of the Honduran Armed Forces and member of Mr. Hernandez’s security detail, not only recognizes his former leader to be “an honorable and impeccable person” who “fought tirelessly for the security of his country.” He also notes that during his time in the service of Mr. Hernandez, “at no time did I see him meeting with any people who were engaged in illicit business, nor did I ever receive any order to do anything illicit.”

Retired Brigadier General Ronald David Riviera Amador, who worked “on a daily basis” with Mr. Hernandez in his position as Presidential Chief of Staff, recalls Mr. Hernandez “always showed great determination and courage to combat crime, drug trafficking and organized crime” even if that meant “putting at risk his own life and that of his family.” He echoes other officials in declaring that he “never received an order outside the law and I never saw an action that indicated links with these criminal groups.”

General Fredy Santiago Diaz Zelaya, who served as Chief of the Joint Chiefs of Staff and Minister of Defense, recalls the crime-ridden state of Honduras in 2014 and noted “it required a

courageous President, but above all committed to his people”—who he believes Honduras found in Mr. Hernandez. He too writes that “the directions [Mr. Hernandez] gave were always in accordance with the Law” and respectfully stated he “refuse[s] to believe that Mr. President Hernandez has committed the crimes he was accused of.”

Brigadier General Willy Joel Oseguera Rodas, who testified on behalf of Mr. Hernandez, speaks not only to Mr. Hernandez’s character, but the ramifications of these legal proceedings upon the Honduran people. In his letter, he recalls an instance where he presented Mr. Hernandez with cocaine use statistics in the U.S., expressing concern that the issue would never cease across both nations. Mr. Hernandez responded, “*you know what: they will have to look for another route, because they are not going to pass through here.*” Brigadier General Oseguera Rodas believes “to declare Juan Orlando Hernandez guilty, is to declare guilty the State of Honduras and its institutions.”

When given the opportunity to visit Mr. Hernandez, Brigadier General Oseguera recalls that he “always recognized in him a very remarkable strength in adversity; our talks always revolved around the situation of the country.” Brigadier General Oseguera Rodas laments the erosion of faith these legal proceedings have caused onto the Honduran people, who he now hears saying “*it is better not to do anything against drug trafficking*”, “*if [Mr. Hernandez] had not fought against the drug traffickers, he would be here.*” He expresses to the U.S., who he believes should be the greatest ally to Honduras, that “this has left more than half of the population with many doubts” and that “we feel defrauded, with no desire to trust anything or anyone; for me, that is the greatest tragedy of this situation.”

Roberto Carlos Salinas, an actuary who worked closely on economic matters throughout the Hernandez administration echoes the words of all those who worked with Mr. Hernandez. Despite professional and personal differences, Mr. Salinas states he “would be a liar and even a coward if I did not recognize his will and tenacity in favor of the socio-economic development of the country and his fight against organized crime.” He further states that “never did I perceive a single indication in his personality or behavior that would make me doubt his intention to eradicate drug trafficking.” Much like Brigadier General Oseguera Rodas, he says “it terrifies me to think as a Honduran that the message sent to future authorities and generations is that drug trafficking is invincible and that it cannot be fought.”

Mr. Salinas recounts a day spent with Mr. Hernandez, the genuine kindness and attention he showed his constituents, and concludes “I remember his day-to-day way of behaving and cordially serving the people, I find it contradictory to imagine him with the stereotype of an insensitive and inhuman ogre capable of saying ‘let’s shove drugs up the gringos’ noses.’” Mr. Salinas believes “Juan Orlando Hernandez would never say such a phrase. Nor is it feasible to imagine him as part of any plan other than his genuine desire to eradicate drug trafficking.”

Apostle Roy Fredy Santos Castellanos is a religious leader in Honduras who oversees 3,500 pastors in Honduras, as well as acting as the President of the Council of Prayer for America comprised of 25 Latin American nations. He holds Mr. Hernandez in incredibly high esteem, both as a devout man of faith and a leader who greatly benefitted religious works across Honduras. Apostle Santos Castellanos recalls “pastors in the country were very concerned because drug trafficking and criminal violence had increased recklessly”, what he viewed as “an evil that limited the work of the church.” This changed under Mr. Hernandez—Apostle Santos Castellanos saw in

him “his human sensitivity to help those most in need, and his longing in his heart to help save Honduras.” Under the Hernandez administration, Apostle Santos Castellanos writes “hope returned to the country: pastors throughout the country and churches reactivated their work with more freedom and peace.”

Mr. Hernandez’s assistants, who worked intimately with him on a nearly daily basis, also attest to his innocence. Maria Zuleyma Zablah Acevedo recalls Mr. Hernandez’s “vision of statesmanship and his tireless dedication to the welfare of his country and its people.” While many praise his efforts against drug trafficking, she wrote about “his commitment to rural women whose health was endangered by wood-burning stoves” and his determination to “protect the lives of the most vulnerable people.” She remembers a side of Mr. Hernandez others do not: “his human side, the one in which tears would flow when the humble people to whom he provided or social benefits expressed their gratitude.” She recounts an instance when Mr. Hernandez personally cared and sought medical attention for a firefighter severely injured in a fire, and that “even after his recovery, the former president visited him regularly to provide support.

Another assistant, Carlos Tinoco, writes that Mr. Hernandez “not only a person who feels the pain of the people but he looks for all the possible alternatives to help the most vulnerable people both inside and outside the country.” He wonders how a man “who had to put his family second and who put the country before himself” is now in prison. As all who worked for Mr. Hernandez repeat, Mr. Tinoco notes that “as far as I am concerned, I never saw anything that was out of place or strange” during his time working for Mr. Hernandez and “on the contrary, he wanted things done right.”

Like his family, friends too have expressed their love and admiration for Mr. Hernandez through numerous letters to the Court, pleading for a sentence that reflects his true character and commitment to the Honduran people. That so many of Mr. Hernandez’s friends are individuals he has known since adolescence is not only a testament to their credibility, but also to Mr. Hernandez, his character, his integrity, and his propensity to maintain meaningful relationships.

Lars Michelem – a friend of more than 40 years – grew up with Mr. Hernandez, describing their friendship as one rooted in “morals, solid values and moral principles, instilled in our homes during our formation to be adults respectful of others and of the norms and rules that govern our society.” He explains that since adolescence, Mr. Hernandez has exhibited an unmatched moral fortitude and has “always maintained an arduous and determined focus on the fight against corruption and organized crime, which was fundamental to advance social and economic stability and progress” in Honduras. Mr. Michelem explained that this sentiment is “shared by tens of thousands of Honduran families” who have benefitted from the “times of peace and security during his presidential campaign.” And while Mr. Michelem acknowledges that, like any public servant, Mr. Hernandez made some mistakes, he too makes clear that Mr. Hernandez’s “commitment to justice and the rule of law is undeniable.”

Miguel Antonio Acosta Paredes, another childhood friend of Mr. Hernandez’s, expressed similar sentiments. Mr. Paredes describes Mr. Hernandez as “an innate leader based on the principles of honor, loyalty, and sacrifice.” He also highlights Mr. Hernandez’s continued commitment to serving under privileged and under resourced communities throughout Honduras, pointing to periods when Mr. Hernandez provided access to healthcare and countless scholarships to individuals in these communities.

Edwin Danil Altamirano – another friend of nearly forty years – described Mr. Hernandez as a “person of principles and someone who values family very much” and contended that “all [Mr. Hernandez’s] decisions were made for the benefit of our country.” Mr. Altamirano explains that he has never doubted that his friend’s intentions were “the best” and explained that in making difficult decisions, that “never other governors had dared to do,” Mr. Hernandez faced many problems and “gratuitous enemies.” He closed by pleading for the court to weigh the pros and cons of Mr. Hernandez’s administration so that “the human quality of former President Hernandez can be noted.”

Ethel Deras Enamorado, a former judge, prosecutor, attorney general, and President of the National Banking and Insurance Commission in Honduras, too wrote a letter in support of her friend of over 36 years. The two met in law school, where Mr. Hernandez’s “formality, education, seriousness, and leadership” led him to be elected as President of the Law School’s Student Association. Ms. Enamorado shared many personal and professional moments with Mr. Hernandez and since they’ve known each other, Mr. Hernandez has always expressed his desire to better Honduras and improve the quality of life of its citizens. “The security of the people and peaceful coexistence were the key elements of his government,” she writes. She continued, “I saw him work tirelessly to reduce the rates of violence and the commission of crimes in the national territory and I did not see him give up at any time, even when he suffered personal threats and dangers...” Further, Ms. Enamorado feels strongly that “the phrases and words attributed to him, as well as the violent acts in which he was involved” were “diametrically opposed to the personal and long-standing knowledge I have of this person.” Much like the members of Honduras’ armed forces, she recalls that upon becoming Attorney General Mr. Hernandez assured her, “I will never ask you for anything and do anything outside the law, we are all obliged to abide by the law.”

Karla Hernandez has known Mr. Hernandez since birth, having grown up together in Gracias with the same family values that defined their small town. Indeed, she and her brother used to work with Mr. Hernandez on his father’s farm after school. She describes him as a “loving and protective father of his home;” a “defender of justice;” and a “citizen with the conviction to see the country always in a high regard.” She also explained that while reading about the trial, she did not recognize the person they were describing as “Juan Orlando Hernandez,” what was being said about him simply did not match the person she knows and loves. Ms. Hernandez thus urges the Court to see Mr. Hernandez as she does: a “human, one who laughs, who cries, who misses his mother, his wife, his children, his granddaughter, his brothers, his friends, his colleagues, one who boasts of being a good rider, one who boasts of good crops in the field, one who can milk a cow, the businessman, the lawyer, the cyclist, the athlete, the strong defender of our security.”

Luis F. Mata is yet another longtime friend who wrote in support of Mr. Hernandez. Mr. Mata had the opportunity to work with Mr. Hernandez in his presidential administration and described him as “the person who rescued my country... a country that was submerged in violence and drug trafficking. His trajectory was always impeccable and full of order, execution, development, transparency, work, and security.”

Wendell Merino Thiebaud has known Mr. Hernandez and his family since 1983. He describes Mr. Hernandez as “a human being who gave my country eight years of dreams, security, and freedom.” While Mr. Thiebaud heartfully expressed his love and admiration for Mr. Hernandez, he too expressed his fear as to what will come of the eight years of hard work Mr.

Hernandez underwent to improve Honduras and the presence of drug trafficking throughout the country.

Rosa Aida Rodriguez was Mr. Hernandez's teacher in elementary school. Like many of his friends, she describes him as a growing up "in a way of working in the land and with many family values from his home." The values taught to him at home, she explained, were those that served him so well during his presidency – respect and hard work.

Cruz Eloisa Torres Corea was another one of Mr. Hernandez's elementary school teachers. He described Mr. Hernandez as a "very polite little boy, with values and principles instilled by his family" and Mr. Hernandez's parents as "honorable and honest, hardworking people."

Felix Donaldo Puerto is another childhood friend of Mr. Hernandez's. Mr. Puerto is an American citizen who has been living and working in the United States for the last three decades. As he describes it, Mr. Puerto's relationship with Mr. Hernandez is rooted in "solid values and unbreakable principles, many of which he inherited from his parents." Mr. Puerto too explained that Mr. Hernandez's "relentless focus on combating corruption and organized crime was crucial to advancing stability and progress, a testimony shared by thousands of Hondurans."

Felix Francisco Pacheco Reyes has also known Mr. Hernandez since the early 1980s. He explains that Mr. Hernandez "fought crime at its roots, drug trafficking, things that other political figures fed for fear of these criminals, he was not afraid of them." Mr. Reyes was a former officer of the Honduran Air Force and as such, his training prepared him to recognize Mr. Hernandez's work as that which truly was aimed at combatting drug trafficking. "We know how to recognize the work being done by him," he wrote.

Erick Mauricio Rodriguez Gavarrete, another childhood friend of Mr. Hernandez. He explains that Mr. Hernandez's "humility, his integrity, his impeccable work ethic and his generous hearts are qualities that distinguish him as an exception person, worthy of trust and respect."

Mr. Jose Armando Zelaya Vairo has known Mr. Hernandez since they were 14, when they met in military high school. He explains that he and Mr. Hernandez were "raised under the highest ethics and moral standards there is, 'never to lie, never to steal, never to cheat.'" He too explains that he, like most people in Honduras today, can feel the effects of Mr. Hernandez's absence, contending that Honduras has regressed with a "crime rampage" since the end of his presidency.

Sandra Chacon grew up with Mr. Hernandez in his home town of Gracias. They have maintained a close friendship and as she explains, whenever he visited Gracias, Mr. Hernandez "demonstrated a closeness to the population and a genuine interest in listening to the needs and concerns of all sectors, especially those in need."

As leader of a nation, those who write letters of support for Mr. Hernandez speak as more than just family, friends, and colleagues—they do so as Honduran citizens. The following are a limited collection of the legacy of Mr. Hernandez to the Honduran people:

- "As a Honduran citizen I admired his dedication because they are qualities that are not found in people who are dedicated to politics in my country, his conscience in matters of defense of the

nation, he always expressed his ideal to enlarge his country in a such a way that he could empower it and develop its economy to excel in the region.”

- “the Honduran population who, being aware of his excellent performance as President of the Republic, saw how he was tried without evidence and yet was found guilty, prefer to remain silent when they see this injustice because they do not want to victims of persecution and arbitrary accusations.”
- “Today, Honduras is going through extremely difficult times. Insecurity is on the rise again, protests are a daily occurrence, unemployment is alarming and society is in a state of tension. International reserves have decreased, coffee production has suffered a 30% decline, and the shortage of medicines and the lack of incentives for businesses have further aggravated the situation. I find myself looking to leave Honduras, as the country has become increasingly inhospitable to live in.”
- “Honorable Judge Castel, to whom I express my hope in your authority that you are invested with, hope that is of many Hondurans who today live in anxiety due to insecurity, lack of education and mediocre health systems, for all of them.”
- “we are a country full of need where poverty grows day by day, but JOH’s government left a great tangible legacy to help the Honduran people.”
- “Honduras went from being one of the most dangerous countries in the world to being a country where you were able to have a walk in the park without fearing for your life.”
- “thousands of Hondurans miss those days “when my father was the President because the country had more prosperity and peace.”
- describing him as an “excellent former public a official”
- “I saw him work tirelessly to reduce the rates of violence and the commission of crimes in the national territory and I did not see him give up at any time, even when he suffered personal threats and dangers...”
- “I had the honor of accompanying him in his government as President, and he was the person who rescued my country, Honduras. A country that was submerged in violence and drug trafficking. His trajectory was always impeccable and full of order, execution, development, transparency, work and security.”
- “I can describe Juan Orlando as a man who achieved our beloved country’s, Honduras, presidency through the sympathy and desire to take our country forward which was being dominated by delinquency and gangs, during Juan Orlando’s time in office, these issues were fought against and the was a significant change in Hondurans’ life quality, we lived in a less

corrupt country, much safer and with more sources of employment, where he helped many Hondurans.”

These excerpts are a small portion of the outcry of support for Mr. Hernandez and the widespread belief that an innocent man has faced injustice. Rather than express frustration at the loss of a loved one or that their life work has been invalidated by their greatest ally, those who support Mr. Hernandez follow his example—they continue to believe in American justice and are imploring of this Court clemency and compassion. In addition to these letters, Mr. Hernandez has included a letter on writing on his own behalf. (*See Exhibit 3*).

Sentences Received by Other Defendants

Mr. Hernandez faces a mandatory minimum sentence of 10 years on Count 1, followed by a consecutive 30 years under Count 2 of the Superseding Indictment. Since 40 years equals a life sentence for Mr. Hernandez, we submit that the Court should not sentence Mr. Hernandez to additional punishment, for that reason and also because of his lifetime of hard work for the people of Honduras. A sentence of 40 years will satisfy the goals of sentencing set forth in 18 U.S.C. § 3553 (a).

In addition, however, other narcotraffickers, some of whom committed acts of violence, have received sentences far lower than 40 years’ imprisonment. For example:

United States v. Fernando Josue Chang Monroy, 14-cr-75 (E.D. Va.) (262 months) (200,000 kilos of cocaine; 15 murders);

United States v. Wilter Blanco-Ruiz, 16-cr-20602 (S.D. Fla.) (240 months) (leader of Atlantic DTO; more than 1,800 kilos of cocaine);

United States v. Carlos Arnoldo Lobo, 11-cr-20358 (S.D. Fla.) (240 months);

United States v. Fabio Lobo, 15-cr-174 (LGS) (S.D.N.Y.) (240 months);

United States v. Noe Montes-Bobadilla, 15-cr-290 (E.D. Va.) (444 months) (over 450,000 kilos of cocaine; financed murder of General Julian Aristedes Gonzalez; ordered murder of Miriam Yolanda Canales Ramos, suspected to be a United States government informant);

United States v. Arnulfo Fagot Maximo, 15-cr-290 (E.D. Va.) (396 months) (hundreds of thousands of kilos of cocaine; leader of La Mosquitia DTO; contributed financially to procure the assassination of Honduras’s anti-drug czar in 2009);

United States v. Miguel Valle, 14-cr-135 (E.D. Va.) (360 months; leader of Valle DTO) (additional sentencing information under seal);

United States v. Luis Valle, 14-cr-135 (E.D. Va.) (360 months; leader of Valle DTO) (additional sentencing information under seal).

Mr. Hernandez cooperated with the United States in extraditing some of the above individuals, who were major drug traffickers in Honduras.

Mr. Hernandez Should Not be Punished for Conduct That Allegedly Occurred Before 2012

The Supreme Court of Justice of Honduras, the highest judicial authority in the country, issued an extradition order for former President Juan Orlando Hernández Alvarado in accordance with Article 303 of the Honduran Constitution. In its decision, the Court outlined several conditions that the United States of America must fulfill when subjecting Mr. Hernández to criminal prosecution.

Among them is the condition that “Mr. HERNANDEZ ALVARADO may only be charged for acts that have been carried out after the Constitutional reform that allows the extradition of Honduran nationals, effective as of February 27, 2012.” The United States Government violated this requirement by trying and convicting Mr. Hernandez for acts that were allegedly carried out before the 2012 Honduran Constitutional Amendment.

The doctrine of specialty is “a principle of international law that prohibits a defendant from being tried on charges other than those for which he was extradited.” *United States v. Levy*, 25 F.3d 146, 159 (2d Cir.1994); *see also United States v. Lara*, 67 F. App’x 72 (2d Cir. 2003). In other words, a defendant who is extradited to the United States from another country may only be tried for those offenses for which the other nation granted extradition.

In Mr. Hernandez’s case, the Supreme Court of Honduras explicitly outlined the offenses for which his extradition to the United States was granted. Chief among them, is the requirement that Mr. Hernandez *only be charged based on facts that were carried out after February 27, 2012*. The order reads: “Solo podra imputer al senior HERNANDEZ ALVARADO, hechos que hayan sido realizados despues de la reforma Constitucional que permite la extradicion de hondurenos/as, effective a partir del 27 de febrero de 2012.³⁷” (*See Exhibit 5*).

This mandate was imposed by the Supreme Court of Honduras and is repeated in its extradition order four times. Despite this, the prosecution based the majority of its case on facts that allegedly took place prior to February 2012. The Second Circuit has held that treaties between nations do not confer an individual right to assert violations of the treaty and that the extraditing nation must assert the issue. *See United States v. Barinas*, 865 F.3d 99, 105 (2d Cir. 2017). Other circuits, however, have expressed willingness to entertain a defendant’s specialty argument. *See, e.g., United States v. Puentes*, 50 F.3d 1567, 1575 (11th Cir. 1995) (“[A]n individual extradited pursuant to an extradition treaty has standing under the doctrine of specialty ... [but] enjoys this right at the sufferance of the requested nation. As a sovereign, the requested nation may waive its right to object to a treaty violation and thereby deny the defendant standing to object to such an action.”); *United States v. Fontana*, 869 F.3d 464, 469 (6th Cir. 2017) (same); *United States v. Riviere*, 924 F.2d 1289, 1291 (3d Cir. 1991).

³⁷ The English translation is as follows: “Mr. HERNANDEZ ALVARADO may only be charged for events that occurred after the Constitutional reform that allows the extradition of Hondurans, effective as of February 27, 2012.”

We submit that events that occurred before February 27, 2012 should not have been presented at Mr. Hernandez's trial and that the Court should not rely on pre- February 27, 2012 facts to sentence Mr. Hernandez.

Conclusion

Mr. Hernandez maintains his innocence and intends to fight to clear his name. He was convicted based on little more than the word of some of Honduras's most notorious drug cartel leaders and murderers. He looks forward to pursuing his postconviction remedies and the opportunity to fully clear his name at a constitutionally fair trial.

Respectfully submitted,

/s/

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attachments

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