

DPLF and WOLA express concern over the selection of the new leadership of the Attorney General’s Office of Honduras and recommend a transparent, inclusive, and merit-based selection process

On June 25, Honduras Attorney General Luis Rubí and Deputy Attorney General Roy Urtecho submitted their letters of resignation to the Honduran National Congress, thus making it necessary to replace the leadership of the Attorney General’s Office. Given the institutional weakness and serious security crisis that Honduras faces, the selection of the Attorney General and Deputy Attorney General is crucial and requires ensuring that those selected are the most capable and professionally qualified to meet the challenges that face the institution. **Therefore, DPLF and WOLA remind the Honduran authorities that the only way to ensure such an outcome is through a transparent, inclusive procedure that is based on a thorough review of the candidates’ merits.**

When the selection process should occur (this year or next; before the approval of the new Law of the Attorney General’s Office [*Ley del Ministerio Público*] or after) is currently a topic of debate. However, regardless of when the selection occurs, we believe that only a process that is transparent, inclusive, and merit-based does adhere to international standards. **“As a result, we call for a procedure that meets these characteristics; this procedure, in turn, should be incorporated into the new Law of the Attorney General’s Office,”** said Mirte Postema, Senior Program Officer for the Judicial Independence Program at DPLF.

The Attorney General’s Office Oversight Commission and the Resignation of the Attorney General

The importance of this selection process is best understood in the context of recent events surrounding the Attorney General’s Office of Honduras. On April 17, the Honduran National Congress created the Oversight Commission of the Attorney General’s Office (*Comisión Interventora del Ministerio Público*) after congressional inquiries revealed serious issues related to corruption and delays in the administration of justice. In a congressional hearing, the Attorney General revealed that only 20 percent of all homicides in the country are investigated. The Oversight Commission was responsible for evaluating, purging, and restructuring the Attorney General’s Office, whose leadership was suspended.

At the end of June—nearly a month after the Oversight Commission recommended that Rubí resign—the congressional National Committee for Security recommended that Rubí and Urtecho be impeached. The Committee criticized Rubí for “failing to fulfill the functions, responsibilities, and duties that constitutionally correspond to [the Attorney General’s Office].” The day after Congress made its recommendation, Rubí y Urtecho submitted their resignations.

The Election of the Attorney General

Given the magnitude of this crisis—which is exacerbated by the fact that Honduras, with its 2012 homicide rate of 85.5 per 100,000 inhabitants, is the most violent country in the world—it is imperative that the most capable, trustworthy, and qualified professionals are chosen to lead the Attorney General’s Office. ***"It's important to remember that the Attorney General's Office plays a key role not only in the technical management of prosecutions, but also in the formulation of policies and strategies to combat crime and insecurity, in conjunction with other actors in the executive and the judiciary. For that reason, it is absolutely crucial that candidates for Attorney General and Deputy Attorney General demonstrate their views and capabilities on the subject,"*** said Adriana Beltrán, Senior Associate for Citizen Security at WOLA.

International experience shows that the only way to ensure that the best candidates are selected is through a transparent, inclusive, and merit-based process. **As a result, DPLF and WOLA recommend that the selection process of the Attorney General and Deputy Attorney General have the following characteristics:**

- The entities responsible for the pre-selection of candidates should be **autonomous**;
- The desired **profile** of the Attorney General and Deputy Attorney General must be **clear** and should be **previously established**. It must meet the current needs of the Attorney General’s Office and include characteristics such as independence and impartiality; honesty; a history of impeccable behavior; technical knowledge; experience with and commitment to the institutionality of the Attorney General’s Office, human rights, democratic values and transparency;
- The **selection process** and the responsibilities of all involved actors should be **clearly defined**;
- **Transparency** and **publicity** should be ensured in each stage of the process;
- The entities responsible for the selection of candidates should make it possible for various sectors of society to submit **observations** about the candidates;
- **Public hearings** should be held to assess the candidates’ capabilities and to make them known to the public.

WOLA and DPLF believe that to confront Honduras’ high levels of impunity, it is imperative to strengthen the Attorney General’s Office, and the selection of its leaders is essential to doing so. **We call on the Proposal Commission, which is responsible for carrying out the Attorney General’s election, to ensure that the process is transparent and to create—before the process begins—a profile of the Attorney General and Deputy Attorney General that takes into account the characteristics described above, which meet various international standards. Finally, we recommend incorporating a procedure that includes these characteristics into the new Law of the Attorney General’s Office.**

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