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Honduran Prosecutors' Hunger Strike Against Corruption and Impunity Gains Massive Support

by LADB Staff

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Mohandas Gandhi used the tactic to free India from British subjugation. Now a group of government prosecutors has gone on a hunger strike to see if Honduras can be liberated from the yoke of impunity. It started on April 7 with a group of four lawyers at the Ministerio Publico de Honduras (MP) Soraya Morales, Luis Javier Santos, Jary Dixon, and Victor Fernandez. Three weeks later, there were more than twenty, including a judge. The number was rising, and they had picked up the endorsement of President Manuel "Mel" Zelaya. The four original strikers all alleged they had been persecuted for insisting that corruption cases against high-level officials be prosecuted.

Victor Fernandez is president of the Asociacion de Fiscales. He told reporters on the first day, "The strike will end when the MP authorities commit themselves to respecting the independence of the prosecutors who charge corruption." Fernandez said the precipitant for the strike was a case Jary Dixon opened against Attorney General Leonidas Rosa Bautista for failing to indict in some of the country's most celebrated corruption cases. Dixon's case sought Rosa Bautista's dismissal. Fernandez said that the Fiscalia General del Estado violates the prosecutors' freedom of organization and expression, making the charge in strong terms. "The fiscalia has become society's executioner, after having been created as society's defender," he said.

Rosa Bautista gathered together a media conference in an attempt to discredit the strikers. He said that these same people "have been making the same charge for five years, about the same people and about the same things." He struck a failed-father pose, regretting that he had been unable to instill good habits in his subordinates, whom he "wanted to make good prosecutors, because they have the stuff and the character to do good things." If Rosa Bautista had failed with his wayward charges, the department's chief of human resources Ebert Cerrato said he would put things right with a disciplinary action against Dixon and the rest. If they did not come to their senses and show up for work within three days, they would be sanctioned by their superiors. The sanctions would be subject to appeal within a ten-day period.

While not entirely dropping the paternalism, Rosa Bautista appeared to take the strike more seriously going into its second day and to defend against related accusations that he had fired and transferred prosecutors. "The hunger strike is about two things," said Dixon. "That the attorney general decide that the prosecutors [be free to] present corruption cases, and that the firings and transfers stop." Gaining ground, visibility, support To raise their profile, the strikers had taken up residence on the ground floor of the congressional building. They even provided a guest book, which quickly began to fill, 300 or more signatures on the first day.

The rationale for the strike began to expand, as Dixon linked impunity to the wave of violence washing over the country and called on "the president of the republic, Manuel Zelaya, the president

of the Congreso Nacional, Roberto Micheletti, and the judiciary to concern themselves with having institutions that do not permit acts of corruption." Failure to do so would only send the waves of violence higher, he said, "because the big criminals see that nothing is done against anyone, and they take advantage of the impunity." Rosa Bautista shot back, denying inaction. He noted there is a trial underway against 34 police and military figures accused of the murders of 68 prisoners at the El Porvenir prison in May 2003 (see NotiCen, 2004-05-20).

History cautions that Rosa cannot treat the prosecutors' charges lightly. This is the second time that prosecutors have attempted to force the attorney general's hand, and they were successful the first time. In 2000, prosecutors forced the resignation of Ovidio Navarro, the attorney general who dropped charges against ex-President Rafael Callejas (1990-1994). Callejas was never convicted of stealing money set aside for fuel subsidies, selling citizenship to Chinese migrants, and some other things, but the US lifted his visa alleging he was corrupt (see NotiSur, 1995-06-02). During the succeeding days, the hunger strike kept gaining traction. By April 18, three more prosecutors and six private citizens joined them at their parliamentary location. "Now we are thirteen seven prosecutors and six civilians who are on a hunger strike demanding that the Public Ministry remit to the courts the most scandalous corruption cases," said Dixon on his twelfth day without food. He admitted to physical deterioration and a sense that each day was more difficult than the last but said that all were "resolved to stay as long as necessary in this peaceful and risky protest." Dixon said he and his cohort were driven by the recognition that the money stolen by officials in several of the state's institutions could have built hospitals, schools, and provided thousands of students with scholarships.

He said Honduran society had been deprived of more millions still by tax evasion. A statement the Asociacion de Fiscales issued that same day added that these and other forms of corruption, including influence peddling, embezzlement, and appropriation of state funds, by a privileged elite have "stolen the hope of living in a better country. The Public Ministry is the entity that represents all victims of this human barbarity." But where hope had been stolen, the strike had begun to raise some. Representatives of the strikers had met with Rosa under the mediation of an evangelical pastor, Evelio Reyes. The attorney general had agreed to observe the labor rights of the strikers, but, on the heart of the matter, the prosecutions, he had refused to budge, and the dialogue was suspended.

Into the fray waded assistant attorney general Omar Cerna to insist that the MP had in fact kept no corruption cases from the courts but said that they were interested in continuing talking with the strikers or their representatives. By this time, the original strikers were not physically in condition to hold up their end of any conversations. Victor Fernandez, Soraya Morales, and Elmer Diaz were already hospitalized, taken off in ambulances one by one. With the tide of public sympathies against him, Cerna made the mistake of intimating that the strikers were being paid to do what they were doing. But it was far too late to mount an offense of that kind. Sentiment was overwhelmingly with the strikers. Their numbers were mushrooming.

Members of civil society organizations like the broad-based Bloque Popular (BP) were coming aboard. A group of prosecutors in the San Pedro Sula region started a hunger strike of their own. They were supported in solidarity by representatives of the Catholic Church and the Asociacion

de Jueces por la Democracia. A demonstration in the central park of Honduras' second-largest city drew thousands of participants and 1,300 signatures on a petition. In Tegucigalpa, Jesuit superior in Honduras Ismael Moreno joined the strike on April 24, lending his presence to an august company preceding him that included San Pedro Sula Appeals Court magistrate Tirsa Flores and Centro de Derechos de la Mujer director Gilda Rivera. Tirsa Flores is the sister of Minister of the Presidency Enrique Flores, but she makes it known she is no fan of the government nor of her brother's participation in it. The strikers were calling now not only for Rosa Bautista to step down but Cerna as well, as the result of the breakdown of the talks.

Another result of the breakdown of the talks was the involvement of the Congress. The legislature named a mediating commission whose membership included human rights commissioner Ramon Custodio and the executive secretary of the Consejo Nacional Anticorrupcion Juan Ferrera. The strikers also counted among their supporters President Zelaya, who had called for Cerna to step down and had said, "I am united and in total accord with the demand for justice the prosecutors are making in Tegucigalpa. The true problem of Honduras is that the law is not applied to those who violate it." When Cerna said the strikers were being paid, the rationale for the alleged bribery was that Zelaya was behind a scheme to replace Rosa and Cerna with people from the official Partido Liberal (PL). The two attorneys are from the Partido Nacional (PN).

On April 27, the strike broadened in scope as thousands took to the streets in support of the strikers. Leading the demonstrators was the would-be mediator Evelio Reyes. The crowd was, for the most part, according to reports, made up of congregants of his church Vida Abundante. The evangelical preacher was prepared to keep his followers in the battle, telling them that they needed to clean up justice in the country and that it could take a while. "Mobilizations are coming," he said, "not just for one more day, but for weeks and months if it is necessary until Pharaoh says they can go free." In all this, it will have been noticed that scant mention has been made of the corruption cases themselves. Just who among the nation's privileged is indictable remains largely undisclosed, but the strikers and others have referred to between 16 and 30 individuals and cases that might fit the description. But, while not specifically identified, the alleged perpetrators and the context for their impunity have been amply described. Said Dixon, "We have sent to prison many Hondurans, the jails are full to bursting with poor people, but the millionaires and the powerful who commit acts of corruption and have cases pending in the Public Ministry keep showing up in social magazines as the great personalities of this country."

The president implores

Zelaya has most recently asked Rosa Bautista to make public all his files on corruption cases to show that nothing was being hidden. He made the request at the ceremony opening sessions of the Inter-American Court of Human Rights (IACHR), which is meeting temporarily in Honduras. The court will only be in the country for four days and is hearing international cases unrelated to the strike, but the coincidence was there for Zelaya to take advantage of. He hailed the strikers on the 21st day of the action and told listeners the case "has become a moral cause for Hondurans to clean up justice in this country. I am in solidarity with the cause of clarification, of releasing and not hiding any file and any case through which we Hondurans can combat this curse." Zelaya's request to Rosa Bautista had an anguished ring. He asked "respectfully, to the attorney general of the state, as a

friend, as a Honduran, and a compatriot, that this patrimony of the people that are these files be made publicly available immediately."

Having made the request, Zelaya assigned his two top ministers, Foreign Minister Edmundo Orellana and Government Minister Victor Meza, to "do whatever can be done on our part to resolve this problem." The two began immediately to arrange talks with Rosa, while Zelaya met with Congress president Roberto Micheletti, a meeting that Zelaya later characterized as an ice-breaking session on the topic. All this, and particularly the meetings between the ministers and the attorney general, took place, said reports, with the utmost delicacy, lest separation of powers or the independence of the MP be breached. Later that evening of April 29, the 22nd day of the strike, the two ministers met with representatives of the strikers. Those representatives had already sent a proposal to the Congress demanding, among other things, the naming of a supervisory commission for the MP.

The legislature rejected that but offered instead to form a commission of notables who would inspect all the corruption files in the MP's custody. Congressional president Micheletti said the strikers' petition, which contained five separate points, was viable on the whole, but two points violated laws, the major one being the demand for firing Rosa and Cerna. He said he would present as his response to the strikers a bill to reform Article Seven of the Ley del Ministerio Publico (Public Ministry Law) that would allow the MP to turn over the files to the committee of notables without violating the law. Soon after Micheletti spoke, however, the strikers told the media that they would reject the legislative proposal.

On the streets, meanwhile, new support for the strikers was building. Thousands of demonstrators brought together again under the Bloque Popular banner paraded for blocks, chanting, "Prison, prison for the perpetrators of corruption." BP director Juan Barahona told reporters, "We will continue fighting so that this can be a worthwhile and prosperous country, so that resources are used for developing the country and not for the enrichment of a few." Other chants and calls expressed the ideas that corruption causes childhood malnutrition and lack of education and that "if you don't denounce corruption, you're part of the decay."

Political parties supportive of the strikers also turned out. From the Partido de Inovacion y Unidad Socialdemocrata (PINU-SD), executive director Wilfredo Mendez said the party has supported them from the beginning. Deputy Doris Gutierrez of the Unificacion Democratica (UD) took on the larger parties. She said the demonstration was a repudiation of the traditional parties whose deputies collude with the MP and others so that no one from the corrupt elite ever goes to jail. The religious sector also turned out in support. Present were various church groups supporting a more moral and just society. Evelio Reyes was in the throng as well. He had joined the hunger strike two days before and was still able to march.

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