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Former Honduran President Manuel Zelaya Returns, Human Rights Situation Unchanged

by George Rodriguez
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Almost two years after the coup d’etat that toppled him, and after having spent more than four months in refuge inside the Brazilian Embassy under military siege and harassment followed by more than a year in exile based in the Dominican Republic, Honduran President Manuel "Mel" Zelaya returned home last May.

A cheering crowd of countless followers stretching from the spot outside the Toncontín International Airport—where military repression killed one of its first victims when Zelaya tried to land in a foiled effort to return a few days after his ousting—to welcome back their leader.

Last month’s comeback was made possible by the agreement (Acuerdo para la Reconciliación Nacional y la Consolidación del Sistema Democrático en la República de Honduras) promoted by Colombian President Juan Manuel Santos and his Venezuelan counterpart President Hugo Chávez, a supporter of Zelaya (NotiCen, May 12, 2011).

On the opposite ends of the ideological spectrum—respectively, right and left, pro and against the US—Santos and Chávez managed to get Honduran President Porfirio "Pepe" Lobo—whose administration is seen by sectors opposed to the coup as a continuation of it—and Zelaya to accept and sign the agreement.

The nine-point, three-page document signed May 22 in the Caribbean city of Cartagena, in northern Colombia, included the commitment to, among other things, "guarantee former President José Manuel Zelaya Rosales’ return to Honduras, with full recognition of his rights according to Honduras’ Constitution and laws, including the exercise of political action, in conditions of safety and freedom."

Also, to "deepen the guarantees for the return in conditions of safety and freedom to former officials" in Zelaya’s government "and other persons affected by the crisis who are abroad, with full recognition of their rights according to the Honduran Constitution and laws."

"All actions and decisions by the Honduran government to strictly comply with the Constitution and the law," it stated, as well.

Six days later, Zelaya was telling his followers, just outside the airport on the outskirts of the Honduran capital Tegucigalpa that "these agreements...only bear one message...which says ‘coups never again, never again.’"

Zelaya also told his supporters that "your presence this afternoon shows the international community’s support" and that "blood was not spilled in vain, because we’re up and struggling, maintaining our positions."

"Peaceful resistance...is, today, our cry of victory," he said to his wildly cheering followers who frequently interrupted his speech, adding that "we combat violence, from the depth of our heart."
"Problems such as poverty, corruption, the major challenges facing Latin American societies aren’t solved with violence but with more democracy, with more citizen participation, with more transparency, not with coups, not with military bases, not with wars or bombings," said Zelaya. "It’s with the flag of peace and reconciliation and freedom and democracy that we’ve signed this agreement for democratic reconciliation in Honduras."

Shortly before Zelaya’s return, Lobo said on nationwide television, "We’ve guaranteed the safe return of former President José Manuel Zelaya as well as that of his administration’s officials, who will enjoy all rights and guarantees provided any citizen of our country by the Constitution. We ratify my government’s commitment to unwavering respect for human rights."

One month earlier, during a brief visit to Costa Rica, Organization of American States (OAS) Secretary-General José Miguel Insulza told an April 25 press conference, after meeting with that country’s President Laura Chinchilla, that Zelaya’s safe return would make way for Honduras to be readmitted to the continental body from which it was expelled after the coup.

The annulment of two legal proceedings would also help, added Insulza, who went on to say that, with such steps taken, an extraordinary meeting of the OAS General Assembly could be convened—prior to the June 5-7 ordinary meeting—to admit Honduras back.

On June 1, with 32 votes in favor and one against—that of Ecuador—the OAS lifted the sanction that had lasted almost two years.

**Honduran civil-society organizations quick to condemn decision**

"It humiliates the dignity not only of the Honduran people but of all peoples worldwide struggling against impunity," said Berta Cáceres, coordinator of the Consejo Cívico de Organizaciones Populares e Indígenas de Honduras (COPINH). It will allow for "human rights to continue being violated" in Honduras, and "coup attempts to continue worldwide."

"We’re not going to forget, or reconcile, and least of all recognize this régime, as long as there’s no real justice and democracy for the Honduran people, their major demands aren’t met, and repressors aren’t punished," Cáceres said.

Bertha Oliva, coordinator of the Comité de Familiares de Detenidos Desaparecidos en Honduras (COFADEH), forecast more repression as a result of the OAS decision. "The régime is being allowed to keep violating human rights, because we haven’t seen any willingness to investigate the murders and violations committed against members of the resistance," she warned.

Oliva referred to the Frente Nacional de Resistencia Popular (FNRP), which was organized immediately after the coup and is now coordinated by Zelaya. "The state of law is broken and the rubble that’s left is still held by those who promoted, endorsed, and defended the coup," said Oliva.

FNRP member Mario Membreño said, "They want to get us to recognize a régime...that maintains the major golpistas [coup leaders] and human rights violators in power."

Human rights activist Marcia Aguiluz, a lawyer with the Center For Justice and International Law (CEJIL), told NotiCen that "we don’t feel...the conditions that existed during the coup have been overcome. Regarding human rights, there’s no variation in the situation that led to the coup and prevailed during the coup."
"I mean the same Corte Suprema members, the same fiscal general, the same Comisionado Nacional de Derechos Humanos are there," Aguiluz pointed out. "This means that the entire structure that supported the coup and was fundamental to its success prevails, and those are the forces that truly answer to those in charge in Honduras."

"The impunity with which these characters acted is maintained, and so people are defenseless, as they've been for years," the lawyer-activist stressed, "A clear example is now the situation of the lawyer Enrique Flores Lanza."

Two weeks after Honduras was readmitted into the OAS, Flores, Zelaya’s minister of the presidency and close aide who returned with the former president in May, was placed under house arrest, with a 27 million lempira (US$1.4 million) bail. His defense has appealed on the grounds that the judge in charge did not take a statement from the former minister, thus violating his constitutional guarantees.

Flores faces two legal proceedings for the alleged embezzlement of 57 million lempiras (US$3 million).

Aguiluz said, "This is where we see that those structures that supported the coup are again acting to convey a very clear message, which is that they’re still present. That’s the message: ‘careful with what you’re doing, careful with the documents you sign, because we’re the ones in power.’"

In Flores’ case, "he faces those proceeding, which were started after the coup, and measures are being imposed that, up to now, are unreasonable and disproportionate," Aguiluz explained.

The judge’s ruling set the bail so high "because of the damage mentioned," but when a precautionary measure is imposed "it is not as punishment," because "the defendant is entitled to trial and is presumed innocent," the latter being "a basic principle in law and in human rights," said Aguiluz. "Thus, these proceedings show either that people facing those trials can’t return to Honduras or that they won’t have an independent, impartial platform for trial."

-- End --