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Honduras' Truth and Reconciliation Commission Report Blames Both Sides for Coup; Human Rights Activist Fears Perpetuation of Impunity

by George Rodriguez

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Amid high expectation, Honduras' Comisión de la Verdad y la Reconciliación (CVR), set up last year by then incoming President Porfirio Lobo to investigate events leading to and following the 2009 coup, finished its 14 months of work by releasing a lengthy report whose findings basically come to the conclusion that both sides involved are to blame.

In its 1,500-page, four-volume Informe, the six-member commission—five commissioners, one executive secretary—headed by former Guatemalan foreign affairs minister and vice president Eduardo Stein, details its work—some 330 meetings with more than 2,100 local leaders in visits to the Central American nation's 18 departamentos (provinces), more than 30,000 documents registered, and close to 1,000 audiovisual materials.

The commissioners "consider that what happened in Honduras on June 28, 2009, was a coup d'état and that the government that came after it was illegal," read the report, which did not refer to the 2009 bloody events as the "constitutional transition" the coup leaders repeatedly claimed had taken place.

The CRV "is conscious that the term coup d'état is not a legal concept, is not defined either in international law or in internal legal systems," it states. "However, taking into account...books dealing exclusively with the coups d'état phenomenon, it is possible to determine that a coup exists when at least four elements occur."

"First, that the victim is the president or another civilian or military authority in maximum command of a country's executive power; second, that the coup perpetrator has applied violence or coercion against the victim in order for the latter to leave the post; third, that the action or actions are abrupt and rapid; and fourth, that this action is carried out in clear violation of constitutional procedure for removing the president," it summarizes. "Thus, we consider that what happened on June 28, 2009, has the four characteristics defined above for a coup."

They nevertheless write that "all government and state actors involved in the events of June 2009 acted, in several ways, outside the boundaries of the Honduran Constitution. The result was an extensive constitutional crisis that not only had substantial costs for the government and the citizens in Honduras but also posed serious obstacles to the democratic state of law."

The commission members consider that the events on the day of the coup that toppled President Manuel "Mel" Zelaya, as well as circumstances before and after, "were nothing but catalysts or causes of structural or deeper dysfunctions of Honduran society, of its political class, of its representation model...of relations between civilian and military power, as well as direct or indirect participation of international actors."

They referred to Zelaya's ties with Venezuelan President Hugo Chávez, one of Latin America's most outspoken anti-US leaders, and Zelaya's decision to have the country join the Alianza Bolivariana para los Pueblos de Nuestra América (ALBA), a regional Latin American cooperation bloc, promoted by Chávez, whose acronym is the Spanish word for dawn.

Report makes recommendations to prevent repeat of coup

The report contains more than 80 recommendations aimed at what it describes as preventing the 2009 events from happening again in Honduras.

Among their suggestions, the commissioners state the need for the country's Constitution to establish the legal basis for political trial and to clearly set its procedure.

Regarding the armed forces, the report proposes a review of their constitutional functions, including the suppression of any political mission for the military as well as banning the armed forces from carrying out police duties.

The commission members also suggest creating a constitutional justice court responsible for defending the Constitution, settling conflicts between state powers, and protecting human rights.

The Honduran state must investigate, try, and punish all persons identified as major perpetrators of human rights violations as a result of the coup, guaranteeing a fair trial to those accused, said the commissioners.

In a press release issued July 7—the day the report was released—the CVR said that its report "details the truth about what happened during the 2009 political crisis."

Human rights activists find problems in report

But Honduran human rights activist Bertha Oliva disagrees with that statement as well as with the CVR's report in general, as she told NotiCen. "As we see it, the report is technically well-conceived, and, when one doesn't know what it hides, it looks like we're seeing a good report," she said.

"But I believe the omissions...are more than what we had looked for," said Oliva, coordinator of the human rights nongovernmental organization (NGO) Comité de Familiares de Detenidos Desaparecidos en Honduras (COFADEH), adding that "what it omits is more than the truth it reflects. It's a report akin to gossip rather than to study."

"For example, we would've appreciated that it reflected the situation of the Universidad Nacional Autónoma de Honduras (UNAH), thus education in the country," said Oliva, who underlined that in the report "it would seem education and the university are in their best moment."

But UNAH was not mentioned because its rector at the time and now, Julieta Castellanos, is one of the commissioners, she explained. "That's why it neglects mentioning that, in the midst of the military coup, the university's autonomy was violated for the first time ever...and that caused deep and serious violations of human rights of the Ciudad Universitaria [campus] as a whole: students, teachers, workers."

The report does not mention that "the university was, for some time, turned into a military installation, which for more than a week was under the control of Honduras' police and military forces," she said. The CVR's document "doesn't reflect that, as a result of all this, more than 32

people—workers and teachers—have been charged with terrorism and threatening security, meaning they've been politically accused."

"This report doesn't make people understand the magnitude of the military coup's effects," she warned. Another omission "has to do with that lady we're all afraid of, who has all of us under submission—impunity. There's also no indication that the private sector was involved in the military coup."

"These three omissions are strong, because they're essential for making recommendations that are not lightweight but that reach the bottom [of the situation], which are real," said the head of COFADEH.

Regarding killings as a result of the coup, she pointed out that "when there's mention, for example, that there were 20 murders, but...two are proven and the others are in doubt, it shows the little proximity that was established with the people." It also shows the commissioners "consulted...in the very structures that carried out the coup."

Oliva said, "Seen and read this way, it could be said that it's a report of gossip more than of data to lead you to issue recommendations or to reveal the situations that have occurred in the country."

The Lobo administration set up the CVR on May 4 as part of its stated effort to shed light on the constitutional crisis triggered by the 2009 coup as well as on resulting events such as human rights violations and multiple abuse of power by the de facto régime that ruled the country for seven months.

"Pepe" Lobo—as the president is referred to by fellow Hondurans—then said that "on this day, we offer the world yet another demonstration of our firm purpose and unwavering will to heal the wounds, to learn from our mistakes, and to construct the future together."

However, civil-society organizations, distrustful of the official work group, simultaneously appointed and put to work their own Comisión de Verdad.

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