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Charges Against Military Leaders of 2009 Coup in Honduras Vanish; Human Rights Organization Ponders International Legal Action

by George Rodriguez
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At the end of legal proceedings begun early last year, military leaders of the 2009 coup d'état that toppled then Honduran President Manuel "Mel" Zelaya saw legal charges made against them vanish last week.

Gen. Romeo Vásquez Velásquez, then head of the Estado Mayor Conjunto of the Fuerzas Armadas and now head of the state-run telecommunications company Empresa Hondureña de Telecomunicaciones (HONDUTEL), and five other military top brass were thus absolved of any wrongdoing in the coup—including for Zelaya’s expatriation the morning of June 28 (NotiCen, July 2, 2009).

Last year, the six military chiefs involved in the coup were charged with having committed crimes against the state. In January 2010, Luis Alberto Rubí, attorney general and head of the Ministerio Público (MP), filed charges with the Corte Suprema de Justicia (CSJ).

A trial followed, at the end of which the court dismissed the charges stating absence of merits to sentence the accused, and the MP appealed the court’s ruling. The process closed on Oct. 19 when the CSJ magistrates upheld the decision in a 12-3 vote.

The court stated in a press release that the accused—Vásquez, Venancio Cervantes, Carlos Cuéllar, Miguel García, Luis Prince, Juan Pablo Rodríguez, all former members of the military and now retired generals—were thus free of the charges made against them.

Zelaya disappointed, not surprised

Zelaya reacted immediately, and angrily, at the ruling, which he described as unfair. "The victims are being persecuted, and the others are being protected. That’s unfair," the former president said. "We Hondurans knew the ruling would go that way, but it’s annoying that those who staged the coup are being protected. However, we don’t want revenge, because I forgive them and wish them the best of luck."

Honduran human rights activist Bertha Oliva said the result of the legal proceedings against the group showed a double standard and left the way open for international legal action as a means of seeking justice. While immensely serious charges against Vásquez and his peers were dropped, Enrique Flores Lanza, a minister of the presidency in the Zelaya administration, is kept under house arrest, on corruption charges, after being captured upon return from exile earlier this year, Oliva told NotiCen.

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Flores returned with Zelaya last May, under the Acuerdo para la Reconciliación Nacional y la Consolidación del Sistema Democrático en la República de Honduras, promoted by Presidents Juan Manuel Santos of Colombia and Hugo Chávez of Venezuela, a supporter of Zelaya (NotiCen, June 30, 2011). Despite their opposing ideological stands, 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.

Lack of impartiality in handling of two cases

Oliva, coordinator of the Comité de Familiares de Detenidos Desaparecidos en Honduras (COFADEH), said, "We have here two very uneven things. On the one hand, there’s the case of Romeo Vásquez Velásquez, in which two years after the coup he’s freed of guilt and any responsibility whatsoever in this tragedy and savagery we’ve had to live as a people. But Enrique Flores Lanza, a former minister of Zelaya, who came protected by the agreements...has been a prisoner for more than four months in his own house. The law has been broken to an extreme."

Legal efforts have been made—and have so far failed—for Flores to be released to be able to defend himself, said the human rights activist, who pointed out that it has not yet been possible "to make judges handling the case see that they’re committing a crime. So, one has two cases here. Full protection and bulletproofing for one, for crimes committed during the coup—he’s directly responsible for some and indirectly responsible for others—but a total lack of protection for the other, who has been charged with lesser crimes, for example."

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Oliva pointed out that "corruption is much less serious than crimes against the state. So, we’re before a judiciary and institutions in charge of implementing justice with no degree of independence whatsoever, because they’re bodies controlled by political forces and powers. Thus, their actions are far from being within the legal framework and that of international commitments Honduras is a part of. The judiciary is a completely political power, but politicized and political the old-fashioned way."

In Oliva’s view, local legal proceedings in both cases have opened the way for international legal action to begin on both cases. "The first one, with the court’s decision to dismiss the case, is ready to be taken to any international tribunal. They can’t say that legal proceedings haven’t taken place here or that no one pressed charges," Oliva explained.

And the Flores case, "to me, is a paradigm" worthy of "having experts come and study it, and bring it to the knowledge of the OAS or the UN or any other forum, not to single out Honduras but to
prove that justice, in this country, is not being handled to make progress. On the contrary, it’s going backward so much so that it’s a collapsed country," said the human rights advocate.

"So, with the two cases, opportunities open up for us to bring them to international tribunals, because there’s no possibility for justice to be implemented here as it should be," Oliva said, adding that COFADEH is giving thought to such action, with the aim of bringing both cases before the same court, "putting them in international discussion. The court’s ruling is more that challenging for those of us seeking justice."

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