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Fired Honduran Judges Question Effect of Negative Human Rights Court Ruling on Government

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Category/Department: Honduras  
Published: 2015-03-05

Four judges fired for having opposed the June 2009 coup in Honduras and having questioned the Corte Suprema de Justicia’s (CSJ) description of the illegal action as a "presidential succession" hope the Inter-American Court of Human Rights (IACHR), presently studying the case, will rule against the Honduran state.

Such a sentence would strengthen the Central American nation’s justice system and grant judges more independence, an achievement the civil society would have to back, two of the judges told NotiCen, referring to last month’s two-day court hearing on the situation. But, in their opinion, the Honduran situation regarding corruption, human Rights violations, and lack of judicial independence leaves scarce space for optimism.

The case dates to May 2010, less than one year after the coup that toppled President Manuel "Mel" Zelaya (NotiCen, July 2, 2009)—who went into forced exile, initially in Costa Rica—when a majority of the CSJ decided to dismiss the judges—one of them an appeals court magistrate—in a ruling that was ratified after the four requested a review (NotiCen, April 19, 2012).

The jurists are members of the Asociación de Jueces por la Democracia (AJD), one of several local organizations that voiced opposition to the coup and, in particular, issued statements against the CSJ’s insistence on defining the coup as a "presidential" or a "constitutional succession."

Former judge puts firing in context

Speaking for the victims at the start of the two-day hearing at court headquarters in San José, the Costa Rican capital, former judge Guillermo López offered detailed testimony of the situation in Honduras following the coup as context for the punishment imposed on the group.

Mentioning his case as an example, López told the seven-judge panel that his dismissal occurred after he took part in one of many massive, peaceful anti-coup demonstrations then being held. López said the demonstration was held on July 5—a week after the coup—outside the Toncontín International Airport on the southern outskirts of Tegucigalpa, the country’s capital.

Thousands of demonstrators gathered in front of the airport to welcome Zelaya on his announced return to Honduras, escorted by several Latin American presidents and Organization of American States (OAS) Secretary-General José Miguel Insulza. But the airplane transporting the group had to continue its flight without landing, since military authorities blocked the runway with rows of jeeps and other military vehicles parked on it, thus preventing the aircraft from touching ground.

Meanwhile, military and police units attacked the crowd, opening fire and tear-gassing the peaceful demonstrators who were chanting slogans against the coup and its leaders—including de facto president Roberto Micheletti. López told the IACHR that he was one of many wounded that day, explaining that, as people ran away from the attacking troops, he fell and suffered a severe fracture in his left leg.
The former judge stated, pointing out what he described as a contradiction by the CSJ, that, "as I was being punished for what was seen as a disciplinary crime—having taken part in the ... demonstration—as of June 28, the CSJ were expressing through a communiqué that everything that had happened in the country was legitimate and the rule of law had been preserved."

He added that "later on, in July, they issued another communiqué, and in the following weeks they put out a total of five communiqués ... clearly stating the constitutional—or presidential—succession that had taken place in the country was legitimate. It’s unheard of that a high court of justice would make an effort to legitimize what had been a coup."

**What an IACHR decision in favor of the judges could mean**

Referring to an eventual ruling against the Honduran state by the IACHR, after last month’s hearing, Tirza Flores, a former appeals court magistrate, told NotiCen, "I think that’s the idea behind the case, because ... it’s the first case related to the events of the coup that has been taken to the Inter-American Court. So, definitely, yes, it’s a case that can cause some type of concern in Honduras in the sense that, if this case arrived, more cases are going to be arriving, and more sentences, and we hope the state thinks again."

But Flores immediately pointed out, "We see that the state’s attitude in this case doesn’t give us much hope. We know that in Honduras there are extremely high levels of impunity. We’re talking about impunity of even 90%, 95% in most cases related to human rights violations, as of the coup."

"So, we believe that definitely that sentence might create some type of pressure for some shame to occur in Honduras’ government and that it may take some actions," the ex magistrate added. "We’re getting close to the limit. I think that a reaction will definitely have to take place, and that’s our hope. We don’t think it’s going to come to us from heaven, but it’s our turn to do many things for the situation to change."

On this, López said, during the joint interview with NotiCen, that civil society’s role is a key element. He said that the case "is of interest not only to judges and to judges’ associations in Honduras, but it’s also of interest to the people and organized civil society in particular."

López made a point to mention civil society’s solidarity with the dismissed judges, an attitude he predicted would continue. "We’re going to have there a very important ally—in civil society—to have the sentence implemented, once it’s issued ... in order to have space for more independence for the judiciary and for judges to be able to really become human rights defenders," he predicted.

Nevertheless, Flores warned that in Honduras "the context is extremely serious ... the coup’s effects are still being felt, society’s polarization has not stopped. We have an extremely conservative government that has taken control of institutions and is practically exercising absolute power at the expense of participation rights, of the people’s civil rights."

As one of several examples, Flores pointed out that "the judiciary, as we see, is still controlled by the Corte Suprema de Justicia, which backed the coup. And even though a judges’ council has been created, it was also created, in a politicized way, by the Congress. Honduras’ present context is quite serious."

The hopes of the four judges—Flores, López, Rolando Barrios, and Luis Alonso Chévez—include that the Honduran state will be declared guilty of having violated the jurists' human rights.
During the Feb. 2-3 hearing, the seven-judge IACHR heard testimony and opinions from López, speaking for the victims, three human rights experts, two Honduran government representatives, and authorities of the Washington-based Inter-American Commission on Human Rights. A ruling could be issued within the next three months.

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