

**GOVERNMENT OF PRESIDENT JOSE MANUEL
ZELAYA**

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GOVERNMENT OF PRESIDENT JOSE MANUEL ZELAYA

PRELIMINARY REPORT REGARDING THE COUP D'ETAT

I. GENERAL CONSIDERATIONS. -

The Government of the Republic of Honduras, presided over by citizen José Manuel Zelaya Rosales, officially informs the Honduran people and the international community by this report of the causes and motivations which provoked the d'état executed by the Military on June 28th, 2009.

Honduras. An unequal society

Honduras, the third poorest economy of Latin America, is the society with the highest level of inequality on the American continent. A small group of families, almost all of Arabic origins, monopolize 90% of the national wealth.

The oligarchy has taken power over the banks, the commercial centers, the energy-generating businesses, the airport concessions, telecommunications, the newspapers, radio and TV, administrators of credit, businesses relating to soccer teams, fast food, maquiladoras, and of the leadership of the political parties and some churches.

Through rigged privatizations, they have taken control of natural resources, of public services, and of financial services. Now with the coup d'état, the three Powers of the State are at their service.

The National Congress and Institutions of the State create a regimen of privileges for the oligarchy

The National Congress, following the ascent to power of former president Flores Facussé, placed itself at the service of this small oligarchic group, creating a regime of privileges with concessions, exonerations, and tax exemptions, so as to not pay taxes and to weaken the state with an extremely low tributary charge, barely 14%.

This oligarchy financed the campaigns of the political parties, of presidential candidates, of congressmen and mayors of the major cities. They control 90% of the most powerful media, they buy their consciences, they act as owners of the National Congress and through this means they name their lawyers and employees as operators of justice and comptroller organs of the State: Magistrates of the Supreme Court of Justice, Attorney General and Assistant Attorney, National Commissioner of Human Rights, Magistrates of the Superior Court of Auditors, Magistrates of the

Supreme Electoral Tribunal, and Solicitor [Procurator] General of the Republic. In conclusion: everyone belongs to them and everyone obeys them.

The Military Coup D'état in Honduras is the return to fascism of the State and it has named as Chief Usurper the most discredited and repudiated politician of all of Honduran political history, Roberto Michelleti Bain; as Ministerial Advisor, the sinister member of Squadron 3-6, accused of disappearances and tortures in the 1980s, Billy Joya Améndola.

Achievements of the Government of President Manuel Zelaya

Paradoxically, the Government of President José Manuel Zelaya Rosales obtained the indices of the greatest success of all the governments established since 1980. It achieved the greatest economic growth with an index of 7% in the years 2006-2007, the greatest foreign investment, the lowest level of indebtedness, the greatest public investment, but above all the most significant and important reduction in poverty in the entire history of the Country, which constitutes, without a doubt, its greatest achievement. All this without having established or raised new taxes or tributes.

Free graduation, school lunch, the Solidarity Bond, the reduction in price and the subsidy of fuel, the application of the standard of 60° for commercialization of fuel, the rescue of public enterprises ENEE and HONDUTEL, the lowering of bank interest rates, the farm technology bond, the free substitution of energy saving light bulbs, massive literacy programs, the financing of microenterprise, the ban on cutting the forest, the prohibition of open pit mining, free electrical energy for the 700,000 poorest families of the Country, the rescue of Palmerola Military Base for a civilian airport, the increase in national reserves, opposition to devaluation of the currency (lempira) relative to the dollar, joining of PETROCARIBE and ALBA, and the rise of 60% in the minimum wage to everyone in the working class, rising from \$150 to \$230 dollars per month; these are just a sample of the actions of the government on behalf of the national interest, particularly that of the poorest.

Proposal for Citizen Power

Our proposed politics of Citizen Power incorporated unprecedented forms of participation for Hondurans, both men and women: permanent assemblies of Citizen Power in various localities of the Country, open doors and a permanent presence in the House of Government of the social sectors, inclusion and accompaniment of organizations and personalities in the analysis and solution of national problems.

Finally, considering the existing inconsistencies and limitations in the Constitution of the Republic and the Electoral Law, which restrict the constitutional rights of the citizens with the law of the Plebiscite and Referendum, this Government approved the Law of Transparency and Access to Public Information and the Law of Citizen Participation. We proceeded toward the first large-scale exercise of massive citizen

participation through the implementation of a survey, whose results would not be binding.

The survey had as its object that we express ourselves as to whether we did or did not agree to have a fourth urn [for ballots] on the day of the general election (29th of November, 2009). In the event of obtaining a majority in favor of approval, we would send to the National Congress a draft law which would govern the installation of the fourth ballot so that the people might pronounce whether or not they agreed that the next government should convene a National Constituent Assembly, as a peaceful and above all democratically-oriented exercise to give citizens effective participation in the taking of the most important decisions of the country.

Why the coup d'état?

The “owners” of Honduras did not view benevolently a government which departed from their “control” and which was not devoted to being vigilant for their interests and perpetuate their privileges, but rather gave opportunities to the poorest and proposed a development plan for Honduras with processes and mechanisms of direct democracy. These families did not understand the message and could not contain their anger at the words of the people: **“MEL IS THE ONLY PRESIDENT WHO HAS HELPED US, WHO HAS REMEMBERED US, WHO HAS DEFENDED THE POOREST.”**

They unleashed a dirty war, terrible and without respite against the Government of President Zelaya, with their media, their servants, their organizations, their businesses and all their resources, they invented and repeated their lies a thousand times: that President Zelaya wanted to perpetuate himself in power, that he wanted to re-elect himself, that he was handing the Country over to communism and that he wanted to commit a coup d'état, among others.

Despite their iron control of the media and their unlimited economic resources, the «owners of Honduras» could not fight with ideas, with reasons, nor by peaceful means the proposals for citizen participation. Therefore, they took the worst decision: to use brute force, violence, barbarism, and submerge Honduras in the dark night of a military coup d'état.

After the military coup d'état, directed by these owners of Honduras and their political puppets, after having exiled by force of arms the President elected by the people and his Cabinet, they have continued their war, trying to discredit all the actions taken on behalf of citizen participation in Honduran democracy.

As owners and masters of the tenured [justices] of the Supreme Court of Justice, of the Public Ministry, of the Court of Auditors, of the Electoral Court, of the Solicitor [Procurator] General of the Republic, and of the National Commission of Human Rights, they ordered the invention of charges and accusations of all kinds, which ranged from betrayal of the country to abuse of power, corruption, administrative

deficiencies, etc. and, without following even the most elementary steps of due process, nor much less permit the sacred right of the accused to a defense, they have drawn up numerous arrest orders against the President and various of his Ministers.

Meanwhile the criminals and those responsible for the coup d'état continue unpunished in the Country, committing crimes against humanity against an unarmed populace that has maintained a peaceful resistance, responding only with their honor, their dignity and their blood [to demonstrate] their tireless will for the return of the constitutional order.

Unpunished crimes

The Honduran people are not fooled. They know very well who has taken the power of the Country using criminal methods, converting themselves into owners of everything, the same people who have sold out the Country to increase their fortunes, the same thieves, the “white slavers,” the “gas price hikers,” those who traffic in and buy arms, who have taken control of the funds of the National Congress to do their political campaigns, and who now have robbed the people of their sovereignty, their right to elect democratically by ballot their President; it is they who have repressed the people, they who are responsible for disappeared and murdered Hondurans, they who have broken banks, they who traffic in medicines, in drugs, in fuel, and in influence. And they remain unpunished.

II. AUTHORS OF THE COUP D'ETAT. CATEGORIES.-

- a. **First Category:** In this first category are the intellectual and financial authors of the Coup D'état. **A) The ex President Carlos Roberto Flores Facussé**, owner of the newspaper La Tribuna and active partner through front men of various businesses; his political collaborators of many years are those who carried out the coup. **B) Jorge Canahuati Larach**, owner of the newspapers El Heraldo and La Prensa, influential member of the private Association of 3 owners of Media Companies. **C) José Rafael Ferrari**, owner of Emisoras Unidas and Televisión, **D) Ricardo Maduro**, former President of the República, owner of banks, downtowns, commercial stores and media. **E) Camilo Atala**, banker and principal shareholder of various international enterprises and Banco Fihcosa. **F) Freddy Nasser**, President and principal shareholder of Grupo Terra, as well as of the energy generation sector, for which reason the Executive Power recently vetoed the reform to the law of incentives for clean energy generation, which contained an article that conferred a profit of nearly 50 million dollars exclusively to Mr. Nasser. **G) Arturo Corrales Álvarez**, owner of concessions in the energy sector, partner of ex President Carlos Flores and his principal negotiator in every action which he proposes to carry out. **H) International oil and gas companies.**

The central figures in the political sphere belonging to this category are: the Candidate of the Partido Liberal, ELVIN ERNESTO SANTOS (whose aide de camp surnamed Pacheco participated in the attack on the [presidential] residency

on the 28th of June, 2009 at 5:10 am¹). His principal advisor is the ex President **Flores Facussé**, and in the **Partido Nacional, Porfirio Lobo Sosa**.

Without the approval of the indicated candidates, all the plotting for such criminal acts against the democratic system would have been impossible, since they conspired with their congressional benches in order to illegally depose President Zelaya so that they might name in his place the dictator Michelleti.

- b. Second Category:** In the second category appear the material authors who are military or political: **A) Roberto Michelleti**, President of the National Congress, who styled himself “Constitutional President”, without having any attribute [to so qualify] him. This man is a veteran collaborator and staunch supporter of the ex President Flores Facussé. **B) Luis Alberto Rubí Avila**, the current Attorney General of the State, recently appointed by Roberto Michelleti in the National Congress and collaborator of old and staunch supporter of ex President Flores Facussé. **C) Roy Urtecho**, the current Adjunct Attorney General, recently appointed by the National Congress, was proposed by direct measures of Mrs. Vilma Cecilia Morales, ex president of the Supreme Court of Justice and ex employee of Roberto Michelleti in the Empresa Hondureña de Telecomunicaciones. **D) Jorge Alberto Rivera Avilez**, President of the Supreme Court of Justice, recently appointed by the National Congress and direct collaborator of ex President Flores Facussé. **E) Tomás Arita Valle**, Magistrate of the Supreme Court of Justice, recently appointed by the National Congress and collaborator of old and staunch supporter ex President Flores Facussé. **F) Ricardo Álvarez**, President of the National Party (principal opposition party) and Mayor of the Capital City. At this date, he is the promoter y financier of the so-called “marches for peace” in which are included the more than three thousand employees of the Mayoralty. **G) Oscar Andrés Rodríguez Maradiaga**, currently Cardinal of the Catholic Church, who supported the violent exit of the President publicly and through means of a communiqué, arguing that “so that there would not be blood shed.” **H) All the deputies of the National Congress**, who did not on the 28th of June call for condemning the kidnapping and illegal extradition of the President of the Republic, but rather called for approving the illegal Legislative Decree, though which they “legalized” the coup d’état and without having the responsibility to do so, “constitutionally selected” Roberto Michelleti. **I) The magistrates of the Supreme Court of Justice.**

¹ According to the testimony of a member of the Presidential Honor Guard, Pacheco was one of the participants and persons in charge of the operation.

Material executors (military): A) General Romeo Vásquez Velásquez, Head of the Joint Chief of Staff; **B) General Miguel Ángel García Padgett**, Head of the Army, who has publicly expressed that “with the action performed, the [march of] communism from Venezuela toward the United States has been halted.” **B) General Luis Javier Prince Suazo**, Chief of the Air Force. **C) Contra Almirante Juan Pablo Rodríguez Rodríguez**, Chief of the Naval Force. **D) Daniel López Carballo**, Ex Chief of the Joint Chiefs of Staff during the Government of ex President Carlos Roberto Flores Facussé, and **E Billy Joya Améndola**, ex military accused of violation of human rights in the 1980s, the disappearance of persons, tortures, assassinations, and extrajudicial assassinations, and the current security advisor of Mr. Roberto Michelleti Baín.

- c. **Third Category:** This category is comprised of the oil and gas transnational companies and the exporters, who insisted for their own benefit on reversing the process of reforms to the formula of parity of fuels and to the elimination of the law of 60° [for fuel distribution]. This causes a devaluation of the lempira relative to the dollar.

III. BREAKING THE CONSTITUTIONAL ORDER. VIOLATIONS OF THE RIGHTS OF ALL.

- a) ***Attack on the [presidential] residence, kidnapping and forced exile of the Constitutional President Manuel Zelaya.***

On Sunday the 28th of June, 2009, at approximately five in the morning (5:00 AM), the home of the Constitutional President of the Republic was violently attacked by a strong commando force of the National Army and hooded paramilitary forces. Those who committed the crime machine gunned the entries and the residence and immediately entered into the same, proceeding to threaten the President, pointing high caliber weapons at him, while telling him that he would be handed over and not to resist at all. Similarly they seized with violence the cellular telephone he carried, preventing him from making any communication. They did not read any rights to the Constitutional President, they didn't give him any information, they didn't allow him to communicate with his family, they didn't show him any documents, they didn't let him get dressed and, thus isolated, he was made the object of threats and violence on the part of military and paramilitary forces. Afterward the trusted criminals proceeded to kidnap him and in his sleeping clothes they transferred him to the Hernán Acosta Mejía air base. The presidential airplane which carried him, with weapons pointed at his person and against his will in the company of armed and hooded military forces, took off at approximately 6:10 AM for the city of San José, Costa Rica, making first a stopover at the airport of Palmerola in the city of Comayagua. After landing at San José, he was lowered onto the runway and abandoned there at about eight in the morning of the same day. The Constitutional President of the Republic was assisted

in Juan Santamaría airport, the place where he delivered his first declarations regarding the criminal act of which he was the object.

b) Ex Post Facto Justification of a Case without Judicature and without Due Process.

According to International Conventions to which Honduras is a signatory (The Interamerican Convention on Human Rights, The International Covenant on Civil and Political Rights), if Mr. Manuel Zelaya Rosales committed crimes, he had to be tried according to the judicial procedure established by the Constitution of the Republic, national law, and international treaty².

Article 89 of the Constitution of the Republic guarantees the principle or presumption of innocence by establishing that: “All persons are innocent while a competent authority has not declared their guilt.” Similarly, article 90 of the same legal corpus stipulates that: “No one may be judged except by a judge or a competent Tribunal according to established judicial procedure and with the rights and guarantees established by the Law.” The events of the 28th of June, 2009 also violated such preceding constitutional provisions as articles 68, 69, 71, 94, and 102, among others, of our Constitution.³

What is more, the Penal Procedural Code establishes through articles 417 and 418 as a binding rule the form and special procedure to judge high functionaries of the State who, as a result of a constitutional reform do not enjoy any immunity, but that judgments against them shall be aired before a Magistrate of the Supreme Court who is designated as the Natural Judge.⁴

² Article 8 of the Universal Declaration of Human Rights says that all people have a right to effective recourse when their fundamental rights are violated. Just so, article 11 stipulates that every person accused of a crime has the right to the presumption of innocence while his guilt remains unproven according to the law, and to public trial in which he/she has been assured of all the guarantees necessary for his/her defense.

³ **Article 68.-** All persons have the right to have respected their physical, mental, and moral integrity. No one shall be subjected to torture, nor cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with the respect due to the dignity inherent in all human beings. **Article 69.-** Personal liberty shall not be violated and shall be restricted or temporarily suspended consistent with the laws. **Article 71.-** No person may be held incommunicado for more than 24 hours, without being presented to the authority competent for his judgment. **Article 90.-** No one may be judged except by a competent judge or tribunal according to established judicial procedure and with the rights and guarantees established by the Law. **Article 94.-** No one shall be subjected to any punishment without having been heard and been prevailed against in trial, and without [the punishment] having been imposed by the decree of the judge or a competent authority. **Article 102:** No Honduran may be expelled or handed over to authorities in a foreign country.

⁴ **Article 417.- THE ACCUSATION OR INDICTMENT. PROCEDURE.** The accusation or indictment against the person named for probable cause, shall be lodged before the Supreme Court of Justice, which shall designate one of its members to handle the process in the preparatory or intermediate stages, until the case is brought to trial. The Tribunal for judgment shall be comprised of three (3) Magistrates of the Supreme Court of Justice named that that same court. With regard to the oral and public trial, the judicial process shall unfold according to that established in the present Code. When, in the commission of a crime, functionaries who enjoy immunity and persons who do not enjoy it participate, after the first ones are named according to probable cause, the magistrate designated at the end of the first paragraph will know from the process with regard to all those charged. And **Article 418.- CHALLENGE OF ERROR.** Against error, mentioned in the previous Article, which the Tribunal for judgment might pronounce, the recourse of reversal shall fit, of which the Supreme Court of Justice shall hear in plenary session. In the uniting

All the violations of the Constitution and judicial regulation in force are known publicly. The authors of the same [deeds], in a State with sound institutionalism, should have been arrested for flagrant violations or at least legal processes should be initiated by competent authorities. However, this has not happened because of a lack of independence and the political compromises taken on by the tenured heads of the institutions which have been appointed by the National Congress.

So, for example, on Sunday the 28th of June, 2009, the Supreme Court of Justice in a press conference let it be known that no arrest warrant had been issued on June 28th, 2009. The Public Minister also, on Sunday, June 28th, had not delivered any judicial summons against President ZELAYA ROSALES. Nevertheless, he now claims that he presented a summons prior to the 28th of June and the Supreme Court of Justice now says it did issue an arrest warrant against the President.

As a general rule and based on the principle of the final recourse⁵, as well as in agreement with the principles that govern legal due process, the person alleged to have committed a crime should be notified of the accusation, with the goal that he appear before a hearing in which he is informed of the charges against him. Only in exceptional cases⁶, may a judicial summons be issued without having run through this procedure. Formally and *a posteriori*, a judicial investigation appears, substantiated by the Magistrate designated by the Supreme Court of Justice (Tomás Arita Valle), a close collaborator of ex President Carlos Flores Facussé. According to these subsequent documents, the arrest of the President was ordered on the 26th of June, 2009 and the raid on his house was also ordered through a judicial decree which in attempting to place in play a constitutional guarantee (inviolability of the home) shows that the Magistrate has not even the most elemental understandings of constitutional rights and even less of the rights of the penal process or, failing that, that in the haste to legalize *a posteriori* a criminal action, they were not given time to structure their determinations legally.⁷

of the court, nevertheless, the Magistrates who took part as judges or members of the judging Tribunal will not be able to participate.

⁵ The right to punish should be the last option to apply at the moment of evaluation whatever behavior is presumed to be contrary to right.

⁶ People suspected of the commission of serious crimes, highly dangerous people under investigation, whose flight or obstruction of the investigation is highly possible, recidivists in the commission of a crime, which is to say, people who have already been condemned for the commission of other crimes.

⁷ **Penal Code Procedure Article 213.- ORDERING AND THE CONTENT OF THE ORDER OF FORCEFUL ENTRY.** To conduct a forceful entry, the Judge shall draw up an order that shall contain the following as requisites:

1. The jurisdictional organ that order the raid and the matter which it involves;
2. The precise location or locations which must be searched;
3. The cause for being searched;
4. The designation of the executing Judge, the person who in any case must be accompanied by agents of the Department of General Criminal Investigation (DGIC) or, failing that, by the National Preventive Police.
5. The precise cause for the raid, with a specific cause for the persons or objects sought, if they are known, and of the haste by which it is to be carried out; and,
6. The date, signature, and seal of the Judge.

c) False Resignation of the President .- Crime of Forgery of public documents.

The National Congress, on 28 June 2009, convened an emergency session, not to condemn what had happened to the President elected by a majority of the Honduran people, nor to condemn the blatant violation of all constitutional articles relating to the fundamental guarantees of every citizen (illegal raid on his home, kidnapping, extradition, etc.). but to "constitutionally replace" the President, without any power to do so.

Like a common criminal, the Secretary of the National Congress Jose Alfredo Saavedra, once he was assured that the kidnapping and violent expulsion of the President to Costa Rica had been carried out, read out loud his false letter of resignation in Congress, thereby committing the offense of falsification of public documents, as they bore the President's falsified signature on a note whose content was also false and which was denied to be true the same day, June 28, 2009, almost immediately, by the President from the city of San Jose in Costa Rica.⁸

Being evident that the President of the Republic had not resigned, and therefore did not sign the letter, as indeed he himself said from Costa Rica, there is no doubt that those who made use of the document at the session of Congress incurred the crime of falsification of public documents. This conduct must not go unpunished, especially in light of the important position they carry out in the public's name. Notable for their reprehensible behavior is the Deputy for the Department of Francisco Morazán, MARCIA FACUSSE Villeda (relative of former President Carlos Roberto Flores and thermal energy entrepreneur Fredy Nasser. Daughter in Law of Villeda Manuel Toledo, who is a partner of Rafael Ferrari, owner of Televicentro), who stated on national TV, subsequently broadcast by CNN that President Zelaya and "all his cabinet" had resigned and that he believed that the resignation had come via fax.

The communication of the Constitutional President of the Republic, San Jose, Costa Rica to the world, came through with CNN journalist Glenda Umaña, by which he denied the alleged resignation, saying he had never resigned, which is obvious, as, in the hours before he announced the alleged resignation, the President had been kidnapped and expelled from the country illegally.

⁸ Article 284 of the Penal Code typifies such conduct in the following manner: (...) **whosoever produces a false public document or alters a genuine one such that it may result in perjury, by doing either of the following : 1. Forging the content, signature or rubric, and 2. For a given act, claiming the involvement of people who have had none ; will be punished with a prison sentence of three (3) to nine (9) years.**

Similarly Article 289 of the same code states: "Whosoever knowingly makes use of a falsified document in whole or part will be punished as the original forger."

d) The Legislative Decree dismissing the President Manuel Zelaya is without substance, constitutional or legal. This aberrant precedent must not go unpunished.

As a result of the criminal action of submitting the false resignation, the Congress, led by Roberto Michelletti and with direct participation of the Board and members of the various blocs, with the exception of members of the Democratic Unification Party of several members of the Liberal Party; violating all constitutional norms issued a legislative decree whereby they "finalized" the second phase of the implementation of the coup conspiracy.

In summary, the Legislative Decree contains the following articles:

Article 1. The National Congress, under Articles 1, 2, 3, 4, 205 paragraph 20 and 218 paragraph 3), 242, 321, 322 and 323 of the Constitution of the Republic, agrees: a) to disapprove the conduct of the President of the Republic, citizen Jose Manuel Zelaya Rosales, for the repeated violations of the Constitution of the Republic and the laws and failure to observe the orders and judgments of the courts. b) to separate the citizen José Manuel Zelaya Rosales from the office of President of the Republic of Honduras.

Article 2. To name constitutionally Roberto Micheletti Bain, the current President of the National Congress to the post of Constitutional President of the Republic for the time remaining to complete the constitutional period that ends on 27 January 2010.

Article 3. This Decree shall enter into force on the date of its approval by Congress.

This deed executed by the Members of the National Congress is composed of a number of offenses and materializes without a doubt, the breakdown of constitutional order, since the popular sovereignty was replaced and the public power was usurped by a government with the participation and complicity of members of the State Joint Staff of the Armed Forces who were responsible for accomplishing the first task of the day Sunday, June 28, 2009, ie. the kidnapping and deportation of the legitimate Constitutional President.⁹

⁹ **Crime of treason to the nation:** Article 2 of the Constitution of the Republic, in relation to article 310-A of the Penal Code, establishes : "Article 2.- Sovereignty resides in the people, from whom emanate all the powers of the state which are exercised through representation. The supplanting of popular rule and usurpation of powers constitute crimes of treason against the nation. Responsibility in these cases is imprescriptible and any citizen has the right to take it."; "Article 310-A.- Crimes of treason against the nation laid out in articles 2 and 19 of the Constitution of the Republic will be punished with prison terms of fifteen (15) to twenty (20) years.

It is true that under section 205 subsection 20 of the Constitution, Congress does have the power to approve or disapprove the administrative conduct of the executive branch, but such power of approval or disapproval of behavior management, is just that, 'administrative' and in no way gives the National Congress in any part of our legal system, so that following any "administrative disapproval of behavior", the President (who had been violently kidnapped and expelled the country by military forces and who was elected until 27 January 2010, by a majority vote of the people, making use of its sovereignty.) may be taken out of office by legislative decree.

Moreover, if this heinous and criminal precedent of Congress is allowed to stand, it would mean accepting that paragraph 20 of Article 205 would allow the "approval or disapproval of the administrative conduct of the Executive, Judiciary, Supreme Electoral Tribunal, High Court of Auditors, Attorney General's Office, Attorney General of the Environment, Public Ministry, National Commissioner for Human Rights, National Registry of Persons, decentralized institutions and other bodies and Special Assistant State', but without any limitation, any established procedure and with no institutional control, this branch of government that undoubtedly has a political character, and would bring about the breakdown of the institution fully and complete, by the firing of any officer, each time that they are not in agreement or disapprove with the "administrative conduct of an official".

In addition to the above, if the disapproval of the administrative behavior and separation of the President is carried out according to Congress's wishes for the "*... the repeated violations of the Constitution of the Republic and the failure to observe the orders and judgments of the courts,*" it would mean that from now on the legislative branch will also serve as prosecutors and as Judiciary Committee investigating and judging the facts, but above all in violation of one of the most basic individual rights: *The Right to Defense*.¹⁰

Furthermore, in accordance with Article 235 of the Constitution of the Republic, the head of the executive branch is embodied in the presidency and is exercised on behalf and for the benefit of the people, and this should be directly elected (**not appointed by Congress**) by the people by simple majority. Hence the "**appointment**" by agreement or legislative decree, Mr. Roberto Micheletti as "Constitutional President" violates Article 2 of the Constitution and reaffirms and brings about the breakdown of constitutional order.

Finally, Article 242 of the Constitution of the Republic, which serves as support for the spurious Legislative Decree, refers to the "replacement in office, in case of temporary absence" of the constitutional President, and never to "appointments of Presidents "by Congress, and even less to "separations". Both actions have a significant value vis a vis the constitutional structure of organization, security and very existence of the

¹⁰ Article 82 of the Constitution of the Republic: "The right to defense is inviolable. The inhabitants of the Republic have free access to the courts to exercise their actions according to the law."

State and against popular sovereignty from which emanate the powers exercised by proxy, and constitute a real usurpation of power from those who exercise popular sovereignty: the people.

Honduras and the world are witnessing that the 'absence' of the Constitutional President was not a voluntary 'absence', but caused by the violation of all basic rights and the execution of one of the most shameful crimes in the history of our country: the kidnapping and unlawful expulsion of the Constitutional President and Commander in Chief of the Armed Forces of Honduras, by the military high command led by Romeo Vasquez Velasquez.

e) The involvement of the Attorney General Luis Alberto Rubio, the 14 Judges of the Supreme Court and Judge Thomas Arita Valle in the conspiracy for a coup.

13 hours were enough for senior officials of the Public Ministry and the Supreme Court to justify (a posteriori) the coup, subservient to Roberto Michelletti, who only a few months earlier had named nominated them, In 13 hours time, using their high office, they covered with a cloak of "legality" a plot that had been simmering months ago and was reported to the Attorney General by Andres Pavon, president of CODEH. He did so, without even suspecting that one of those directly involved in breaking the constitutional order was exactly Attorney General Luis Alberto Rubi Avila, unconditional and old friend of former President Carlos Roberto Flores. The facts impose upon the obligation to review what actions the Attorney General carried out in the face of the such a severe charge, which implied a mockery of popular sovereignty through force and violence.

What happened those 13 hours on Friday, 26 June 2009, according to the file which was constructed a posteriori, i.e. after the coup? the Supreme Court by means of Judge Thomas Arita Valle, received the legal charges made by the Prosecutor General Luis Alberto Rubi against the President of the Republic, on Friday 26 June at 11: 00 am and that same day 26 (ie in a period of 13 hours, if we estimate the 26th closed at 12 midnight) the Chief Justice reviewed the case, studied and affirmed the allegations to be true (found full evidence of crime and the evidence of participation of the President) and without further ado sent a note to Chief of the Armed Forces Joint General Romeo Vasquez Velasquez. The note contains three important messages:

1. That the undersigned Judge Thomas Arita Valle, has been appointed as the Corresponding Judge unanimously by the full court.
2. That Romeo Vasquez Velasquez was given the full authority to capture the President of the Republic of Honduras, José Manuel Zelaya Rosales who is presumed responsible for the crimes of: WORKING AGAINST THE CURRENT

FORM AGAINST GOVERNMENT, TREASON, ABUSE OF AUTHORITY AND USURPATION OF FUNCTIONS to the detriment of public administration and the State of Honduras, following the charges presented in this Court by the prosecution.

3. An illegible signature at the end, also dated 26 June 2009. (Presumably when the the note was sent out, or when it was received by the Joint Chiefs of Staff.)

It can easily be seen that we are facing the fastest process of fiscal and judicial history of Honduras seeing as how, in the course of 13 hours (counted from 11 in the morning of June 26 until 12 at night thereof), the Attorney General Luis Rubi introduced the charges, the Court convened its 15 judges and appointed Thomas Arita Valle to act as Corresponding Judge and that same day, he emitted the order of capture and sends out as well, the same day, another note to Lt. Col. Rene Antonio Bueso Hepburn in the Joint Chiefs office, to proceed "at the relevant time" to enter the home of the president of the Republic of Honduras and indicates the location of the house. The existence of any process against the President not having been known about prior to the 28th, there is no doubt that it was designed and developed after the coup as a means of justifying the criminal act.

It remains to be answered:

Why the Judge directed the arrest warrant to Romeo Vasquez Velasquez and the search warrant to Lieutenant René Antonio Hepburn?

Why, seeing how delicate was the action in question and how it could effect the country's democratic stability and the presidency, the Corresponding Judge failed to appear at the office of the President to inform him of the facts and listen to his statement?

Why the charges were filed with the Supreme Court on Friday and not before?

f) After the coup, the Supreme Court said Manuel Zelaya Rosales is no longer President and therefore must be tried by ordinary courts. Enters into the equation Criminal Judge Iris ortiz Normandin.

After the coup occurred, the High Court of Justice of Honduras, not through Judge ARITA TOMAS VALLE, but rather through the Criminal Division as a whole, released the court record put together after the event and on 29 June, 2009 and issued a resolution which did not even relate to the search and arrest warrants which were delivered within 13 hours and that led to the illegal deportation of the country of the President, and taking as a basic consideration that "it is general, public knowledge that Jose Manuel Zelaya has ceased to hold the status of Constitutional President of

the Republic" resolves: 1. To have presented the charges with accompanying documents, and 2. To transmit these charges to the Criminal Court of First Instance of Tegucigalpa, Francisco Morazán, in order to continue with the ordinary provisions of the Code of Criminal Procedure. This resolution does not even notify, is simply gives the order TO BE CARRIED OUT.

To support this decision it is worth asking:

Did the High Court of Justice (Criminal Division) review the Agreement issued by the National Congress, where Congressmen act as a trial court?

Did the Attorney General's Office review the aforesaid Congressional Agreement through which it judges, sentences and suspends the President, without the faculties or authority to do so?

In conclusion, the Attorney General's Office and Judges of the Supreme Court fulfilled its role and now Criminal Judge Ortiz de Melara Normandin (wife of a brother of Supreme Court Judge (During Callejas' time) Ligia Melara de Andrade who is a personal friend of Norma Regina de Callejas the former first lady.

g) Political persecution of members of the Cabinet and leaders of social groups and labor organizations .- The criminalization of all types of conduct. Arbitrary use of criminal law -

With some exceptions, public officials who make up the Cabinet are being pursued with great urgency by the Public Ministry, the Supreme Audit Court and some judges of the Judiciary. The facts alleged against them have never been proven, a requirement for an indictment.¹¹ Many of them (leaked out in a very sensational manner by the media who support the coup) are facts that are not even within the criminal realm. In this regard, there is ample case law in the courts of Honduras, so this action only reflects the fierce political persecution by the regime for the sole purpose of discrediting the civil service and removing them from the process of peaceful resistance.

The conduct of public officials in connection with the management of state resources should be judged first at the administrative level by the High Court of Auditors, which constitutionally is the governing body of the control system for public resources¹² and which, in this very moment is also validating with its actions the appointment of individuals in different positions, something proposed by the coup regime.

¹¹ Article 92 of the Constitution of the Republic demands the fulfillment of two requirements to issue a prison sentence: 1. Clear evidence that a crime or infraction meriting the denial of freedom has been committed and 2. Clear proof that the author of said crime is the person indicated. Clear proof is understood according to the requirements laid out in article 297 of the Penal Procedural Code.

¹² Article 222 and following of the Constitution of the Republic.

Senior State officials are entitled to a trial following a special law, called "Procedure to prosecute senior officials of the State". This law has not been implemented. They all currently hold their positions, since they have neither quit nor been fired.

After the coup, the Public Ministry, the institutions of the executive branch headed by Mr Micheletti and the judiciary, are all proceeding together in making accusations against senior officials and close aides of President Zelaya, are ordering up arrest warrants, are using the coup-friendly media to discredit and prosecute without any guaranty or legitimacy, by mere falsities, the functions these senior officials carried out.

They have accused the Minister of the Presidency Enrique Flores Lanza, the Minister of Finance Rebeca Santos, Commissioner Vice President Aristides Mejia, the Minister of Energy Advisory Rixi Moncada, and sent out arrest warrants following the same procedure used against Mr. President , ie without being heard and without being able to go through a valid criminal prosecution, much less administrative. The coup rulers making use of Absolute Power have achieved the goal of keeping the major actor in the Government of the Republic headed by Manuel Zelaya Rosales away from the resistance movement started on June 28.

Investigations by international and regional agencies that have been present in the country have concluded that: "they have verified obvious obstacles to access to justice, the drastic limitations imposed on freedom of the press, attacks on freedom of expression, the militarization of the security forces and state institutions, abuses by security forces and lack of adequate response from the control mechanisms of the state. Not only have human rights violations not been prosecuted, but that the judicial system is being used to prosecute dozens of protesters against the de facto regime." They also warned during their meetings with various state authorities that they could be committing the crime of political persecution, within the jurisdiction of the International Criminal Court, for the systematic repression unleashed against all supporters of the deposed government of President José Manuel Zelaya. The legal persecution is growing day by day for all social leaders (workers, farmers, educators), who are being detained and without the slightest evidence accused by the prosecution and taken almost immediately to hearings on terrorism charges, treason , rebellion, sedition and others, on the other hand, up to now, there has been no one charged for the murders, rapes and other abuse of women, psychological torture, arbitrary arrests and injuries ordered and executed by the de facto regime.

Chancellor Patricia Isabel Rodas was also subject to seizure by another military squad in civilian together with masked paramilitary forces. They took her out of her home the same day, 28 June 2009, by force and violence, pointing high-caliber weapons at her. Along with the ambassadors of the sister republics of Cuba, Venezuela and Nicaragua, she was assaulted and taken to the Air Base Hernan Acosta Mejia of Tegucigalpa, where the military keep her isolated all day in a dark, locked room. They did not inform her as to the reasons for this action. They took her, at eleven at night, in a plane of Miguel Facussé (relative of

former President Carlos Roberto Flores Facussé) to Mexico City in the company of a official of the embassy in Honduras in this country. This transfer, as well as a number of threats received by the Chancellor in the Diplomatic Room Air Base, were directly executed by General Prince Suazo, Commanding General of the Air Force. More than 50 days after the coup. No action seeking to do justice against this criminal act has been initiated.

The Assistant Minister of Energy, was also physically threatened, via telephone, on the morning of the 27th and was pursued by plain-clothed individuals later that day. She was accompanied by her eldest son when she went on Saturday 27 to the Police Departmental in Choluteca, where she could not be attended personally by the Commissioner in charge who asked that she file her complaint in the record book. Then, on Sunday 28 between 6:40 and 7:30 in the morning, she was pursued by an unmarked car, leaving the hotel where he stayed in order to inform people about the kidnapping of President Zelaya.

In subsequent days, the Minister of Labor and Social Security Minister Gustavo Caceres Youth were arrested in San Marcos de Colon, while traveling to the border to meet with the President. Along with twelve other people, they detained there until the following morning at a police station, the police citing the new curfew rules as an excuse.

h) Curfews.- Illegality and violation of individual rights.

Having executed the coup and in the illegal exercise of power, usurping it from the sovereignty of people, dating from June 28, Honduras is experiencing a state of terror through the so-called "curfew" rules, which are true direct violations of individual rights enshrined in the Constitution of the Republic.¹³ They have been established without following any formal procedures; the coup government simply goes on National TV and tells people what the hours are going to be.

The coup government, without any declaration or notice of restriction of rights, since the days Sunday 28 and Monday 29 June, began this practice, and it wasn't until June 30 that they developed the "executive decree number 011-2009", which lasted for a period of 72 hours, which evidences a number of defects such as: It was not created in Cabinet; and has no basis or establishment of the reasons that justify it; it is not stated that it has been ratified by Congress and later was published in the Diario Oficial la Gaceta, as required.

¹³ Constitution of the Republic.- "Article 78.- Freedom of association is guaranteed providing it does not go against the public order and decent conduct. Artículo 79.- All persons have the right to meet with others, peacefully and unarmed, in public protest or temporary assembly, in relation to their common interests of any nature, without necessity of notice or special permission. Article 81.- All Persons have the right to freely circulate within, and to leave, enter, and remain within national territory..."

There have been days that the application of so-called curfew was implemented immediately without giving time for people to reach their destinations, thereby facilitating the many police and military arrests.

These acts committed by the de facto regime, limiting individual rights of people, are real human rights violations, and carry civil and criminal liability to those that commit them, seeing that all detentions are per se illegal.

i) De facto government officials are committing the crime of Usurpation of Roles

Those who are carrying out official roles as part of the regime produced by the coup d'état and have sworn allegiance to the Constitution of the Republic that has been destroyed, are committing the crime of usurpation of roles¹⁴ and all the acts that they carry out are subject to the corresponding annulment, including the acts of those government officials who, having been sworn in before the coup d'état in accordance with the Constitution and the law, have helped to validate the acts of a de facto regime bereft of any semblance of legality.

The high-level officials designated by the de facto regime are the following:

- a. **Gabriela Núñez de Reyes.-** (Finance) Minister of Finance in the government of ex-president Flores Facussé and daughter of lawyer Amado H. Núñez, Vice-Minister of Labor in the Constitutional Government of Ramon Villeda Morales, promoted to Minister of Labor with the coup d'état of Oswaldo López Arellano.
- b. **Carlos López Contreras.-** (Foreign Relations) Member of the National Party. Ex-Foreign Minister and responsible for the managing the operations of the Nicaraguan counter-revolution from Honduras, in clear violation of the rights of the Nicaraguan and Honduran people.
- c. **Martha Lorena Alvarado Casco.-** (Foreign Relations-Undersecretary to the Foreign Minister), is a Congresswoman elected as part of President Zelaya's movement. She is a fundamentalist militant of OPUS DEI, and daughter of the lawyer Andrés Alvarado Puerto, Foreign Minister of the coup government of 1963, who accepted the post in betrayal of the Liberal Party, with which he had been a presidential candidate prior to the coup.
- d. **Rafael Pineda Ponce.-** Ex-president of Congress in the government of ex-president Flores Facussé. Minister of Education in the government of President Zelaya, relieved of his duties in 2007. Government official in the military dictatorship in the decade of the seventies.
- e. **Nicolás García Sorto.-** (Labor y Social Security). Nationalist Party member, ex-Supreme Court Judge in the era of Mrs. Vilma Morales Montalván. Defender of ex-president Rafael Leonardo Callejas.

¹⁴ Article 292 of the Penal Code.- Whoever, without title or legitimate cause, exercises acts corresponding to an authority or functionary of an official nature, will be punished with two to three years in prison".

- f. **Benjamín Bográn.-** (Industry and Commerce). Served as executive secretary of COHEP (The Honduran National Business Council). Strongly pressured the Government, in particular on the issue of the minimum wage increase, during 2009.

Other collaborators with the de facto regime:

- a. **Mauricio Villeda Bermúdez.-** Campaign manager for Elvin Santos Ordoñez. Son of ex-president Jose Ramon Villeda Morales, who after suffering a coup d'etat in the final month of his term in office, became the ambassador of the coup government to the United Nations. Fundamentalist militant of OPUS DEI.
- b. **Arturo Corrales Álvarez.-** Businessman with government grants in the energy sector, business partner of ex-president Carlos Roberto Flores Facussé. Negotiator and executor of the secret deals of the group in power.
- c. **Camilo Atala.-** Businessman from the finance sector, beneficiary of public sector enterprise, government official in Nationalist Party governments and one of the principal financiers of the coup.

IV. INTERNAL RESISTANCE. AN EXAMPLE OF DIGNITY AND STRUGGLE.

The internal resistance began to organize itself immediately after the coup d'etat took place, as the "National Resistance Front Against the Coup d'Etat." The front is made up of worker, teacher, and peasant organizations, members of various political parties, women's organizations, artists' and writers' organizations, indigenous and Garifuna organizations, high school and university student organizations, human rights organizations, homemaker and shopkeeper organizations, small and medium businesspeople and an important segment representing Catholic and Protestant churches. With centralized leadership, the front has organized an immense number of activities that have demonstrated both internally and internationally the widespread condemnation of the violent actions that have occurred following the break with constitutional order.

Through its many communiqués the Resistance Front maintains the following positions:

- a. Neither the electoral campaign (scheduled to begin September 1st) nor the general elections of November 29th of this year will be permitted to go forth, without the reestablishment of constitutional order through the return of president Manuel Zelaya.
- b. We do not renounce the call for a national constituent assembly; given the rupture in constitutional order produced by the coup, the legal avenue to reconstruct the state and democratic order is by means of this process.
- c. We reject amnesty for all crimes against humanity that have been committed against the people in the more than 50 days of peaceful resistance. And we demand that those responsible be immediately imprisoned.

V. VEHEMENT INTERNATIONAL CONDEMNATION OF THE COUP D'ETAT.

a. Vehement condemnation of the coup d'etat.

The people of Honduras who have brought their struggle to the streets and who have carried out peaceful resistance from the day of the coup are not alone; the international community has unanimously supported the return to constitutional order and the peaceful reversal of the criminal act executed by a group of clearly identified people.

The General Assembly of the Organization of American States (OAS), in its 37th Special Session resolved:

1. To condemn vehemently the coup d'état staged against the constitutionally established Government of Honduras, and the arbitrary detention and expulsion from the country of the constitutional president José Manuel Zelaya Rosales, which has produced an unconstitutional alteration of the democratic order.
2. To reaffirm that President José Manuel Zelaya Rosales is the constitutional President of Honduras and to demand the immediate, safe, and unconditional return of the President to his constitutional functions.
3. To declare that no government arising from this unconstitutional interruption will be recognized, and to reaffirm that the representatives designated by the constitutional and legitimate government of President José Manuel Zelaya Rosales are the representatives of the Honduran State to the Organization of American States.
4. To instruct the Secretary General to undertake, together with representatives of various countries, diplomatic initiatives aimed at restoring democracy and the rule of law and the reinstatement of President Jose Manuel Zelaya Rosales, pursuant to Article 20 of the Inter-American Democratic Charter and report to the Special General Assembly on the results of the initiatives. Should these prove unsuccessful within 72 hours, the Special General Assembly shall forthwith invoke Article 21 of the Inter-American Democratic Charter to suspend Honduras' membership.

The Security Council of the United Nations also unanimously pronounced its opposition to the violent act perpetrated against the constitutional government of President José Manuel Zelaya Rosales, and labeled it as a COUP D'ETAT, and do not recognize the USURPING GOVERNMENT that has arisen from the use of force.

The Organization of American States (OAS) in its 37th Special Session, in view of the fact that Honduras has violated the INTER-AMERICAN DEMOCRATIC CHARTER, unanimously resolved to EXPEL our country from the organization, as long as the rupture in constitutional order persists. The text of the resolution is as follows:

1. To suspend the Honduran state from the exercise of its right to participate in the Organization of American States, in accordance with Article 21 of the Inter-American Democratic Charter. The suspension shall take effect immediately.
2. To reaffirm that the Republic of Honduras must continue to fulfill its obligations as a member of the Organization, in particular with regard to human rights; and to urge the Inter-American Commission on Human Rights to continue to take all necessary measures to protect and defend human rights and fundamental freedoms in Honduras.
3. To instruct the Secretary General, together with duly designated representatives of various countries, to step up all diplomatic initiatives and to promote other initiatives for the restoration of democracy and the rule of law in the Republic of Honduras and the reinstatement of President José Manuel Zelaya Rosales so that he may fulfill the mandate for which he was democratically elected, and to report immediately to the Permanent Council. No such initiative will imply recognition of the regime that emerged from this interruption of the constitutional order.
4. To encourage the member states and international organizations to review their relations with the Republic of Honduras during the period of the diplomatic initiatives for the restoration of democracy and the rule of law in the Republic of Honduras and the reinstatement of President José Manuel Zelaya Rosales.
5. To instruct the Secretary General to transmit this resolution to the other entities of the inter-American system and to the Secretary-General of the United Nations.

Likewise, SICA (the Central American Integration System), the Río Group, CARICOM (the Caribbean Community and Common Market), the Movement of Non-Aligned Countries, ALBA (the Bolivarian Alternative for the Americas) and UNASUR (Union of South American Nations), the European Union, the Union of African Countries, and Central American, Latin American and European parliaments, among others, have vehemently condemned the coup d'état in Honduras in written resolutions.

b. Confirmation of the Human Rights violations against all the men and women who have come out or have protested against the de facto regime.-

All the regional and international human rights organisms that have visited our country have confirmed in situ the grave violations to the most basic human rights of men, women, youth, children, etc., who have peacefully proclaimed their opposition to the coup and who for more than 50 days have continued resisting. The deaths carried out by snipers, the beatings, the arbitrary arrests, the instances of torture, the arrests of minors and elderly, of women, etc., are duly documented along with images that clearly demonstrate the barbarities committed by the de facto regime presided over by Roberto Micheletti and kept in place by the military, the paramilitaries and the police. The conclusions of the International Mission of Observation regarding the situation of human rights in Honduras in the final report of August 7, 2009, clearly establish that: "...The Mission concludes that what is at play is much more than a simple political fight to reestablish legal order and permit a legitimate president to return to power. It consists of an unresolved social conflict, between an economic elite that usurped

power in an anti-democratic manner, allied with the Army, and various sectors that are demanding a new institutional and social order implying greater space for citizen participation. It is for this reason that the repression of leaders of peasant, environmentalist, indigenous, Afro-Caribbean, and women's organizations who have mobilized for their rights, and against union leaders, has been particularly pronounced.

The Mission also confirms a state of institutional disfunctionality, beginning with the absence of checks and balances of the mechanisms of power, the excessive politicization of the Judicial Branch, the lack of a minimal protection for the maximum authority of the State...Finally, the Mission expresses its bewilderment at the support for the coup d'Etat maintained by the highest Honduran officials of the Catholic Church and representatives of some evangelical churches, and its active complicity in mobilizing actions supporting the coup d'etat called for by the de facto regime..”

c. Restrictions of public freedoms and media manipulation.-

The restriction of civil liberties, the suspension of separation of powers and the media manipulation in favor of the overthrow of the legitimate government by the El Herald, La Prensa and La Tribuna newspapers, television and radio channels like Telecentro, Emisoras Unidas, Radio América and Radio Cadena Voces, as independent media outlets have been militarily occupied and closed down, confirms along with other evidence the direct participation of four businessmen and politicians in the conspiracy that culminated with the violent and illegal arrest, kidnapping and expulsion of the Constitutional President of the Republic by the Armed Forces of Honduras and therefore the rupture of constitutional order and the democratic system. Ever since June 28, 2009, independent media stations like Channel 36, Radio Globo, Radio Progreso, as well as programs like that of journalist Eduardo Maldonado on MAYA TV, have been shut down and militarized; their electricity has been cut off for their transmitters and from that date to the present they have been subject to constant interruptions by the de facto regime. Other national radio and television stations have experienced repression for expressing opinions critical of the regime and for condemning the coup d'Etat. Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression Frank La Rue, concluded in his press release dated August 10th: “I can affirm that in Honduras there is neither freedom of expression to comment on daily events, nor to criticize the de facto authorities, nor to condemn the coup d'etat. There is no systematic way to document the actions, the arrests or the cases of excessive use of force or torture, which is why neither the Honduran people nor the international community has access to objective information.”

The individual rights contained in articles 72, 73 and 74 of the Constitution of the Republic appear nonexistent in the current situation that the country is going through.¹⁵

d. Role of the National Human Rights Commission.

The National Human Rights Commission was created as an institution to guarantee the rights and freedoms recognized in the Constitution.¹⁶ The attributes of the Commission are the object of a special law.

Ramón Custodio López, to the shock of both those who knew him and those who did not, the man who formerly defended human rights, even risking his life to do so, and who is currently carrying out his second term as Commissioner, named by the National Congress to direct the institution, publicly expressed his support for the coup d'état.

The population that has been repressed at the national level with teargas, beatings and other bodily abuse, with arrest lacking any civil protections; all the dead, the injured and their families are unprotected because the National Human Rights Commission has defended the actions of the army, even stating on one occasion that the bullets used were only rubber.

The conduct of this Honduran citizen has been internationally condemned. He has been expelled from the International Federation of Human Rights and certain economic aid to the institution has been suspended, especially from the European Union

The “rubber bullets” of the Commissioner Ramón Custodio, have been responsible during the period of the coup d'état and the states of siege/curfews for the violent assassinations of more than one hundred people,¹⁷ among them:

- **ISIS OBED MURILLO MENCIAS**, assassinated by military soldiers in the peaceful resistance march on July 5th at the international airport in Tegucigalpa, shot by snipers stationed on the roofs of the administrative buildings (currently the airport is under the control of Fredy Nasser, who is also a beneficiary of large state energy contracts).

¹⁵ **Article 72.-** Freedom of expression through any media is guaranteed without censorship. Those who abuse this right are responsible before the law as are those who use direct or indirect means to restrict or impede the communication and circulation of ideas and opinions... **Article 73.-** Print shops, radio and television stations and any other media used for the emission and diffusion of thought, and everything related to them, cannot be seized, shut down or interrupted on the grounds of crime or lack in the issuance of thought, without prejudice to the responsibilities in which it is incurred on these grounds in accordance with the law...**Article 74.-** Freedom of speech may not be restricted by indirect means, such as the abuse of official or private controls placed on the material used in the printing of newspapers, of the radio frequencies or the belongings or apparatuses used to disseminate information.

¹⁶ Article 59 of the Constitution of the Republic.

¹⁷ According to the Statements of CODEH, corroborated by the registries of the Central Office of Forensic Medicine.

- **PEDRO MAGDIEL MUÑOZ SALVADOR**, captured on July 24th during one of the highway takeovers during the state of siege, as he traveled to El Ocotal to greet the President. He was found assassinated with signs of torture on July 25th.
- **PROFESSOR ROGER ANRAHAM VALLEJO SORIANO**, assassinated while participating in a peaceful protest in favor of the return of constitutional order, in the Army Post of El Durazno, at the highway exit leading to the north of the country, from where all the protesters were attacked with military force and violence, until they arrived at the Zonal Belen market in the city of Comayagua, having run approximately 5 kilometers.

VI. CLAIMS OF IMPUNITY AND THE ATTEMPT TO LEGITIMATE THE COUP D'ETAT BY MEANS OF A POLLUTED AND FRAUDULENT ELECTORAL PROCESS WHILE THE PRESIDENT REPRESENTING THE PRINCIPAL POLITICAL THRUST OF THE COUNTRY IS IN EXILE.

The coup leaders aim to legalize and perpetuate the coup through the electoral process, with the exclusive participation of candidates who are coup leaders. Therefore the National Front Against the Coup D'Etat made up of all sectors of Honduran society hopes that the international community will maintain a firm and uncapitulating stance, refusing to recognize a polluted electoral process or any illegitimately elected authorities, since this would constitute a new crime against democracy.

VII. CONCLUSIONS:

1. The coup d'Etat in Honduras is a reaction of the forces of the establishment to impede the progress of the social reform process and to perpetuate its traditional commercial and economic interests with strong external ties.
2. The coup d'Etat has brought the return to fascist practices that have installed in Honduras a criminal dictatorship that is carrying out assassinations, rapes, torture and political persecution, as has been confirmed by the international community.
3. With the coup d'Etat, it became clear once again that the existence of the Armed Forces in Honduras has only served to perpetrate coups d'Etat and to promote a system of repression against human rights and democratic order.
4. The coup d'Etat is an affront to the democratic hopes of the nations of Latin America, to its governments and its presidents, and has shown that despite the public

condemnation offered by President Barack Obama, conservative groups in the United States who support the coup d'Etat still hold a monopoly on power in that nation.

5. The resolutions of multilateral organisms like the United Nations and the OAS, condemning the coup and refusing to recognize the de facto regime, like the proposal of Secretary Hillary Clinton of mediation, have been mocked and ineffective in the face of the intransigence of the coup regime and the lack of international mechanisms forcing it to comply with said resolutions and efforts.
6. We affirm that the government of President Zelaya, with the objective of reestablishing democracy by peaceful means, has reiterated its acceptance of the Accord proposed by President Oscar Arias and has expressed its decision to sign it in the city of Tegucigalpa before the first of September of 2009.
7. We reiterate that the people have a constitutional right to insurrection when a usurping government is imposed on them. The Honduran people who resist today will never accept a dictatorship, nor will they participate in an election that aims to confer impunity of the coup leaders and consolidate their power, nor will they concede their constitutional right to insurrection.
8. Our principles in defense of our nation, of social reform and of the rights of the people are non-negotiable; as such, **WE WILL FIGHT WITHOUT CAPITULATING UNTIL WE ARE SUCCESSFUL.**

VIII. SOURCES.

- a. Constitution of Honduras
- b. Secondary Laws of Honduras
- c. International Treaties and Conventions ratified by Honduras
- d. Reports from all the national and international organizations that have visited the country.
- e. Opinions that have been submitted from all sectors of Honduran society to the government officials in Honduras and in exile.

GOVERNMENT OF PRESIDENT JOSE MANUEL ZELAYA ROSALES

August, 2009