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Attorneys Urge Court to Hear Lawsuit Against Honduras Coup Leader

*Total Impunity in Honduras Underscores Need for U.S. Court
to Hear this Case*

November 3, 2011, Houston, TX and New York, NY – Last night, in a human rights case against Honduran coup leader Roberto Micheletti Baín, attorneys from the Center for Constitutional Rights (CCR) filed papers emphasizing that the case is one of the few opportunities for accountability for the wave human rights abuses committed during and in the aftermath of the coup. Micheletti is the former head of the de facto government immediately following the June 28, 2009 military coup that led to systemic attacks on and extrajudicial killings of members of the opposition movement and journalists that continue today. The Center for Constitutional Rights filed the suit on behalf of David Murillo and Silvia Mencías, seeking justice for their son, 19-year-old Isis Obed Murillo, who was shot and killed by Honduran military forces during a peaceful demonstration against the coup.

In last night's filing, CCR provided extensive documentation illustrating the culture of impunity in Honduras that blocks justice for the violations and that has permitted the attacks to continue under the current government of Porfirio Lobo. An expert report submitted by a Human Rights Watch researcher emphasized that no one has been held criminally liable for the scores of politically motivated killings and other human rights violations that took place under Micheletti and that little to no progress has been made in investigating the violence that has taken place under Lobo since he assumed the role of President in January 2010 after a post-coup election that was widely criticized as illegitimate.

In a statement included in Micheletti's motion to dismiss the case, the office of the Prosecutor of Honduras asserts that Honduras does not hold Micheletti responsible for Murillo's death, despite the lack of a full, credible investigation. Yet, even the Honduran Truth and Reconciliation Commission (CVR), the independence and impartiality of which has been questioned by experts and advocates, found that Micheletti bore responsibility for the killing of Isis Obed Murillo and others. In particular, the CVR found that Micheletti wielded command responsibility and implemented policies and practices that were the driving force behind the excessive use of force by the military and resulting human rights violations. Furthermore, CCR attorneys say the prosecutor's statement strengthens the Murillo's claims that the case must be tried in the U.S., because justice is not possible in Honduras given the absolute impunity there for the coup and post-coup abuses.

"Isis was the first victim in what became a systematic and widespread attack on dissent that continues today," said Center for Constitutional Rights staff attorney Pamela Spees. "The Honduran government's explicit refusal to hold Micheletti accountable for Murillo's death – effectively clearing the coup leader's name without any genuine investigation – highlights the importance of this lawsuit. It is one of very few avenues of accountability left."

Subsequent to Isis' killing, the plaintiff and his family were subjected to surveillance and harassment by police and other authorities. This harassment took place in the context of what lawyers describe as intense repression and political persecution that began under Michiletti's regime that targeted the National Front of Popular Resistance, which formed in opposition to the coup, as well as journalists and other groups standing in opposition.

The filings also make public for the first time a September 11, 2009 U.S. Embassy letter included in an attachment to Micheletti's motion to dismiss the case that states his visa was revoked due to "the continued resistance of the de facto government to accept the San Jose Agreement and the continuous failure to restore the democratic and constitutional government of Honduras." Yet the U.S. has since successfully lobbied the Organization of American States to recognize the new government and is reportedly considering reinstating visas for Micheletti and other coup leaders despite any accountability for their illegal actions and the mass repression they presided over. The U.S. also provides funding to the Honduran military and police, who have been implicated in numerous grave human rights abuses, including assassinations, the burning down and bulldozing of nearly the entire town of Rigores, firing live ammunition and other brutal attacks on peaceful protests, and disappearances.

The case was brought under the Alien Tort Statute and is before the Houston Division of Southern District of Texas. To view the motions and for more information on the lawsuit, visit: <http://ccrjustice.org/honduras-coup>.

The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change. Visit www.ccrjustice.org and follow @theCCR.

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