



Open Letter to Secretary of State Hillary Clinton regarding Honduras and the OAS

July 26, 2010

Via Facsimile Transmission

The Honorable Hillary Rodham Clinton
Secretary of State
United States Department of State
2201 C Street
Washington, D.C. 20520

Dear Secretary Clinton:

We write to you in anticipation of the recommendations to be made on July 30, 2010, to the Organization of American States (OAS) by the High-Level Commission it appointed to analyze “the evolution of the situation” in Honduras post-coup d’etat. We have a number of grave concerns about the situation in Honduras, particularly with regard to ongoing and serious human rights violations.

The United States is taking a dangerous approach in leveraging its influence to lobby for the normalization of relations by the OAS. It rewards illegal, anti-democratic and violent regime change and should be abandoned. We base these views on the following:

1. The human rights situation is dire and has continued to deteriorate.

At a meeting of the OAS on June 7, 2010, you stated:

Now it is time for the hemisphere as a whole to move forward and welcome Honduras back into the Inter-American community. We’ve worked with many of you to help Honduras find a path back to democratic order. We saw the free and fair election of President Lobo, and we have watched President Lobo fulfill his obligations under the Tegucigalpa-San Jose Accord – including forming a government of national reconciliation and a truth commission. This has demonstrated a strong and consistent commitment to democratic governance and constitutional order.¹

¹ Clinton, Hillary. *Address to the Organization of American States General Assembly*, June 7, 2010, available at <http://www.state.gov/secretary/rm/2010/06/142804.htm>.

Such statements obscure and minimize the deplorable and ongoing human rights situation in Honduras characterized by serious political repression and violence -- including killings, illegal arrests and sexual violence against members of the resistance movement, trade unionists and journalists, as well as threats, harassment and media censorship. In April, Reporters Without Borders named Honduras the most dangerous place in the world for journalists -- more than two months after Porfirio Lobo took office.² On June 28, 2010, the anniversary of the coup, a joint statement issued by Reporters Without Borders, the World Association of Community Broadcasters and the Committee for Free Expression described two periods of political repression: the first, spanning from Zelaya's forced removal until Lobo took office, was characterized by "acts of censorship against media opposed to the coup, including sabotage, use of violence and military occupation." The second, spanning from Lobo's inauguration in January 2010 until the anniversary of the coup in June was marked "above all by the murder" of eight journalists in four months.³

In May, a delegation of the Inter-American Commission on Human Rights (IACHR) also noted the number of killings and expressed its "deep concern" over the "absence of effective investigations" and its belief that the violence corresponded to the same pattern that emerged immediately after the coup that it documented in its first report on the matter, "Honduras: Human Rights and the Coup d'Etat."⁴ The delegation also expressed concern about the threats and harassment it documented against human rights defenders, journalists, teachers and members of the resistance. In particular, the IACHR delegation was concerned about the harassment of judges who did not support the coup and found that their summary dismissal by the Supreme Court was "undoubtedly linked to participation in anti-coup demonstrations or to having expressed an opinion against the coup d'état." The delegation's findings have been set out in a report issued by the IACHR in June.⁵

Many of these concerns about human rights abuses and violations were also raised by 27 members of Congress in their letter to you of June 24, 2010, as was the fact that "a number of Army officials suspected of being involved in the coup have been appointed to executive positions in the Lobo government."⁶ Some of these Army officials are also graduates of the Western Hemispheric Institute for Security Cooperation (WHINSEC), formerly also known as School of the Americas.⁷

² Reporters Without Borders for Press Freedom. *Month of Violence Turns Honduras Into World's Most Dangerous Country for Journalists*, April 2, 2010, available at <http://en.rsf.org/honduras-month-of-violence-turns-honduras-02-04-2010,36850.html>.

³ Reporters Without Borders for Press Freedom. *Rule of Law and Civil Liberties Founder in Year Since Coup*, June 28, 2010, available at <http://en.rsf.org/honduras-rule-of-law-and-civil-liberties-28-06-2010,37820.html>.

⁴ Inter-American Commission on Human Rights. *IACHR Concerned About Human Rights Violations in Honduras Press Release No. 54/10*, May 19, 2010, available at <http://www.cidh.org/Comunicados/English/2010/54-10eng.htm>

⁵ Inter-American Commission on Human Rights. *Preliminary Observations of the Inter-American Commission on Human Rights On Its Visit to Honduras, May 15 to 18, 2010*, OEA/Ser.L/V/II, Doc. 68, June 3, 2010, available at <http://www.cidh.org/countryrep/Honduras10eng/Honduras10TOC.eng.htm>.

⁶ *Letter to the Hon. Hillary Rodham Clinton from Rep. James P. McGovern, et al*, June 24, 2010. available at http://www.wola.org/index.php?option=com_content&task=viewp&id=1125&Itemid=2

⁷ Hodge, James and Cooper, Linda. *U.S. Continues to Train Honduran Soldiers*, National Catholic Reporter, available at http://www.soaw.org/presente/index.php?option=com_content&task=view&id=225&Itemid=74.

2. *The November elections were widely criticized. They were not “free and fair.”*

As noted above, you indicated in your statement of June 7 that the elections held in November were “free and fair.” However, the elections were widely criticized by the international community with key organizations such as the OAS, European Union and the Carter Center refusing to send election observers and the United Nations refusing electoral support.⁸ In announcing its decision not to send observers, the Carter Center noted “that restrictions on press, protest, and movement have occurred since the presidential coup on June 28, 2009, and into the formal campaign period, impinging on the electoral rights of Hondurans.”⁹ Indeed, as the reports of human rights organizations and monitors have noted, the atmosphere of political violence did not end with the elections.

3. *The situation in Honduras and the debates surrounding it have been clouded by pervasive disinformation about the events leading up to the coup, the public survey President Zelaya planned to conduct and the purported legality of the actions of the military and Congress in removing him.*

As justification for their actions, coup leaders allege that Zelaya intended to hold on to power through a public consultation he had planned for the day of the coup.¹⁰ This has been shown to be patently false. The consultation was in reality a non-binding survey of the Honduran people as to whether they wished to have a second non-binding referendum to hold a constitutional assembly placed on the ballot in November.¹¹ However, opponents of Zelaya and of the effort to have the people's will expressed through the survey cast the effort as a power grab. It is clear now that even if the survey had been allowed to proceed and the public overwhelmingly supported the idea of a constitutional assembly, it could not have resulted in Zelaya being placed on the ballot or otherwise extending his term. This misinformation was accompanied by an assortment of scandalous allegations and smears driven by those in opposition to the reforms pushed by Zelaya, such as the increase in the minimum wage and Honduras' alignment with the Bolivarian Alternative for the Americas (ALBA), both of which threatened the Honduran business sector -- a sector that strongly supported and condoned the coup.

In light of the extensive disinformation that clouded the discussions and prevented a genuine, honest and timely assessment of the situation in Honduras, we are concerned also about the role that a number of U.S.-based lobby and public relations consulting firms may have played in helping to muddy the waters in this respect, and the effect that may have had in shaping U.S. policy. It has been widely reported – and confirmed through lobby and Foreign Agent Registration Act reporting requirements -- that “business leaders in Honduras have hired a variety of firms, such as Orrick, Herrington & Sutcliffe and Vision Americas, to lobby in support

⁸ Malkin, Elisabeth. *Conservative Poised to Win in Honduras*, New York Times, Nov. 29, 2009, available at <http://www.nytimes.com/2009/11/30/world/americas/30honduras.html>

⁹ *Carter Center Statement on the Honduran Elections*, Nov. 25, 2009, available at http://www.cartercenter.org/news/pr/honduras_112509.html.

¹⁰ Bogardus, Kevin. *Honduran Government Hires PR Shop*, The Hill, Sept. 27, 2009, available at <http://thehill.com/business-a-lobbying/60471-honduran-government-hires-pr-shop>; and see Dickinson, Elizabeth, *Who's Lobbying for the Coup?*, Foreign Policy, August 4, 2009, available at http://www.foreignpolicy.com/articles/2009/08/04/whos_lobbying_for_the_coup?page=0,2.

¹¹ *Ibid.*

of the de facto government and say the ouster of Zelaya was just."¹² For example, the Cormac Group was retained by the Association of Honduran Manufacturers just days before the coup.¹³ The de facto regime in power after the coup hired public relations firm Chlopak, Leonard, Schechter & Associates to reach out to "Capitol Hill aides to improve the image of the de facto government" and to "opinion leaders and media outlets."¹⁴

We believe that the extent to which these firms helped paint a portrait of the situation in Honduras that was at odds with the reality of the situation in order to manipulate public opinion and policy is further evidence of the anti-democratic forces at work behind the coup and should be inquired into and investigated, particularly when so many lives have been lost and affected.

4. *The Truth and Reconciliation Commission formed by the government has been widely criticized throughout the Honduras and the international human rights community.*

As you noted in your speech last week, the government of Honduras established a Truth and Reconciliation Commission (CVR for its initials in Spanish) on April 13, 2010 to fulfill its obligations under the Tegucigalpa-San Jose Accords. However, the mandate, methodology and scope of the CVR have been criticized from the outset by the Human Rights Platform and the Honduran civil society. Berta Oliva, Director of the Committee for the Detained and Disappeared in Honduras called the CVR part of "the Honduran regime's continued efforts to whitewash those responsible for the coup and its violent aftermath."

Additionally, the CVR has been criticized by international human rights organizations that question its legitimacy. On May 6, 2010, The International Center for Transitional Justice stated: "The [CVR's] mandate is a cause for concern... It does not cover assassinations and attacks perpetrated against journalists and social activists since June 2009."¹⁵ The ICTJ also noted that, "Unfortunately, in Honduras the decision to establish the commission seems to have more to do with a hasty desire to turn the page, rather than clarifying last year's disruption of democracy and the serious crimes that took place."¹⁶ Amnesty International stated that it was "seriously concerned" that the CVR's mandate "is limited only to establishing the contributing factors to the crisis."¹⁷

Furthermore, the amnesty law passed on January 26, 2010 will shield those responsible for human rights violations, a fact that has further eroded Honduran civil society's investment in this commission.

As the IACHR stated in its observations after its May 2010 trip to Honduras:

The presence of factual or legal impediments (such as the amnesty law or domestic laws governing access to information) to

¹² Bogardus, *supra* note 11.

¹³ Dickinson, *supra* note 11.

¹⁴ Bogardus, *supra* note 11.

¹⁵ International Center for Transitional Justice. *Honduras: New Truth Commission Should Guarantee Victims' Rights*, Press Release, May 6, 2010, available at <http://www.ictj.org/en/news/press/release/3711.html>

¹⁶ *Ibid*

¹⁷ Amnesty International. *Honduras Failing to Tackle Coup Rights Abuses*, June 28, 2009, available at <http://www.amnesty.org/en/news-and-updates/honduras-failing-tackle-coup-rights-abuses-2010-06-28>

accessing and obtaining important information pertaining to the facts and circumstances surrounding the violation of a fundamental right, constitutes a blatant violation of the right [to the truth] recognized in Article 25, and prevents one from having the remedies under domestic law that allow judicial protection of the basic rights established in the Convention, the Constitution and the laws.¹⁸

For all of these reasons, the United States should not be supporting normalization of relations with the anti-democratic regime of Porfirio Lobo. Nor should any member state of the OAS.

A strong, vibrant and diverse pro-democracy movement has united and strengthened in Honduras in resistance to the coup. The killings, threats, and other forms of intimidation have not been able to dampen it over the course of a year fraught with upheaval and tragedy. However, as recently as last week, it was reported that the OAS Commission had not even been to Honduras, nor met with the National Front of Popular Resistance, whose members have been among those most targeted and at risk.¹⁹

While the coup and subsequent events have been unquestionably tragic, the U.S. now has an opportunity to break with an ignominious past in which Honduras was used in the Cold War era as a springboard for U.S. policy and an ill-advised, illegal and ultimately unsuccessful counter-insurgency effort in Central America that resulted in countless violations of human rights and lives lost. Honduras today presents a moment and an opportunity for the U.S. to proceed on the right side of history, with respect to its neighbors in the region.

The Center for Constitutional Rights will be circulating this open letter and any response we receive to domestic and international civil society, to the Human Rights Platform in Honduras as well as to all OAS member state representatives.

Sincerely,



Vincent Warren

Executive Director

The Center for Constitutional Rights

¹⁸ *Inter-American Commission on Human Rights, supra* note 5.

¹⁹ National Front of Popular Resistance. *Statement by the National Front of Popular Resistance*, July 22, 2010, available at http://www.resistenciahonduras.net/index.php?option=com_content&view=article&id=628:statement-by-the-national-front-of-popular-resistance-to-the-oas-&catid=99:official&Itemid=348.