

## Parents of Assassinated Activist sue Honduran Coup Leader: The Case against Roberto Micheletti Baín

### HONDURAS AND THE COUP

On June 28, 2009, the Honduran military kidnapped and forcibly exiled President Zelaya in a *coup d'état*. The coup against President Zelaya was universally condemned by the United Nations, the European Union, the Organization of American States, the Inter-American Commission on Human Rights, and numerous governments around the world, including that of the United States.

### COUP OPPOSITION & THE KILLING OF ISIS MURILLO

On July 5, 2009, President Zelaya attempted to return to Honduras and restore the democratically-elected government. Zelaya intended to return by airplane and land at Toncontin International Airport in the capital of Tegucigalpa, although the self-declared interim government under de facto President Roberto Micheletti Baín said it would not allow him to return. Nineteen-year-old Isis Obed Murillo and his family joined thousands of other coup opponents at the airport for a non-violent, peaceful gathering to welcome Zelaya back and support the restoration of democracy. When Zelaya's plane attempted to land, Honduran military troops and vehicles blocked the runway and the military began firing tear gas and live rounds into the crowd of unarmed civilians—Isis Obed Murillo was shot in the head and died just moments after.

The killing of Isis Murillo was a watershed moment in Honduras, marking the beginning of the political murders, torture, attacks on the opposition, and political persecution that continue to the present day. The post-coup government under Micheletti launched a severe crackdown on political opposition, public assembly, and free speech, and suppressed reform efforts. To this day, the architects of the coup and perpetrators of the human rights violations in its

aftermath have not been called to account for their actions.

### MURILLO V. MICHELETTI BAÍN

On June 23, 2011, the Center for Constitutional Rights (CCR) filed a complaint in the Houston Division of the Southern District of Texas, on behalf of David Murillo and Silvia Mencías, the parents of Isis Obed Murillo.

The defendant is Roberto Micheletti Baín, former president of the Honduran National Congress who assumed the role of head of the de facto government immediately following the *coup d'état* ousting President Zelaya, and acted as such until January 27, 2010. The complaint details extrajudicial killing, crimes against humanity of murder and persecution, and other gross human rights violations that took place in Honduras under the authority and/or direction of Micheletti.

The case is brought under the Alien Tort Statute (ATS) which provides federal jurisdiction for “any civil action by an alien, for a tort only, committed in violation of the law of nations or a treaty of the United States” as well as the Torture Victim Protection Act (TVPA) which allows individuals to seek damages in the U.S. for torture and extrajudicial killing.

### IMPUNITY AND REPRESSION IN HONDURAS

The 2009 post-coup presidential elections were widely criticized by the international community with key bodies such as the OAS and the European Union and



*Silvia Mencías, the mother of Isis Obed Murillo, holds a photograph of her son.*

organizations such as the Carter Center refusing to send election observers and the United Nations refusing electoral support. Under the ensuing government of Porfirio Lobo, gross human rights violations have continued and impunity continues to be the operating principle in Honduras, as reflected by acts of the post-coup Congress and the judiciary. In January 2010, under the regime of de facto President Micheletti, the Honduran Congress approved amnesty for all those responsible for the coup that removed President Manuel Zelaya from office. Most recently, on October 21, 2011, the Honduran Supreme Court cleared six army generals accused of toppling President Manuel Zelaya. Even today, Honduran authorities have failed to investigate and prosecute many of the countless murders and violent attacks against political activists, journalists, and human rights defenders since the *coup d'etat*. It is against this backdrop that the Murillos have not been able to obtain an impartial and fair investigation into their son's death.

#### USING THE ATS TO HOLD MICHELETTI ACCOUNTABLE IN THE U.S.

Victims of the most serious human rights abuses often have no way to seek justice in their home countries. The country where the abuse took place may be unable to hold the accused accountable for a variety of reasons, including a corrupt judicial system, a government still dominated by those responsible for the abuses, inadequate resources, or the fact that the perpetrators have left that country. The ATS, a 1789 statute giving non-U.S. citizens the right to file suits in U.S. courts for international human rights violations, provides a way to hold human rights abusers accountable.

Since 1980, when CCR won *Filártiga v. Peña-Irala*, holding a former Paraguayan official liable for the torture of a Paraguayan citizen in Paraguay, the ATS has been used to sue human rights violators in the U.S. for violations occurring in many places around the world. Former government and non-governmental officials from countries including Guatemala, Indonesia, Haiti, the Philippines, Argentina, El Salvador, and Ethiopia have been held liable in U.S. courts for human rights abuses committed outside the U.S., against foreign citizens.

#### THE STATUS OF THE CASE

The case against Roberto Micheletti Bain was filed on June 23, 2011. On September 28, 2011, the defendant filed a motion to dismiss the case, and CCR filed its opposition to dismissal on November 2, 2011.

*Since the June 28, 2009 military coup d'etat that ousted President Manuel Zelaya, CCR has been involved in advocacy aimed to address systemic human rights violations in Honduras. CCR has advocated against the US government's current dangerous policy towards Honduras that rewards illegal, anti-democratic, and violent regime change. CCR is a member of the Honduras Solidarity Network in the United States, is partnered with Comité de Familiares de Detenidos Desaparecidos en Honduras (COFADEH), and has worked to support the efforts of the Comisión de Verdad established by the Honduran Human Rights Platform. One aspect of our advocacy is using the Freedom of Information Act (FOIA) to request materials from the U.S. government regarding knowledge of events in Honduras in order to establish genuine truth and reconciliation. For more information, please see our Honduras FOIA webpage - <http://ccrjustice.org/honduras-foia>*

#### What you can do:

1. Take Action - Tell Congress: No US Support for Repression in Honduras: [http://salsa.democracyinaction.org/o/383/p/dia/action/public/?action\\_KEY=6421](http://salsa.democracyinaction.org/o/383/p/dia/action/public/?action_KEY=6421)
2. One of the most effective ways to take action is to educate yourself and others – to view the complaint click on this link [Murillo v. Micheletti Bain Complaint](#). For more information on CCR's litigation and advocacy efforts to address human rights violations in Honduras, please visit: <http://ccrjustice.org/honduras-coup>
3. Sign up to receive action alerts and learn more about CCR's ATS cases by visiting: [www.ccrjustice.org](http://www.ccrjustice.org)