

**Rights Action**  
**HONDURAS COUP ALERT #21 – July 10, 2009**

**KAFKA IN HONDURAS: SOME COMMENTS ABOUT THE “LEGALITY” OF  
HONDURAS MILITARY COUP ON JUNE 28, 2009**

by Grahame Russell

- What to do
- How to donate: funds are urgently needed, and being put to very good use by the pro-democracy movement

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July 10, 2009

**KAFKA IN HONDURAS: SOME COMMENTS ABOUT THE “LEGALITY” OF  
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With respect to the military coup in Honduras, in some circles there is discussion and debate, bordering on the absurd, about the so-called legality of this illegal coup. To begin to clarify some of the “legal” arguments, I summarize here some issues.

Shortly, we will distribute a copy of a legal case filed in the Honduran courts by CODEH (Honduran committee for the defense of human rights). Their case, filed before the Honduran Special Prosecutor Against Organized Crime, refers to legal cases filed in Honduran courts months ago, alleging the planning of a military coup.

None of these previous legal cases were dealt with by the courts that are almost completely controlled by pro-coup sectors.

To understand the “legal” situation in Honduras, one has to acknowledge that the administration of justice and the rule of law are deeply corrupted. To argue otherwise – to argue that the administration of justice and rule of law in Honduras function in a transparent and impartial manner - ignores extensive documentation from national and international human rights groups documenting corruption and manipulation, and ignores Honduran history and the current day reality of the impunity of the powerful military, economic and political sectors.

To the point, for today ...

Even as the Honduran courts refused to deal with numerous previous cases filed, dealing with and trying to prevent a coup, in the last few days before the coup, the Supreme Court received an accusation against President Zelaya, with a laundry list of alleged crimes. Without now going into the alleged merit of these charges, that President Zelaya was never able to see or respond to, here are comments on what transpired:

The Honduran Armed Forces (HAF) have no authority whatsoever – none, ever – to carry out detention orders of the Supreme Court. If there were a valid detention order (there was not), it would be the police forces that would have to be authorized by the court to carry it out.

Having said that, no detention order was even presented when the HAF broke violently into the President’s residence.

They broke in violently (also illegal) at around 5am, whereas Honduran law states that authorized entries (which this was not) can only occurring after 6am.

If there were a valid legal case before the Supreme Court (there is not, or if there is, no one has seen it), no detention order would have been issued by the Supreme Court. First, they would have issued a summons to President Zelaya to present himself, with lawyers, before the court to hear the charges.

If there were a valid legal case before the Supreme Court (there is not), if there were a valid detention order (there was not), then the authorized police forces (no police forces participated in the violent entry, only the HAF), would have brought the accused – President Zelaya – to appear before a judge.

As is know, the HAF took Zelaya in his pijamas and slippers to Costa Rica.

Soon after the coup transpired, the pro-coup forces produced a letter of resignation, allegedly signed by President Zelaya, saying he was resigning for health reasons.

In Costa Rica, once left free by the HAF (in his pyjamas), President Zelaya publicly denied he wrote or signed the letter or that he was resigning. The letter is a forgery.

Having said that, if the HAF and coup conspirators had a valid resignation letter (they did not), why illegally and violently detain and deport the President? Why not proceed to have present the letter to the Congress and have Congress name his replacement, according to law?

Kafka is crying and laughing in his grave. More soon ...

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**AMERICANS AND CANADIANS SHOULD CONTACT YOUR OWN MEDIA, MEMBERS OF CONGRESS, SENATORS & MEMBERS OF PARLIAMENT, TO DEMAND:**

- unequivocal denunciation of the military coup
- no recognition of this military coup and the 'de facto' government of Roberto Michelletti the unconditional return of the entire constitutional government
- increasing economic, military and diplomatic sanctions against the coup regime
- respect for safety and human rights of all Hondurans
- the application of international and national justice against the coup plotters, and
- reparations for the illegal actions and rights violations committed during this illegal coup

**FUNDS ARE NEEDED FOR THE 'PRO-DEMOCRACY', EMERGENCY RESPONSE IN HONDURAS:**

Rights Action staff in Honduras are providing emergency relief funds, every day, to community development, campesino, indigenous and human rights organizations for: food and shelter, transportation and communication, urgent action outreach and human rights

accompaniment work. Make tax deductible donations to Rights Action and mail to:

UNITED STATES: Box 50887, Washington DC, 20091-0887

CANADA: 552-351 Queen St. E, Toronto ON, M5A-1T8

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