

**Rights Action
Honduras Coup Alert #24**

Lawsuit filed against Coup plotters & perpetrators, July 14, 2009

BELOW: a non-official translation (done for Rights Action) of a legal case filed with the Specialized Prosecutor for Organized Crime, in Honduras, by Andres Pavon of CODEH (Comite para la Defensa del Derechos Humanos en Honduras), against the coup plotters and perpetrators.

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CODEH Legal Actions

THE DENUNCIATION FOR CRIMES COMMITTED AGAINST HIGH STATE FUNCTIONARIES, IS AMPLIFIED TO INCLUDE:

CRIMES AGAINST THE FORM OF GOVERNMENT

CRIMES OF REBELLION

CRIMES OF FALSIFICATION OF PUBLIC DOCUMENTS

BREAKING AND ENTERING INTO A PRIVATE DWELLING

VIOLATION OF INTERNATIONAL OBLIGATIONS

THAT THE INVESTIGATION OF THESE CRIMES PROCEED IMMEDIATELY, THAT THE PEOPLE RESPONSIBLE FOR THEIR COMMISSION BE IDENTIFIED, THAT THE CORRESPONDING PROSECUTOR'S REQUIREMENTS BE PRESENTED IMMEDIATELY, THAT ORDERS FOR IMPRISONMENT BE ISSUED, AND THAT THOSE RESPONSIBLE FOR THESE CRIMES BE DEFINITELY CONVICTED, AND BASED ON THE PROCEEDING THE NATIONAL POLICE AND INTERPOL BE INSTRUCTED REGARDING THEIR IMMEDIATE DETENTION.

AND IF THESE ACTIONS ARE NOT TAKEN, IT IS ANNOUNCED THAT WITHOUT ANY FURTHER PROCEEDINGS, WE WILL GO TO THE INTERNATIONAL CRIMINAL COURT.

Esteemed Specialized Prosecutor for Organized Crime:

I, ANDRES PAVON MURILLO, legally of adult age, married, Honduran, with identity card number 0208-1962-00378, a teacher, acting in my role as the President of the Committee for the Defense of Human Rights in Honduras (Comité para la Defensa de los Derechos Humanos en Honduras-CODEH), with legal status number 163-94, located in Tegucigalpa M.D, Barrio Guadalupe, Edificio Italia, with telephone numbers 237-9238 / 3347-2531;

and with the utmost respect I present myself before this investigative and criminal prosecution body, to amplify the denunciation which is presented in said Special Prosecutor's office against the Congressmen of the National Congress ROBERTO MICHELETI BAIN, JOSÉ ALFREDO SAAVEDRA PAZ, TORIBIO AGUILERA, RAMÓN VELÁSQUEZ NAZER, MARCIA FACUSSE DE VILLEDA, ROLANDO DUBON BUESO, GONZALO ANTONIO RIVERA, MARIA FELICITA GUZMAN FONSECA,

and definitively against all those Congressmen in the Congress of the Republic who on Sunday, 28 June 2009, proceeded outside legal channels to destitute the Esteemed President of the Republic, JOSÉ MANUEL ZELAYA ROSALES; additionally against Mister General ROMEO VASQUEZ VELASQUEZ, and all the members of the Honduran Armed Forces High Command, that headed and committed the brutal detention and kidnapping and posterior forceful transfer to the Republic of Costa Rica. The Commanders of the Air Force, the Army, and the Navy are part of the High Command.

This denunciation is also extended to those people who have collaborated in altering the legally established constitutional order, including among these RAMÓN CUSTODIO LÓPEZ, who holds the public office of Ombudsman for Human Rights in Honduras (CONADEH), yet on the contrary has converted himself into one who negates all Hondurans' human rights.

JORGE YLLESCAS OLIVA, JUAN RAMÓN MARTÍNEZ, JUAN FERRERA, ARMIDA DE LOPEZ CONTRERAS, ENRIQUE ORTEZ COLINDRES, GABRIELA NUÑEZ, MARTHA LORENA CASCO, JORGE RODAS GAMERO, WUILY NELSON MEJIA, ADOLFO FACUSSE, ROBERTO FLORES BERMUDEZ, GERMAN EDGARDO LEITZELAR VIDAURRETA, MARIO VILLANUEVA, OSWALDO CANALES, ENRIQUE RODRIGUEZ BUCHARD, MIRNA CASTRO, MARCO ANTONIO PONCE, JUAN ANGEL RIVERA TABORA, LUIS ALBERTO RUBI, ROY URTECHO LOPES, LUIS MARTINEZ, DILMA QUEZADA DE MARTINEZ, GABO JALIL, ROSA AMERICA MIRANDA RIVERA, BENJAMIN BOGRAN, AURELIO MARTINEZ, RAFAEL PINEDA PONCE, GONZALO RIVERA, ROMUALDO BUESO, ORLE SOLIS, CADENAL OSCAR ANDRES RODRIGUES MARADIAGA,

MONSEÑOR DARWIN ANDINO, JORGE ALBERTO ZELAYA SALDAÑA, HENRY GEOVANNY SALGADO NUÑEZ, GELMER HUMBERTO CRUZ, JOSE RICARDO LARA WATSON, MAURICIO ALVARENGA, ROGER SOTERO, JOSE ECHEVERIA MELENDEZ, ROBERTO CHACON, CARLOS RAMIREZ, JULIO CESAR BONILLA, JORGE FLORES CARIAS, VICTOR GALEANO, MIRNA PAZ, CARLOS GIRON AYALA, RODIMIRO ORDOÑEZ, ADAN ALVARADO OYUELA, JOSE FUENTES MORALES, PAULA BONILLA, ADOLFO LIONEL SEVILLA, and all the other people who in an apparent manner as much as before and after the Coup d'Etat promoted it, afterwards consented to it and tried to justify it.

FACTS AND LEGAL FUNDAMENTATION

FIRST: On 11 May of this year, I publicly denounced that Honduran citizens participated in meetings in the country with the objective of planning a technical Coup d'Etat against the Constitutional President of the Republic José Manuel Zelaya Rosales.

The following day, 12 May, my denunciation was published in several news media.

As a consequence on 13 May, I received a citation from the Special Prosecutor's Office against Organized Crime.

On 14 May, at two o'clock in the afternoon, I arrived at the Special Prosecutor's Office against Organized Crime with the aim of presenting my testimonial declaration. The Prosecutor from the anti-drug unit Rodolfo Galo Herrera and the Prosecutor Ana Patricia Domínguez Lobo, head of the anti-kidnapping, terrorist, and arms trafficking unit attended me.

As is evident in my testimony and the citation notice, the Public Prosecutor's interest was in the initiation of a 'de oficio' investigation for the crime of TERRORISM, as can be demonstrated in the citation notice.

At no moment was interest shown in the core arguments of my denunciation related to the technical military coup d'etat that I had denounced, thus making the Attorney General's behavior suspect; having revealed that he could do this with individuals.

SECOND: As the Special Prosecutor against Organized Crime will know, Mister JOSÉ MANUEL ZELAYA ROSALES was legitimately elected in general elections for the constitutional period beginning on 27 January 2006 until 27 January 2010. As the Special Prosecutor against Organized Crime also will know, on Sunday, 28 June 2009, in the early morning hours, when the citizen President of the Republic was in his residence, he was violently

detained by a strong commando group of the National Army or individuals dressed in military attire.

Previous to this, the executors of said violent act machine gunned the gates of his residence, and then burst inside, proceeded to threaten him, aiming their high-caliber arms at him, reaching the point of telling him to surrender and not offer any opposition, thus constituting the crime of the abuse of authority and the breaking and entering into a private dwelling, as established in Article 99 of the Constitution of the Republic which stipulates:

A residence is inviolable. No entry or registry should be conducted without the consent of the person who lives there or a competent authority's resolution. However it can be searched, in case of emergency, to impede the commission of or the impunity from crimes or to avoid serious damage to people and property.

Excluding urgent cases, breaking and entering into a dwelling cannot be conducted from six in the afternoon to six in the morning, without incurring responsibility.

The law will determine the requirements and formalities for the entry, registry, or search to be conducted, as well as the responsibilities that may be incurred by he who conducts it.

As the Special Prosecutor against Organized Crime will know, since it is public knowledge, once this violent act was committed, its executors, that is to say the armed commando group, proceeded to kidnap the President of the Republic Manuel Zelaya Rosales, for which they took him in his underclothes from his residence, and in the following action was taken to an airbase where he was boarded on the presidential plane and transferred against his will to the Republic of Costa Rica, where he debarked at approximately eight in the morning that same day.

As the Special Prosecutor against Organized Crime will know, the Constitutional President of the Republic was received in the airport Juan Santa Maria in San José, Costa Rica from which he gave declarations to the entire world about what had happened to him.

Esteemed Special Prosecutor against Organized Crime, surely you know that this act which has barely been summarized is anti-juridical because in the legal order there is no disposition that authorizes it. Furthermore, the Special Prosecutor against Organized Crime is asked what would happen if this act took place against him or his family.

The Criminal Code in its article 323 corresponding to CRIMES AGAINST HIGH STATE FUNCTIONARIES stipulates the following: He who would offend the President of the Republic in his bodily integrity or his freedom will be sentenced to eight (8) to twelve (12) years of reclusion.

It is unquestionable, and no one can deny it, that the violent act by which the President of the Republic was taken from his home, transferred against his will to an airbase, and later to be removed from our sacred national territory is a serious offense against the dignity of any person, to his physical integrity and to his freedom.

This brutal and arbitrary occurrence committed by members of the Armed Forces should have been investigated 'de oficio' (automatically) by this criminal investigation body, and by this time its material, as well as intellectual, authors should have been imprisoned for it.

As this has not occurred, this formal denunciation has been presented so that it proceeds immediately as prescribed by the Constitution of the Republic and the Organic Law for the Public Prosecutor's Office. In this case, the Honduran Armed Forces High Command, starting with the Chairman of the Joint Chiefs of Staff of this institution, ROMEO VÁSQUEZ VELÁSQUEZ, should be immediately summoned by the Public Prosecutor's Office, since there was not any legal motive permitting the commission of such an illegal barbarous act.

THIRD: As the Special Prosecutor against Organized Crime also will know, after said brutal act of force was committed against the citizen President of the Republic José Manuel Zelaya Rosales, the news was disseminated at the national and international levels. The electricity service proceeded to be cut at the national level, removing from the radio and television stations from the airwaves so that no one could report adequately, with the exception of a few radio stations that poorly informed the citizenry in favor of the interests of the executors who committed this act.

The violation against the rights of citizens was such that the international channels were taken off the cable systems in the country, which is a situation that still continues.

As the Special Prosecutor against Organized Crime also will be knowledgeable, during the midday hours, the National Congress of the Republic held an emergency meeting to consummate another violent act against the Constitution of the Republic and the nation's democratic system.

The National Congress did not meet to express concern over what was occurring in the nation or about the person of the President of the Republic, rather to violate once more the Constitution; an act which the National Commissioner for Human Rights, Ramón Custodio López, accompanied the Congress and, as proposed by National Party congressman Juan Orlando Hernández, received an ovation.

Following instructions of the President of the National Congress ROBERTO MICHELETTI BAIN, the Secretary of this body JOSÉ ALFREDO SAAVEDRA informed of the existence of a letter signed by the President of the Republic Manuel Zelaya Rosales in which he, with all the government cabinet from the Office of President of the Republic, resigned in an irrevocable manner for health reasons and other reasons expressed in the document read by the Secretary of the National Congress.

In view of the reading of the document, and following the instructions for the order of the day, the congressmen were asked if they accepted the (supposed) resignation that was read. Without further delay and without concern to investigate the letter's veracity and other details, they raised their hands in sign of approval of the National Congress' acceptance of the President's supposed resignation.

As the Special Prosecutor against Organized Crime also will know, in view of the occurrence of this situation, the Constitutional President of the Republic, via telephone communication with the journalist Glenda Umaña from the station CNN, refuted the supposed resignation, revealing before the world that he had never resigned, which is obvious, because it is known by all that hours before said fraudulent act being known, he had been kidnapped and removed from the country.

Once the supposed resignation was accepted, the session was suspended to immediately proceed in the substitution of the legitimate President of the Republic. Once the session was resumed, recognizing that the fraudulent act had been categorically refuted from Costa Rica by the citizen President of the Republic, the National Congress proceeded to draft Decree number 141-2009, published in Gaceta number 31950, on Wednesday, 1 July 2009, by which it separated from the President of the Republic from office to later name as his substitute Mister ROBERTO MICHELETTI BAIN, who was the President of the National Congress.

Said Decree stipulated the following:

Article 1. The National Congress, in application of articles 1, 2, 3, 4, 205 numeral 20 and 218 numeral 3), 242, 321, 322 and 323 of the Constitution of the Republic agrees to:

a) Disapprove of the conduct of the President of the Republic, citizen José

Manuel Zelaya Rosales, for the reiterated violations to the Constitution of the Republic and laws and non-observation of jurisdictional bodies' resolutions and sentences.

b) Separate the citizen José Manuel Zelaya Rosales from the office of President of the Republic of Honduras.

Article 2. Constitutionally name the citizen Roberto Micheletti Baín, current President of the National Congress, to the office of Constitutional President of the Republic for the time that remains to complete the constitutional period that culminates on the 27 January 2010.

Article 3. This decree will enter in effect the day of its approval by two-thirds of the votes of the members who conform the National Congress and is consequently to be immediately implemented.

As the Special Prosecutor against Organized Crime will be able to appreciate, with the approval of such illegal act by National Congress congressmen, and all of the people who supported said action, A CRIME AGAINST THE FORM OF GOVERNMENT, was committed as established and sanctioned in article 328 numeral 1) of the Constitution of the Republic which states:

He who commits a criminal offense against the form of government will be sentenced from six (6) to twelve (12) years imprisonment and those who execute acts directly leading to forcibly achieving, or outside the legal channels, any of the following objectives:

1. Replace the republic, democratic, and representative government for any type of government.

Esteemed Special Prosecutor against Organized Crime, as previously summarized, due to being a well-known occurrence, the crime against the form of government has been fully consummated and proven committed by the National Congress congressmen and all of those who supported said act of separating the citizen Constitutional President of the Republic from the office to which the people delegated to him, replacing the legitimately constituted government because in no part of the Constitution of the Republic is the National Congress given the power to

destitute or separate from office the citizen President of the Republic.

None of the constitutional precepts quoted in the illegal Decree nor any others from the Constitution authorize the National Congress to issue such an illegal act.

The Special Prosecutor against Organized Crime should know that the governmental system is presidentialist, not congressional. In this order of ideas, the Honduran people directly elect the President of the Republic not the Congress or Parliament, thus in no manner can they destitute him from the office that the people conferred upon him.

In any case, the Congress can substitute the President of the Republic with his legitimate successors only and no more than when the President's absolute absence is legitimate.

In this case, the Constitutional President's temporary absence was due to an act of force that has been previously presented and is of your and the entire world's full knowledge, therefore it does not authorize the Congress to name another person in his office. Having had done so constitutes a crime against the form of government and its executors should be punished with that demanded in criminal law.

This crime was constituted when Mister Roberto Micheletti Bain, on Tuesday, 30 June two thousand and nine entered into the Presidential Residence in a Honduran Air Force helicopter. The government residence was completely militarized with war tanks and, to commit the crime, he proceeded to repress all of the protestors that opposed his entry causing more than thirty-seven people wounded and one dead and intoxicating more than one hundred people with tear gas. All of these facts are recorded in the news publications from different news media and provoked illegal detentions for which we presented several habeas corpus in the Supreme Court of Justice.

Esteemed Special Prosecutor against Organized Crime, another shameful act used by the executors of the previously narrated facts is the falsification of the signature of the Constitutional President to create a fraudulent registry, that is to say the supposed resignation of the Honduran president. This low and vulgar act surely was implemented by those who ordered the reading of such a miserly trick. For this reason the crime of FALSIFICATION OF PUBLIC DOCUMENTS has been committed, upon falsifying the signature of the President and attributing events to this signature which did not occur. As is stipulated in article 284 of the Criminal Code:

(...) will be sanctioned with imprisonment from three (3) to nine (9) years of imprisonment he, who in full or in part, makes a false public document or alters a real one in the manner that could result prejudicial implementing any of the following acts:

1. Counterfeiting or falsifying the script, signature or endorsement.
2. Involving the intervention of people in a document in which they had no role.

The crime committed was obvious when Mister Roberto Micheletti Bain, on Tuesday, 30 June of two thousand and nine, upon learning the President of the Republic did not resign from his office, therefore he had not signed said letter, as he himself affirmed from Costa Rica.

The congressmen could understand the above, as they did not use the resignation letter argument to substitute the President of the Republic. For this they made use of other useless and low-down arguments. But the truth is that the falsified registry exists and it was used to have him resign from an office to which the people delegated to him.

It is for this reason, this being an act of public knowledge, that you are able to proceed, Esteemed Special Prosecutor against Organized Crime against the material and intellectual authors of said action, so that they are sanctioned with the punishments established in the Criminal Code as has been previously stated.

FOURTH: Special Prosecutor against Organized Crime, the crime was committed when Mister Roberto Micheletti Bain, on Tuesday 30 June of two thousand and nine, the perpetrated actions and complete plans to detain, kidnap, and later remove from national territory the citizen President of the Republic, as has been previously narrated, as is of the national and international community's knowledge, constitute crimes of rebellion foreseen and punishable under article 335 of the Criminal Code, which states:

Accused of rebellion are those who take up arms to overthrow the legal constituted government or to change or suspend in whole or in part the existing constitutional regime in what refers to the formation, functioning or renovation of public powers.

The promoters, leaders, or heads of the crime of rebellion will be punished with imprisonment from ten (10) to fifteen (15) years, fined with one hundred thousand (L. 100,000.00) to two hundred thousand (L. 200,000.00)

lempiras and full prohibition of assuming public office during the time of reclusion (...)

As the Special Prosecutor against Organized Crime will know well, the crime was committed when Mister Roberto Micheleti Bain, on Tuesday, 30 June two thousand and nine, and the Armed Forces High Command took up arms on Sunday, 28 June and with this gave room so that the rupture of constitutional order was produced, via a destitution of the Constitutional President and naming in his place a de facto president.

The actions committed by the member of the Honduran Armed Forces that took up arms against their General Commander are nothing more than the crime of rebellion. For this reason, as Esteemed Special Prosecutor against Organized Crime you should proceed, having proven these facts, to ask the jurisdictional bodies to sanction with punishments established in the Criminal Code.

Unquestionably the people included in this crime include from the Joint Chiefs of Staff ROMERO VASQUEZ VELASQUEZ to those military hierarchies that make up the High Military Command. You should proceed to determine the responsibilities of each one of them.

FIFTH: Special Prosecutor against Organized Crime, the crime was committed when Mister Roberto Micheleti Bain, on Tuesday, 30 June two thousand and nine, took by force the Presidential Residence, an act which supposed a bloody COUP D'ETAT,

that has been committed a series of criminal acts committed against legally constituted government functionaries of President Zelaya, like the illegal detention against the Secretary of State in the offices of Foreign Relations, Patricia Rodas Baca, and forcibly conducted to the Republic of Mexico; and the military persecution against César Ham and Marvin Ponce, congressmen for the National Congress for the Party of Democratic Unity (Partido Unificación Democrática); against Presidential Secretary Enrique Flores Lanza against whom there has been built a media fiction, like that which occurred in the decade of the nineteen eighties, of supposed crimes; against Mayra Mejía, Secretary of Labor; Doris García, Minister of the National Institute of Women; Miriam Mejía, Youth Institute; Milton Jiménez Puerto, President of the Bank and Insurance Commission; Marco Tulio Burgos Córdova, National Commissioner for the Permanent Contingency Committee; Luter Castillo Harris, Head of External Cooperation of the Republic's Ministry of Foreign Relations; Arcadia López, Staff Minister of the Presidential Residence; Carlos Melano, aid to President Zelaya; Enrique Reina, aid to President Zelaya; and the other

Ministers, Vice-ministers and members of President Zelaya Rosales' cabinet.

In the same manner, the family members of President Zelaya Rosales were affected. Many of these people have been object of criminal acts like illegal detentions, damage against their personal integrity and threats of all types, on the part of the material executors of the occurrences that took place on Sunday 29 June and that continue to occur. These acts should be punished, for which the corresponding investigations should continue. And for being a well-known occurrence, immediate procedures should be used against their executors.

For your knowledge, all the people that have been aforementioned persons are object of INTER-AMERICAN COMMISSION FOR HUMAN RIGHTS protective measures, including the person who in this moment is amplifying his testimonial declaration.

SIXTH: Esteemed Special Prosecutor against Organized Crime, beginning with the breaking of constitutional order, the rights recognized in the Constitution, like those of freedom of movement, freedom of expression, the right to defense, the presumption of innocence, the inviolability of residence, assistance by legal defense, among others in their individual and social dimensions have been flagrantly violated.

As you know well, from the first hours of Sunday, 28 June, the electric service was cut, the radio and television stations that transmitted truthful information of the occurrences were taken off the air, avoiding that the people informed themselves, not permitting the international news channels to be aired on the cable systems. In brief, the right to the freedom of expression has been brutally violated.

As you also know, since that Sunday, a curfew, state of siege, and more properly stated a restriction of the exercise recognized by the Constitution have been decreed. All of these limitations take place in the implementation of an illegitimate government that has usurped power, and consequently constitute crimes AGAINST THE RIGHTS ESTABLISHED IN THE CONSTITUTION OF THE REPUBLIC. Esteemed Special Prosecutor against Organized Crime, you have the obligation to pursue them and request punishment for the guilty persons.

SEVENTH: As is in your full knowledge, in an almost immediate manner, these occurrences were condemned by the international community and qualified as without a doubt a COUP D'ETAT. This same day, the Permanent Council of the ORGANIZATION OF AMERICAN STATES (OAS)

condemned the COUP D'ETAT perpetrated by members of the military and civilians; and demanded the immediate, secure, and unconditional return of the President José Manuel Zelaya Rosales to his constitutional functions. It also declared that it would not recognize any government that arose from this unconstitutional break.

Equally, on 1 July of this year, THE THIRTY SEVENTH PERIOD OF SPECIAL SESSIONS OF THE GENERAL ASSEMBLY OF THE ORGANIZATION OF AMERICAN STATES 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.

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.

3. 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 pronounced unanimously against the violent act perpetrated against the constitutional government of President José Manuel Zelaya Rosales, which it qualified as a COUP D'ETAT, and does not recognize the USURPATING GOVERNMENT, emerging from a coup by force.

Esteemed Special Prosecutor against Organized Crime, the most shameful situation that those who conducted the coup d'état have submitted us to

is the that the ORGANIZATION OF AMERICAN STATES in their THIRTY-SEVENTH PERIOD OF SPECIAL SESSIONS, in an unanimous manner, and in view that Honduras had in the context of the Inter-American System violated the INTER-AMERICAN DEMOCRATIC CHARTER, and having produced a rupture of the constitutional order, resolved to EXPELL HONDURAS FROM THE ORGANIZATION OF AMERICAN STATES during the period that Honduras maintains the rupture of constitutional order. The text of the resolution is the following:

RESOLVES:

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 reinforce 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.

Esteemed Special Prosecutor against Organized Crime, it is not possible to deny that what occurred on Sunday, 28 June 2009 is a COUP D'ETAT, as the international community in effect has observed. To negate this would

convert one into an accomplice. For this reason, you as representative of society, as your Organic Law states, are in the obligation to immediately begin the corresponding investigations to prosecute the people guilty of these occurrences. Not doing so, you would be taking part in favoring impunity for these serious occurrences, and as well as those who are denounced, also could be judged by international justice penal courts, to whom one will turn to if the justice system in Honduras does not function.

PETITION

Without detriment to the other crimes that have been previously mentioned in this written denunciation presented to the Special Prosecutor against Organized Crime, he is reminded of what the Constitution of the Republic and the Organic Law of the Public Prosecutor's Office impose upon him, in such that it is an unavoidable obligation of the Public Prosecutor's Office to investigate all criminal acts and proceed 'de oficio' to deduct criminal responsibility of the people who have committed a crime, that it be investigated the names of those who broke and entered into the home of the President of the Republic José Manuel Zelaya Rosales, that the registers of the proceedings of the National Congress are gathered to confirm the assistance and voting of the congressmen and congresswomen present to determine who committed the mentioned crimes.

It is requested THAT IT BE PROCEEDED IMMEDIATELY, BASED ON THE DULY PROVED FACTS BEING WELL-KNOWN OCURRENCES THAT DO NOT REQUIRE FURTHER CORRABORATION TO PRESENT IN THE COMPENTENT COURTS OF JUSTICE THE CORRESPONDING PROSECUTORIAL REQUIREMENTS AGAINST ALL THOSE PEOPLE WHO HAVE PARTICIPATED IN CRIMINAL ACTS, THAT IN THE CRIMES THAT REQUIRE PREVIOUS INVESTIGATION, THIS BE CONDUCTED IMMEDIATELY, SO THAT EQUALLY IT IS PROCEEDED AGAINST THOSE PEOPLE DEFINITELY RESPONSIBLE. IT IS ASKED THAT HE COMPLY WITH THE DUTY IMPOSED BY THE CONSTITUTION OF THE REPUBLIC, THE ORGANIC LAW OF THE PUBLIC PROSECUTOR'S OFFICE AND THE CRIMINAL PROCEDURAL CODE.

LEGAL FUNDAMENTATION:

In addition to the aforementioned precepts we fundament this denunciation on articles 3, 80, 102, 205, 235, 236, 237, 321, 322, 323 and others applicable in the Constitution of the Republic; 1, 5, 6, 16, 17, 24 and others applicable in the Organic Law of the Public Prosecutor's Office; 25, 92, 267, 268, 272, 273 and others applicable in the Criminal Procedural Code.

Tegucigalpa, Central District Municipality (Municipio del Distrito Central), 8
July 2009

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WHAT TO DO:

1- 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
unconditional return of the entire constitutional government
concrete economic, military and diplomatic sanctions against the coup regime
respect for safety and human rights of all Hondurans
application of international and national justice against the coup plotters, and
reparations for the illegal actions and rights violations committed during this illegal coup

2- 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:

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