

Restoring the rule of law in Honduras

Honduras wants readmission to the Organisation of American States – but how, with a supreme court that backed the coup?

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The image of then President Manuel Zelaya in his pyjamas, being forced out of the presidential palace by the military and on to a plane bound for Costa Rica, is easy to remember. Perhaps less memorable is that the coup d'état of June 2009 was carried out with the active participation of the entire supreme court of justice as well as the attorney general of Honduras.

Zelaya's arrest was ordered by Honduras' supreme court and carried out by the armed forces. The court took no action to ensure the protection of Zelaya's rights, or those of thousands of Hondurans who were arbitrarily detained following the coup. Worse still, Honduras' highest court urged its judges to take part in a street demonstration in support of what was dubbed a "constitutional succession". Later, the court went as far as to fire a group of judges that participated in pro-democracy marches.

The dismissal of these judges was roundly and jointly condemned by the United Nations special rapporteurs on independence of judges and lawyers, promotion and protection of the right to freedom of opinion and expression, and human rights defenders. Similar statements were made by the Inter-American Commission on Human Rights at the Organisation of American States (OAS) and by the United Nations in its universal periodic review (UPR). On 14 April, the Inter-American Commission notified the judges who had been arbitrarily dismissed by the pro-coup supreme court of Honduras that their case had been admitted. In the coming months, it may indeed be submitted to the Inter-American Court.

During and since the coup, Honduras' attorney general has displayed inefficiency and bias with regard to the investigation of crimes committed against Zelaya, his cabinet, journalists, teachers, union members, opposition members and activists of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community. A blatant illustration of this is the impunity that prevails regarding the assassinations of journalists and LGBTI people since the coup d'état.

Faced with the possibility of Honduras' readmission to the OAS, we in civil society feel compelled to raise the following questions: how will the secretary general and the political bodies of the OAS position themselves vis à vis a judicial administration that is unable to respond to the needs of large segments of the population? How will they address the continued presence of pro-coup actors within key sectors of power? What position will they adopt regarding the arbitrary dismissal of the judges who supported democracy? Will their position be in line with the protection of rights enshrined in the Inter-American Democratic Charter?

From the perspective of human rights and the defence of democracy, repairing the damage done in the context of the coup in Honduras will take more than the restitution of Manuel Zelaya's rights – though these rights do need to be restored. Such a process also entails the restoration of the rule of law. For this to happen, it is absolutely fundamental to have an autonomous, unbiased and efficient judicial system, which ensures that officials who took part in the coup are replaced. As such, Honduras' readmission to the OAS must go beyond political pacts between national and international powerbrokers. It should be the product of an objective assessment based on respect for basic principles of the rule of law, the very principles that are unfortunately lacking in Honduras today.

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