



Research Report

The Past Should not be  
Forgotten:  
Victims' Participation in  
Honduran Truth Commissions  
June 2016

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# The Past Should not be Forgotten: Victims' Participation in Honduran Truth Commissions

June 2016

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*Cover Photo: Rovertto Barra*

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# Introduction

Truth commissions aim to discover and reveal abuses of power, human rights violations, or crimes committed by the State or by non-State actors in countries with a violent past, with the hope that the knowledge of such crimes will aid in finding solutions to past and present conflicts and prevent such acts from recurring. Truth commissions generally emerge from victims' social demands or from political agreements between the parties involved in a conflict who seek to reach peace. However, one of the main critiques of truth commissions is that their findings generally bear no legal implications for the perpetrators, thus allowing impunity for past crimes and human rights violations. This greatly frustrates victims and human rights defenders, who call for accountability and justice for past crimes.<sup>1</sup>

In the last 30 years, truth commissions have become one of the main tools for transitional justice; to date over 40 such commissions have been formed worldwide. Compared to other mechanisms for transitional justice, such as trials and reparations programmes, truth commissions are unique in granting victims a central role. In general, the primary source of information for these commissions are the testimonies and stories relayed by victims of human rights violations and crimes, and the commissions serve to promote victims' rights to truth, justice, and reparations. Truth commissions are often expected to contribute to reconciliation and peace processes in deeply divided societies. However, this ideal is difficult to achieve since reconciliation does not solely depend on a public acknowledgment of the truth, nor on the good will of the parties involved in the conflict. Rather, it is a long process that must be accompanied by profound structural and cultural changes that allow for (re)building trust, participation by all, and respect for human rights and the law.

In 2010, two truth commissions were created in Honduras to clarify the crimes that caused the 28 June 2009 coup d'état which overthrew and expelled President Manuel Zelaya from the country; an incident that marked Honduras's fragile democracy and deeply divided its society. The Truth and Reconciliation Commission (TRC) was created by the administration of President Porfirio Lobo as part of the Tegucigalpa/San José Accord that sought a pacific solution to the crisis instigated by the coup d'état. The TRC's mandate was to uncover the incidents that occurred before and after 28 June 2009 and to provide elements to prevent their recurrence.<sup>2</sup> It was directed by a mixed commission comprised of three foreigners and two Hondurans. The Truth Commission (TC), meanwhile, was created by the Human Rights Platform, a coalition of Honduran civil society organisations, as an alternative to the TRC due to distrust in the Porfirio Lobo (2010-2014) administration. The TC was created with the goals of uncovering the incidents related to the coup d'état, documenting human rights violations against coup protesters and opponents, and promoting reparations for victims.<sup>3</sup>

The two commissions operated simultaneously but independently, with practically no communication between them. The TRC presented its report *Para que los hechos no se repitan (So That the Events Will Not Be Repeated)* in July 2011, and the TC presented its report *La voz más autorizada es la de las víctimas (The Voice of Greatest Authority is that of the Victims)* in October 2012. Although both reports were revelatory and presented important conclusions and recommendations, they had minimal political and social impact in Honduras. The reports were not disseminated among the population, and currently few people are familiar with their conclusions and recommendations.

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1 Challenging the conventional: Can truth commissions strengthen peace processes? New York: Kofi Annan and ICTJ, June 2014.

2 Executive Decree Number PCM-011-2010, creation of the Truth and Reconciliation Commission.

3 Comisión de Verdad/Truth Commission (2013). *La voz más autorizada es la de las víctimas (The Voice of Greatest Authority is that of the Victims)*. Tegucigalpa, Second Edition.



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The present study examines victims' participation in both of Honduras's truth commissions, compiles Honduran victims' and social leaders' perceptions of the commissions' reports, and probes the reasons behind their limited political and social impact. This work is part of a broader comparative investigation that IW conducted in five countries in conflict and post-conflict periods regarding victims' participation in mechanisms for transitional justice. The comparative study was carried out in Burundi, Cambodia, Kenya, Guatemala, and Honduras to examine victims' involvement, possible benefits or risks of their involvement, and the impact of transitional justice policies on victims and societies affected by violence. The study aims to garner empirical evidence for decision makers and activists to achieve more significant and effective involvement by victims in transitional justice policies and for such policies to contribute towards important transformations in society.

The Honduras study was conducted in close collaboration between IW, an international organisation that promotes transitional justice and the struggle against impunity for past atrocities in post-conflict countries, and the Center for Research and the Promotion of Human Rights in Honduras (*Centro de Investigación y Promoción de los Derechos Humanos de Honduras*, CIPRODEH), an organisation with long-standing experience in promoting and defending human rights in Honduras.

## Methodology and places studied

Three research methods were combined in this study: document review, semi-structured interviews, and focus groups. Fieldwork was conducted in three cities where severe human rights violations were committed against protesters and opponents of the coup d'état: Tegucigalpa, San Pedro Sula, and Tocoa. A total of 55 interviews were conducted: 30 with victims of human rights violations and 25 with key informants familiar with the events, including human rights activists, political analysts, and members of the two truth commissions. The interviewees in each location were contacted through CIPRODEH, and their participation was voluntary. The interviews were done individually and in private locations in order to protect informants' identity; thus, this study does not disclose interviewees' names but rather identifies them by reference code.

Three focus groups were conducted: two in San Pedro Sula and Tegucigalpa with members of civil society organisations, and one in Siguatepeque with former members of the two truth commissions and the Human Rights Platform. On average, ten people participated in each focus group, and explored the damages inflicted on victims, victims' involvement in the commissions, the impact of the commissions' reports, follow-through on the recommendations included in the reports, and justice and reconciliation measures.

In terms of the sites in the study, it is important to note that the city of Tegucigalpa is the capital and the centre of political power in the country, where approximately 1 million people reside. The coup d'état was carried out in Tegucigalpa, and the protests against the coup were concentrated in that city. Moreover, security forces attacked protesters and committed serious human rights violations there. Meanwhile, the two truth commissions were headquartered in Tegucigalpa and travelled from that base to the rest of the country.

The city of San Pedro Sula is located in the most developed industrial zone in the north of the country; it is the second most populated city in the country, with close to half a million inhabitants. San Pedro Sula connects the northwest area of the country with the ports on the Atlantic coast. It is a commercial zone dominated by Arabic and Palestinian immigrants who arrived in Honduras in the 1940s and who quickly became a segment of the economic elite in the country. Several coups have arisen in San Pedro Sula, paralysing the region's economy, and intense repression was carried out against protesters and the media in the area.



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The city of Tocoa is the regional capital of the Colón Department on the Atlantic coastline; the city has considerable agricultural and commercial activity and a population of over 100,000 inhabitants. Tocoa is located in the Aguan Valley, where a deep-seated agrarian conflict persists between local landowners and farmworkers who were displaced from their lands; drug-trafficking and organised crime bands also operate in the zone, instilling fear among the population. The farmworkers' movement in the region demonstrated against the coup d'état, and its members were heavily repressed by the armed forces, police, and guards who protect plantation owners in the area.

This report is organised into three chapters. The first chapter explores the context that gave rise to the June 2009 coup d'état and its consequences both within and outside Honduras. The second chapter analyses the mandate, results, and impact of the TRC as well as victims' involvement in the commission's report. The third chapter examines the mandate, results, and impact of the TC and the role that victims played in its report. The final section of this study presents the conclusions, highlights the main findings, and compares the impact of the two commissions' reports.



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# 1. The 2009 Coup d'État

The coup d'état of 28 June 2009 severely wounded Honduras's weak democracy and caused deep political and social divisions in the country that have yet to be resolved. At dawn that day, the armed forces illegally detained President Manuel Zelaya and expelled him from the country without any explanation. Hours later, in exile in Costa Rica, President Zelaya publicly denounced the coup and called on Hondurans to engage in civil disobedience. Meanwhile, Honduras's National Congress unanimously resolved to dismiss President Zelaya for “multiple violations of the Constitution,” even though Congress did not possess the authority to dismiss the President, and appointed as president Roberto Micheletti, then-President of Congress, to finish Zelaya's term of office ending in January 2010.<sup>4</sup>

The Honduran armed forces deployed several combat aircraft and troops of soldiers on the streets of the country's main cities; they took over the Presidential Residence and public buildings. Within a short time, the population began to protest against the coup and demand the reinstatement of President Zelaya, who had been legally elected in 2005 and enjoyed great popularity. Roberto Micheletti's de facto government declared emergency rule and curfews to contain and repress the protests, which continued for months. Meanwhile, the international community immediately condemned the coup and demanded President Zelaya's reinstatement.

The apparent motive behind the coup was President Zelaya's intention to conduct a referendum on whether to include a “fourth ballot box” at the 2009 elections for the population to decide whether or not to reform the Constitution. The economic elite and political opposition did not approve of the referendum nor of the fourth ballot box because they believed that Zelaya's real intent was to reform the Constitution to allow for his reelection; Zelaya subsequently denied this. The referendum was scheduled for 28 June, but days earlier the Supreme Court of Justice and the National Electoral Tribunal ruled that the referendum was illegal due to a law passed by Congress on 23 June. Despite the ban, Zelaya moved forward with his plans to carry out the referendum, and ordered the Commander-in-Chief of the Armed Forces, Romeo Vásquez, to have the military distribute ballots at voting stations. Vásquez refused, and Zelaya dismissed him, which led other commanders in the armed forces to resign immediately.

A weighty factor behind the coup was the accumulated dissatisfaction of the country's economic elite and conservative sector, which disapproved of much of Zelaya's economic and social policy and of his rapprochement to left-wing Latin American administrations belonging to the Bolivarian Alternative for Latin America and the Caribbean (ALBA), led by Cuba and Venezuela. During his term, Zelaya decreed a

62% raise in workers' minimum wage, increasing it from US\$ 181 to US\$ 289 per month; issued a decree to reduce the agrarian moratorium<sup>5</sup>; proposed to turn the U.S.-controlled Palmerola Airbase into a commercial airport; acknowledged State responsibility in the human rights violations committed during the 1980s in the context of applying the National Security Doctrine; and displayed a willingness to hold perpetrators accountable

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4 On 28 June, the National Congress passed Decree 141-2009 which “disapproved” of President Zelaya's behaviour “for his multiple violations of the Constitution” and removed him from office, despite the fact that the Constitution does not provide for the president's impeachment. Later, a fake resignation letter signed by Manuel Zelaya appeared in Congress, which Zelaya immediately repudiated.

5 Decree No. 18- 2008 was aimed at reducing the agrarian moratorium. This decree was based on acknowledging the existing Agricultural Modernization Law, but was repealed in 2010 as requested by the National Growers' and Ranchers' Federation (FENAG).





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and provide reparations to victims and their family members by creating the National Reparations Program. Furthermore, Zelaya changed the administrative and management procedures for the fuel industry, a market historically dominated by large transnational companies, and modified the policies for importing generic medicines, among other social policies.<sup>6</sup>

Many of Zelaya's measures were well received by the population, but were rejected by businesspeople and opposition politicians, who feared the impact that these policies would have on their businesses, foreign investment, and bilateral relations with the United States. Businesspeople repeatedly expressed their disagreement with Zelaya's policies, and the U.S. Embassy and transnational companies publicly announced their disapproval of government measures. This served to publicly alert the economic elite and the U.S. Embassy, who considered that their economic and political interests were at risk and feared Zelaya's potential inclination towards a twenty-first-century style socialism similar to that of Venezuela. Meanwhile, the political parties feared Zelaya's possible reelection. The truth commission reports recount the tension between the elites and Zelaya in the months leading up to the coup and the way in which these groups arranged for his overthrow.

These tensions were publicly known, and they intensified in the days prior to the coup. Two days prior, on 26 June, Jesuits called on the opposing parties to seek a solution through dialogue. In their public statement, the religious leaders cautioned, "The polarized positions are becoming increasingly radicalized. Neither the president seems to make a move towards dialogue, nor is the other sector willing to retract its decision to disable the Chief Executive. To advance towards a scenario of minimum consensus, action and presence by other forces are necessary to contribute in breaking down this dynamic in which each side satanizes and seeks to crush the other." Nevertheless, no one expected a coup d'état.

The National Congress appointed Roberto Micheletti as President because the country's Vice-President, Elvin Santos, had resigned in November 2008 to be able to run for president in the November 2009 elections. In such a case, the Constitution stipulates that the President of Congress should become President of the Republic. Micheletti's de facto administration lasted seven months and prepared the November 2009 elections, although the population and the international community viewed it as an illegitimate government. The main members of Zelaya's cabinet were dismissed and replaced by new officials; some of the outgoing officials went into exile because they were persecuted politically. Meanwhile, practically all the Congressional representatives and Supreme Court judges kept their positions and backed the coup.

## 1.1 The coup's impact

The coup reawakened people's fears of military dictatorships and human rights violations that occurred in Honduras's and Latin America's past. Honduras has a long history of military dictatorships and coups. In the nineteenth century, eight military overthrows occurred, against the governments of Dionisio de Herrera (1827), José Trinidad Cabañas (1855), Santos Guardiola (1862), Francisco Montes (1863), José María Medina (1872), Céleo Arias (1874), Ponciano Leiva (1876), and Domingo Vásquez (1893).<sup>7</sup> The overthrows continued into the first half of

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6 Cáliz, A. (2010). *Honduras: de la crisis política al surgimiento de un nuevo actor social (Honduras: From Political Crisis to the Emergence of a New Social Actor)*. Revista Nueva Sociedad No. 226, March-April 2010.

7 Lara Victor (1978). *Gobernantes de Honduras en el Siglo XIX (Honduran Rulers in the Nineteenth Century)*. Tegucigalpa: Editorial Banco Central de Honduras.



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the twentieth century, affecting the governments of Manuel Bonilla (1903), Miguel Dávila (1911), Francisco Bertrand (1919), and Rafael López (1924).<sup>8</sup>

Between 1933 and 1949, the country was ruled by the dictator General Tiburcio Carias Andino, who strengthened the armed forces and maintained the privileges of foreign banana companies like the United Fruit Company, Standard Fruit Company, and Cuyamel Fruit Company. Lebanese and Palestinian traders arrived in the country during this period, quickly becoming one of the main sectors of economic elites in the northern region. Carias Andino modified the Constitution and outlawed the Communist Party of Honduras, thus eliminating political opposition and bolstering the traditional bipartisan structure dominated by the National Party and the Liberal Party. In 1949, the United States government pressured Carias Andino to relinquish power and hold elections.<sup>9</sup>

Between 1949 and 1956 the country was governed by civilians: first, by attorney Juan Manuel Gálvez and subsequently by attorney Lozano Díaz, his vice-president, until the latter was overthrown by a military junta. Between 1956 and 1981 the country was ruled primarily by military governments, but in 1982 a process of democratic transition began, through the creation of a new constitution and the return of power to citizens. However, the civilian administrations were mentored by the military, and in the 1980s they implemented the National Security Doctrine to combat communism and prevent the formation of guerrilla groups in Honduras, as was occurring in the rest of Central America. In this context, the military persecuted and forcibly displaced many activists and social leaders, collaborated in training the Nicaraguan contras, and created an atmosphere of State terror. The Report on the Disappeared in Honduras (1980-1991) by Human Rights Commissioner Leo Valladares registered 179 disappeared people during this period, of whom over a third were Guatemalans, Salvadorans, Venezuelans, and other foreigners suspected of being communists.<sup>10</sup> Moreover, many politicians and traditional military officers took advantage of the anti-communist context to become rich doing business within and outside the State, and practically became a new segment of economic elites.<sup>11</sup>

In general, between 1982 and 2009 a series of civilian governments succeeded one another through consecutive electoral processes and the separation of powers. In the 1990s and 2000s, important progress was made in terms of local citizen involvement and the recognition of children's, women's, and native peoples' rights; and the country began to display a certain amount of political stability. However, the democratisation process was ruptured by the 2009 overthrow of President Zelaya.

The 2009 coup deeply divided Honduran society into two large factions: “the resistance” and “the coup backers.” People in Honduras use these two terms to denote those who opposed the coup and those who supported it, respectively. The resistance emerged as a massive, multi-faceted, and spontaneous movement of citizens against the coup, many of whom were not Zelaya sympathisers but rather citizens outraged by the illegal and arbitrary way in which constitutional order was breached and a de facto government was imposed. Meanwhile, the coup

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8 Comisión de Verdad/Truth Commission (2013). *La voz más autorizada es la de las víctimas (The Voice of Greatest Authority is That of the Victims)*. Tegucigalpa, Second Edition.

9 Barahona Marvin (1978). *Honduras en el Siglo XX: Una síntesis histórica (Honduras in the Twentieth Century: A Historical Synthesis)*. Tegucigalpa: Editorial Guaymuras.

10 Comisionado Nacional de los Derechos Humanos/National Commissioner of Human Rights (1994). *Los hechos hablan por sí mismos: Informe preliminar sobre los desaparecidos de Honduras (1980-1993) (The Facts Speak for Themselves: Preliminary Report on the Disappeared of Honduras (1980-1993))*. Tegucigalpa: Editorial Guaymuras.

11 CEDOH (2006). *Honduras: poderes fácticos y poder político (Honduras: Powers-that-Be and Political Power)*. Tegucigalpa: CEDOH.



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backers were the businesspeople, politicians, military officers, people who perpetrated the coup, and those who approved of it and accepted the de facto government.

Among thousands of citizens, the coup roused concern for the country's political crisis. Many groups that had traditionally been uninterested or removed from politics, such as youth, farmworkers, women, indigenous people, and Garífunas, began to speak out either for or against the coup. Thousands of people joined the National Popular Resistance Front (FNRP) and participated in dozens of marches, vigils, roadblocks, takeovers of public buildings, and other actions to denounce the coup nationally and internationally. The FNRP demonstrations were massive and constant in Tegucigalpa and San Pedro Sula, the country's main cities. In a way, the coup caused practically all citizens to develop a political opinion about the events.

The armed forces and the police repressed FNRP members and attacked protesters with beatings and tear gas, even shooting at them in several instances. They arbitrarily arrested popular (social) leaders who participated in the FNRP and committed selective executions, torture, arrests, and rape. They persecuted and continually monitored women's, human rights, and sexual diversity organisations and media that were critical of the de facto regime.<sup>12</sup>

Military and political repression particularly affected women involved in the protests against the coup and those who belonged to the FNRP. Honduran women's organisations reported numerous cases of abuse of authority, insults, and sexual harassment by security forces against women. In 2009, women's organisations filed a suit with the Inter-American Commission on Human Rights for multiple cases of sexual violence, illegal detention, beatings, insults, and the deaths of women who participated in protests.<sup>13</sup>

Internationally, Honduras was expelled from the Organization of American States (OAS), and many Latin American countries implemented political and economic sanctions against the country. Quickly the government and the country's economic elite started to feel the financial consequences of the coup. The country lost an estimated 2,219.3 million lempiras anticipated in the 2009 budget: 1,629.00 million in loans and 590.3 million in donations from the United States, the European Union, and Latin American countries like Brazil and Venezuela. Furthermore, the closing of borders with neighbouring Central American countries represented a loss of more than three billion dollars for Honduras.<sup>14</sup>

The political crisis exacerbated poverty in the country. Honduras is a relatively small country, with an estimated population of 8,576,532 inhabitants (48.0% men and 52.0% women). The poverty rate is calculated to be above 60%, primarily affecting the indigenous peoples, Afro-Hondurans, and mixed peasantry that live in the rural areas. Although the majority of the Honduran population is mixed-race, six small indigenous groups survive: the Lencas, Misquitos, Tolupanes, Chortis, Pech, and Tawakas; and two Afro-descendant peoples: the Garífunas and English-speaking Afro-Hondurans, who live in extremely marginalised conditions.<sup>15</sup>

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12 CIDH/IACHR (2009), Honduras: Derechos Humanos y Golpe de Estado (Honduras: Human Rights and the Coup d'État).

CIDH/IACHR (2010), Observaciones de la visita de la Comisión Interamericana de Derechos Humanos a Honduras del 15 al 18 de mayo 2010 (Observations of the Inter-American Commission on Human Rights on its Visit to Honduras, May 15 to 18, 2010).

13 Audiencia sobre la situación de los Derechos de las Mujeres en Honduras en el Marco del Golpe de Estado (Hearing on the Situation of Women's Rights in Honduras in the Context of the Coup d'État). CIDH/IACHR, Washington, D.C. 2009.

14 Ríos Mariana (2010). Impacto económico del Golpe de Estado en Honduras (Economic Impact of the Coup d'État in Honduras).

15 INE (2014). XVII Censo de Población y VI de Vivienda 2013 (Seventeenth Population and Sixth Housing Census 2013).



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Zelaya attempted to return to Honduras twice, but Micheletti's government blocked him by threatening to seize him immediately for having violated the Constitution. The first time, on 5 July 2009, Zelaya tried to return by Venezuelan jet to the Tegucigalpa international airport, accompanied by a high-level international entourage: the President of the United Nations General Assembly, the President of Argentina, the Vice-President of Venezuela, the President of the Venezuelan National Assembly, and Patricia Rodas, foreign minister in the Zelaya administration. The second time, on 24 July, he tried to enter the country through the Nicaragua-Honduras border in a motorcade with his family and surrounded by media, but once again the armed forces prevented him from entering and repressed the demonstrators who supported him. Finally, on 21 September, Zelaya managed to enter the country by an informal route and took refuge in the Brazilian Embassy in Tegucigalpa, where he stayed for four months.

While Zelaya was at the Brazilian Embassy, thousands of demonstrators spent days outside the building in a gesture of support, but they were quickly repressed by the armed forces and police officers who were guarding the area surrounding the embassy. The TC report provides a detailed description of the continuous human rights violations committed against protesters during this time. For example, on 21 and 22 September, the people were brutally evicted, and many were detained and held at a baseball stadium. This even included women and children, although they were later released. On 25 September, protesters called for an insurrection, primarily in the city of Tegucigalpa, and deaths and arrests were reported over the following days.<sup>16</sup> The protests outside the Brazilian Embassy lasted until 27 January 2010, when Zelaya left for the Dominican Republic.

## 1.2 The Guaymuras dialogue and the 2009 elections

Pressure within and outside Honduras forced Roberto Micheletti's de facto government to accept a political solution to the crisis. The OAS promoted the *Guaymuras Dialogue* between the Micheletti and Zelaya delegations; negotiations were carried out in Costa Rica with mediation by Oscar Arias, former Costa Rican president and Nobel Peace Prize laureate. On 30 October 2009, the factions signed the Tegucigalpa/San José Accord, acquiring six commitments: a) to respect the election process scheduled for November 2009, b) to promote government participation by all of the political forces in the country, c) to avoid unnecessary reforms to the Constitution, d) to create a truth commission to uncover the events related to the 2009 political crisis, e) to reinstate Manuel Zelaya's government, and f) to promote the return of the Honduran State to the international community. However, the point of contention between dialogue participants was President Zelaya's reinstatement, which was never accepted by Congress or by Micheletti's de facto government.

In November 2009, a commission was created to verify the implementation of the Tegucigalpa/San José Accord, comprised of OAS representatives and members of the two sides. However, the Honduran National Congress did not acknowledge the commitments of the Accord, and mainly opposed the reinstatement of President Zelaya and his officials. This thwarted the situation. The elections of 29 November 2009 would have provided an attempt to solve the crisis, despite the FNRP not participating in the electoral process, and many people not voting because they considered the elections, managed by a de facto government, to be illegitimate, and so they feared election fraud. Instead of elections, the FNRP proposed holding a national constituent assembly to draft a new constitution.

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<sup>16</sup> Comisión de Verdad/Truth Commission (2013), *La voz más autorizada es la de las víctimas (The Voice of Greatest Authority is That of the Victims)*. Tegucigalpa, Second Edition.



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The November 2009 elections saw a high level of absenteeism, and many irregularities were documented, for instance, of people who could not vote because someone had voted in their name already. Several international missions of conservative groups sent election observers, but important entities such as the OAS and the European Union did not observe the elections. Porfirio Lobo of the National Party was elected for the 2010-2014 period, while Congress continued to be dominated by the two traditional parties: the National Party and the Liberal Party. Porfirio Lobo took office in January 2010, and one of his first measures was to grant amnesty to everyone involved in the coup d'état. Zelaya left the Brazilian Embassy, where he had been in refuge since September 2009, and he and his family went into exile in the Dominican Republic, where he continued to support the FNRP.

President Lobo tried to provide follow-up to the Tegucigalpa/San José Accord essentially without political support from Congress and with constant opposition from the nation's economic elite, who rejected Zelaya's return to Honduras. Lobo tried to restore international relations and economic stability in the country, and sought to manage the domestic crisis by depicting his administration as a legitimately elected government of unity. Nevertheless, the FNRP and many segments of the population considered it a timid government and distrusted it because many people in Lobo's cabinet had backed the coup and because human rights violations continued.

In May 2010, President Lobo launched the TRC as one of the commitments of the Tegucigalpa/San José Accord, to clarify the circumstances that led to the coup d'état. The commission was comprised of five commissioners: three international members and two Hondurans. However, the FNRP did not collaborate or participate in the TRC investigations because it distrusted the Lobo administration. Instead, it created its own truth commission, headed by Honduran and international academics and activists. The TRC released its report, entitled *So That the Events Will Not Be Repeated*, in July 2011, presenting a series of recommendations aimed at reforming the State and promoting national reconciliation.

In May 2011, President Lobo and former president Zelaya signed the *Accord for National Reconciliation and the Strengthening of Democracy in Honduras*, known as the "Cartagena Accord," which served as the foundation for achieving Honduras's reinstatement in the OAS. Noteworthy elements among the agreed terms include: the return of Manuel Zelaya and other political exiles to Honduras, the legalisation of the FNRP as a political party, the creation of a Secretariat for Justice and Human Rights to promote and protect human rights, and the formation of a Follow-up Commission comprised of government chancellors from Columbia and Venezuela. The negotiations that led to this Accord were sponsored by the Colombian and Venezuelan presidents.

Finally, in June 2011 the OAS revoked Honduras's suspension as a member State once it had partially fulfilled the San José/Tegucigalpa Accord stipulations and demonstrated a degree of political stability. However, the 2009 elections and the Lobo government did not solve the country's political crisis, nor did they contain the social discontent. Honduran society remained divided, and human rights violations arising from the coup continued with impunity.

### 1.3 The 2013 elections and corruption scandals

In November 2013, a new round of elections took place, but this time a segment of the FNRP decided to participate, forming the Liberty and Refoundation Party (LIBRE) under Manuel Zelaya's leadership. LIBRE chose Xiomara Castro, Zelaya's wife, as its presidential candidate, and Zelaya himself ran as candidate for Congress. LIBRE's main promise was to hold a national constituent assembly upon winning the elections. However, not everyone in the FNRP agreed with the decision to form a political party or to participate in the elections. A



division arose between those who favoured participating and those who opposed; the latter were known as “refounders” because they proposed that the State be refounded through a national constituent assembly; many of them distrusted Zelaya's leadership and feared a possible election fraud by the right.

New political parties participated in the 2013 elections, such as the Anti-Corruption Party (PAC), the Broad Political Front in Resistance, the Patriotic Alliance Party, and LIBRE. The elections were observed by the international community, and Juan Orlando Hernández of the National Party, who was President of Congress during the Lobo administration, won the presidency. LIBRE's Xiomara Castro came in second place, amidst strong accusations of election fraud.<sup>17</sup>

In Congress, for the first time in Honduran history, the bipartisan structure, traditionally dominated by the National Party and the Liberal Party, was disrupted. Two new parties gained ground: LIBRE and PAC. However, in practice the National and Liberal Parties joined forces to maintain control in Congress and favour decisions made by Juan Orlando Hernández's National Party administration. Official election results were as follows:

**Chart 1. Presidential election results**

Party	Candidate	Votes	Percentage
National Party	Juan Orlando Hernández	1,149,302	36.89%
LIBRE Party	Xiomara Castro	896,498	28.78%
Anti-Corruption Party	Salvador Nasralla	418,443	13.40%
Liberal Party	Mauricio Villeda	632,320	20.30%

**Chart 2. Congressional election results**

Political Party	Number of Representatives in Congress
National Party	48
LIBRE Party	37
Liberal Party	27
Anti-Corruption Party	13
Innovation and Unity Party	1
Democratic Unification Party	1
Christian Democracy Party	1
<b>Total Number of Representatives</b>	<b>128</b>

Source: Supreme Electoral Tribunal, 2013 general elections

President Hernández took office in January 2014 and continued to strengthen the armed forces' power and militarise citizens' security. Many of his policies are based on a legal framework approved while he was President of Congress, such as the National Intelligence Law (Decree 211-2012), the Inter-institutional Security Strategy and Special Comprehensive Government Security Response “TIGRES” (Decree 103-2013), the Military Police of Public Order Law (Decree 168-2013), the Special Law on the Interception of Private Communications (Decree 243-2011), a constitutional reform to grant police functions to the military and create the Military Police of Public Order (Decree 283-2013), and the Law for the Classification of Public Documents related to Security and National

<sup>17</sup> Accusations of election fraud came not only from LIBRE but also from some international observers, such as the Juan Bosch Foundation of the Dominican Republic and a member of the European Union mission. Available at: <http://eldia.com.do/fundacion-juan-bosch-denuncia-matadero-electoral-en-honduras/>, <http://www.jornada.unam.mx/2013/12/05/mundo/034a1mun>



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Defense (Decree 418-2013). Additionally, the Law Against Financing Terrorism (Decree 241-2010) and the Special Law on National Territorial Jurisdiction in Criminal Matters (Decree 247-2010) were passed. Many Hondurans thus attest that Hernández had paved the way, while President of Congress, to implement these policies and bolster his power.

During his time in Congress, Hernández also promoted neoliberal policies that favoured large national and international companies involved in mining, tourism, and agriculture. These policies impacted the well-being of many indigenous, Garífuna, and farmworker communities since such companies generally occupy communities' territories, cause damage to the environment, and disrupt local harmony. In 2011, Congress passed the law on the Special Development Regions - RED - (Decree 123-2011), otherwise known as “charter cities,” that operate as microstates with the aim of attracting foreign investment. In 2012, the Constitutional Chamber of the Supreme Court declared the decree to be unconstitutional because it threatened the country's sovereignty. A short time later, Congress dismissed the four Supreme Court judges who had declared Decree 123-2011 to be unconstitutional. Many national and foreign lawyers considered this act to be a coup d'état because it directly impinged on the separation of powers, similar to what Congress did in 2009 when it “dismissed” President Zelaya.<sup>18</sup>

In terms of the TRC report, Hernández has done practically nothing to fulfil the Commission recommendations. On the contrary, in 2014 he suspended the work of the entity created by Porfirio Lobo that was charged with following through on the TRC recommendations.

In May 2015, President Hernández was implicated in a corruption scandal related to the Honduran Social Security Institute (IHSS) that directly incriminated his political party, the National Party. At that time it came to public attention that over 335 million dollars had been embezzled from the IHSS by officials who belong to the National Party, and that part of this money had been used to finance President Hernández's campaign. The President and the National Party have denied the charges, and the Attorney General's office has confined its investigations to IHSS leadership and officials, refraining from implicating the President or National Party leadership.

The IHSS corruption scandal unleashed a new wave of protests in Honduras's major cities, similar to the 2009 protests against the coup. Since May 2015, thousands of citizens have participated in weekly protests that have been dubbed “torch marches” to demand President Hernández's resignation. They have also demanded the creation of a United Nations-led international commission against impunity, similar to the International Commission Against Impunity in Guatemala (CICIG) that has operated in Guatemala since 2007. Hondurans do not trust the Honduran justice system, and the “*movimiento de indignados*” (“outraged movement”) emerged out of this setting, comprising primarily of urban middle-class citizens weary of the political corruption in the country. Other segments of society have joined as well, such as FNRP members.

The political and social crisis originating from the coup has extended for over seven years, and the 2009 and 2013 elections were unable to reduce domestic tensions because the country's structural problems of inequality and social exclusion have yet to be resolved. People's discontent has intensified due to the recent corruption scandals, the militarisation of public security, and the exacerbation of poverty that afflicts the majority of the population. The massive and continuous protests by citizens against the government demonstrate the deep-seated social unrest and the need to seek thorough solutions for the structural problems and divisions facing the country.

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<sup>18</sup> In 2013, Congress passed the Basic Law of Zones for Employment and Economic Development (ZEDE), a new version of the charter cities that were declared unconstitutional in 2012.



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## 2. The Truth and Reconciliation Commission

The TRC was created in May 2010 as one of the commitments in the San José/Tegucigalpa Accord signed by the delegations of former president Zelaya and Roberto Micheletti's de facto government. President Lobo created the TRC through Executive Decree PCM-011-2010 with the mandate to: "Clarify the events that occurred prior to and after June 28, 2009 in Honduras, with the goal of identifying the acts that led to the crisis situation and providing the people of Honduras with elements to prevent such incidents from recurring in the future."

The TRC emerged with limited political and social backing. The National Congress did not approve of creating the TRC, nor did it acknowledge the San José/Tegucigalpa Accord commitments. Hence, President Lobo formed the TRC by decree of the executive branch. The economic elite and the armed forces likewise did not approve of the creation of a truth commission, viewing it as an imposition by the international community. To these groups, President Zelaya's expulsion from the country was not a coup d'état but rather a transfer of power; human rights violations were not committed, but rather public order was maintained. Meanwhile, former president Zelaya and the FNRP repudiated the TRC because it had been created unilaterally by the President Lobo administration which they viewed as an extension of the coup, and because they believed that the government had not complied with all of the commitments of the Tegucigalpa/San José Accord. In a public statement in 2010, the FNRP declared:

"The FNRP considers the current regime's decree creating the Truth and Reconciliation Commission (TRC) to be illegal, because it was enacted while the constitutional order has yet to be reinstated, and illegitimate, because it does not meet international standards of good practice and principles established by more than 30 truth commissions worldwide. Neither does it have credibility among the Honduran people, international human rights organizations, and other entities.

The TRC is part of a strategy on behalf of those who promoted and perpetrated the coup d'état as an attempt to forget what happened and pardon the criminals. This is not a capricious accusation by the FNRP; in February of this year (2010), the Center for Justice and International Law (CEJIL) declared that 'the behavior of Honduran authorities suggests that a truth commission could be a farce.' Even if it had been created in a context of the rule of law, it would still lack the legitimacy expected of a commission of this nature, since it excludes victims and other sectors of Honduran society from the clarification process, and since it was created by presidential decree and is not linked to other branches of the State."<sup>19</sup>

The TRC operated for 14 months, from May 2010 to July 2011, and was comprised of five commissioners - three foreigners and two Hondurans: Eduardo Stein (Guatemalan), Michael Kergin (Canadian), María Zavala (Peruvian), Julieta Castellanos (Honduran), and Omar Casco (Honduran). The Commission was headed by the former Vice-President of Guatemala, Eduardo Stein, and the research was conducted by a multi-disciplinary team of international investigators hired by the United Nations Development Programme (UNDP). The entire project was practically funded by the international community.

The Commission focused on uncovering the events and human rights violations committed during the seven months of Roberto Micheletti's de facto government from 28 June 2009 to 27 January 2010. It compiled information from public institutions, reports by human rights organisations and the media, and over 250

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<sup>19</sup> FNRP statement No. 62, 23 June 2010.





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testimonies by victims, witnesses, and public officials with knowledge of the incidents or the human rights violations.<sup>20</sup>

The TRC was established in the city of Tegucigalpa and did not have local offices in the country's administrative departments. However, the commissioners and the technical research team travelled to the countryside to gather testimonies and acquire information. To that end, the Commission instituted a cooperative agreement with the Municipalities Association of Honduras (AMHON), allowing it to use municipal government facilities to conduct fieldwork.<sup>21</sup>

## 2.1. Conclusions and recommendations of the TRC

The TRC published its report *So That the Events Will Not Be Repeated* in July 2011. The publication is organised into two volumes, five parts, and fifteen chapters. The first volume consists of five sections. The first section describes the Commission's mandate, legal framework, methodology, and work programme. The second section presents a brief summary of Honduras's recent history (1981-2005), its progress and the obstacles it has faced to achieve democracy and development, and a country situational analysis from an international perspective. The third section clarifies the events of 28 June 2009 and examines what happened during Manuel Zelaya's administration, highlighting aspects of his vision of government, its social and economic results, clashes with other branches of government, the Supreme Court crisis, public administration, and corruption, which in turn relates to institutionality and the country's political class. This section also describes in detail the development of events leading up to 28 June 2009, the stances undertaken by different institutional and socio-political actors involved in the events, such as the armed forces, the police, political parties, businesspeople, and religious leaders.

The fourth part analyses the event's consequences: the coup's social and political impacts on international relations, the macro-economy, and human rights. The fifth and final section presents the TRC's conclusions and recommendations. The second volume provides three timelines of the events, organised into institutional, human rights, and international categories. It also includes the appendices and relevant documents used in the investigation.

The main conclusions in the TRC report can be summarised as follows:

- What happened in Honduras on 28 June 2009 was a coup d'état, and the Roberto Micheletti government was illegal. This illegality further eroded Honduran democracy. Since due process was not followed, the removal of a president in any fashion cannot be understood as anything but a coup d'état.
- The armed forces acted illegally in detaining and expelling President Zelaya from the country. The military did not comply with the Supreme Court warrant to present Manuel Zelaya to a judge and follow due process; rather, they expelled him from the country. The armed forces partially complied with the warrant issued by natural judge Tomás Arita, to conduct a house search and arrest President Manuel Zelaya, but they failed to comply with the second part, which ordered that President Zelaya be presented to the appropriate authority. The board of commanding officers made the decision to send President

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20 Comisión de la Verdad y Reconciliación/Truth and Reconciliation Commission (2011). *Para que los hechos no se repitan (So That the Events Will Not be Repeated)*. Chapter 1, mandate and methodology.

21 Idem.



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Zelaya to Costa Rica. This caused the domestic political crisis resulting from the coup d'état to take on an international dimension.

- The political crisis unleashed on 28 June 2009 actually began several months earlier, with confrontations between President Zelaya and the legislature, the judicial system, and the business sector, which did not approve of many of Zelaya's social and economic policies and his leadership style. However, the definitive factor that precipitated the coup was Zelaya's intention of holding a referendum on whether to include a fourth ballot box in the upcoming elections regarding reforms to the Constitution.
- During Roberto Micheletti's de facto government, severe human rights violations were committed against people who demonstrated peacefully and against political and social leaders who were opposed to the coup. The TRC documented 12 cases of extrajudicial execution, eight selective assassinations, hundreds of illegal detentions, and many cases of torture, mistreatment, and sexual violence against women. Moreover, citizens' rights to freedom and security were violated during the emergency rule, and numerous cases were registered involving intimidation, threats, and abuses against Hondurans and against foreigners, especially Venezuelans, Nicaraguans, and Salvadorans, solely due to their nationality.
- Freedom of speech was systematically violated; many media outlets and journalists suffered political persecution, and the de facto government went so far as to close down media that criticised the regime.
- The TRC blames the Roberto Micheletti de facto government, especially the armed forces, the police, and the National Communications Commission (CONATEL), for violating human rights and freedom of speech. It also cites the Attorney General's office, the justice system, and the Human Rights Commissioner (CONADEH) for their passivity in failing to protecting citizens' rights, and the National Congress for backing the repression and the decrees that restricted citizens' rights.
- The coup caused severe economic, political, and social damages to the country. The most visible consequences include the rupture of constitutional order, the human rights violations, the destruction of private property, the economic sanctions, the blow to the country's international reputation, and the deep division in Honduran society between those who supported the coup and those who opposed it.

The report presents 84 recommendations to further national reconciliation and prevent recurrence. The recommendations for legal and institutional reforms are organised into eight categories: a) the constitutional framework, b) human rights, c) the fight against corruption, d) the strengthening of the rule of law and democracy, e) the electoral system, f) international politics, g) the media, and h) the politics of memory.

The TRC recommendations in the human rights field are as follows:

- To comply with its international obligations, the State of Honduras must investigate, prosecute, and sanction all of the human rights violations that occurred between 27 June 2009 and 28 January 2010, and hold responsible the people identified as the main instigators of the violations, without excluding those at the highest level and without undue delay.



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- Considering that article number one of the amnesty decree excludes crimes against humanity, the TRC recommends that the justice system ensures its strict compliance and prevent any interpretation that would generate impunity.
  - The Supreme Court justices should subject their performance surrounding the human rights violations resulting from the 28 June 2009 events to revision by a national judiciary council to determine if the right to “judicial protection,” enshrined in article 25 of the American Convention on Human Rights, was infringed.
  - The National Human Rights Commissioner should subject its performance to revision by an independent investigation, commissioned by Congress, to determine if it complied with its obligations to impartiality and diligence that the situation required.
  - The Special Prosecuting Unit on Human Rights should be thoroughly evaluated in terms of its capacity, administration, and other aspects, to identify areas for improvement. In addition, the State of Honduras should provide it with its own permanent and specialised investigative resources at a sufficient level to guarantee its effectiveness, by continuing the funding approved in the 2010 budget.
  - The National Police should strengthen its procedures for evaluation and internal monitoring to exclude officers implicated in irregular or unlawful practices. Additionally, it should adopt performance and accountability criteria that meet the United Nations' (1979) code of conduct for law enforcement officials; and it should incorporate the United Nations' (1990) basic principles regarding law enforcement officials' use of force and firearms.
  - The justice system should designate special judges with exclusive jurisdiction over human rights matters.
  - The government and National Congress should publicly commit to providing reparations to victims for the damages caused by public officials, with criteria for restitution, compensation, rehabilitation, satisfaction, and non-repetition guarantees. A national reparations plan should be established to guarantee comprehensive reparations to victims of human rights violations resulting from the 28 June 2009 political crisis.
  - The government and the justice system should guarantee comprehensive reparations to victims of human rights violations resulting from the 28 June 2009 political crisis, to be covered by the State of Honduras or, when applicable, by the perpetrators.
  - The State of Honduras should undertake measures to publicly acknowledge victims; both individually and collectively; for instance, by naming sites or public facilities after victims, by creating monuments or commemorative plaques, or by taking other relevant actions.
  - The State should publicly acknowledge that its officials and agents committed human rights violations, ask for forgiveness from victims, and make a commitment to them and to society that such violations will not be repeated.



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- The State should provide the victims of human rights violations with any information possessed by State security forces about themselves or their close relatives and should reveal how such information has been used.
  - The State should review and repeal legislation that is incompatible with international standards, particularly provisions related to personal freedom and security, freedom of speech, and torture.
  - The State should take appropriate measures to publicly acknowledge that human rights defenders carry out tasks that are highly important to the public; ensure that they may work free of hindrance or harassment, whether with State agents or other individuals; and eradicate any practice that may criminalise their work.

Regarding the role of the army, the TRC recommended reviewing the functions of the armed forces, eliminating any missions with a political nature, and clearly establishing a prohibition on the use of the military for police work, except in states of emergency and following the limitations stipulated by the Inter-American system in terms of protecting human rights, and subject to independent monitoring by the justice system. However, the TRC did not recommend purging the armed forces or penalising military officers involved in the coup d'état and human rights violations, which was one of the human rights organisations' and the FNRP's main demands.

In terms of media, the Commission recommended the following, among other measures:

- Establish mechanisms to guarantee that the fundamental, constitutionally enshrined right to free speech be applied and effective. In this sense, mechanisms should be strengthened to guarantee freedom of speech and free access to information. Compliance with legal standards on this matter should be monitored by the justice system, the Secretariat for Justice and Human Rights, and the National Human Rights Commissioner of Honduras.
- Conclude as quickly as possible the ongoing investigations into the crimes against reporters, especially the violent deaths occurred at different times, places, and circumstances, in order to avoid impunity. An effective investigation, together with other protective measures, can in fact dissuade or prevent further attacks and other violent incidents.
- In Honduras, all the powers of the State bear either direct or indirect responsibility for the abuses committed against journalists and the media as of 28 June. The manipulation conducted by certain institutions, such as CONATEL, undermined the State's credibility. The government should acknowledge the existing problems and obstacles in this matter and endeavour to find appropriate institutional corrections.

The TRC recommended that the Truth and Reconciliation Commission Monitoring Unit should be in charge of following through on the human rights recommendations, as considered in Decree PCM-011-2010. This monitoring unit should be independent and could draw on support from international entities. The TRC further proposed that the Honduran State should distribute the Commission's report so that Honduran society can know the truth and obtain justice, and so that human rights violations do not recur. However, as explained later,



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although President Lobo's administration created the Monitoring Unit, it had no impact and essentially disappeared in 2014 when President Hernández took office, and the TRC report was not adequately distributed.

## 2.2. Victims' participation in the TRC

The report notes that it received over 250 testimonies by victims of human rights violations, their family members, and other witnesses. However, victims' participation in the TRC was limited to providing testimonies about the events. The report includes many detailed cases of human rights violations and corroborates many cases that were well known to the public and that were documented by national and international human rights organisations and by the media in 2009 and 2010.

Human rights activists and social leaders attribute victims' limited participation in the TRC to the distrust that people felt towards President Lobo's government, such that they preferred to offer their testimonies to civil society's TC or to human rights organisations rather than approaching the TRC. This was substantiated in several interviews:

“Yes, there was a certain distrust by victims because of what happened. It was the result of all of that muddle that gave rise to the Commission, which from the beginning, in a certain sense, emerged to endorse what had happened.”<sup>22</sup>

“Many people did not participate because of the culture of distrust, because of fear that you give them your personal information and there will be retaliation, but above all because of disbelief that justice will truly be applied.”<sup>23</sup>

On the other hand, the TRC was able to interview key actors who participated in or had first-hand knowledge of the events, such as former de facto President Roberto Micheletti, former chief of the armed forces Romeo Vásquez, and former President of Congress José Alfredo Saavedra, in addition to other politicians, businesspeople, and members of the diplomatic corps. However, former President Zelaya and many members of his cabinet refused to testify to the TRC, and only provided their testimony to the Human Rights Platform's TC. According to Eduardo Stein, TRC coordinator, Zelaya decided not to participate because the Commission did not accept his stipulation of including one of his representatives in the TRC, which would have “affected the Commission's independence and impartiality.”<sup>24</sup>

For the vast majority of those interviewed for this study, the main victims of human rights violations were the protesters who sympathised with President Zelaya and those opposed to the coup, including social leaders, academics, students, artists, journalists, and above all, everyday citizens. They also feel that President Zelaya and his family and cabinet members were victims because they were overthrown and endured political persecution. Many attested that “all Hondurans” or “the Honduran people as a whole” were victims, in that the coup affected the entire society by violating the country's Constitution and democracy. This is reiterated in many of the interviews:

“Most of our people have been victims of the coup, because we tried to undo the coup but it couldn't be done, and the dead continue to be reaped among the population.”<sup>25</sup>

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22 Interview 08.

23 Interview 12.

24 Cuba Libre Digital, 24 June 2011.

25 Interview 01.



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“The victims are all of the people who in one way or another expressed their discontent, their rejection of what happened in the coup, regardless of whether or not they were partisan militants or simply, as in our case as Christian church members, joined the protest because we perceived an injustice.”<sup>26</sup>

“The victims are the social movements, the farmworker movements, the poor in general.”<sup>27</sup>

“The victims of the coup are us, the population that suffered the violation of our Republic's Constitution.”<sup>28</sup>

“Given my testimony and that of my brother, I can say that the victims are the people who at one point or another identify with an ideal, a dream, and it goes against someone's interests or there is someone who doesn't agree with them.”<sup>29</sup>

The TRC report refers to victims as people who directly suffered human rights violations at the hands of the armed forces, the police, and other State agents for participating in the protests or questioning Micheletti's de facto government. For example, in terms of illegal detentions, the TRC indicates: “the arbitrary or illegal detentions systematically affected people who participated in political protests in support of President Zelaya, as well as those who were known to be political, social, or human rights leaders. Many foreigners were also affected, especially Venezuelans, Nicaraguans, and Salvadorans, solely for being foreign.” The report also notes that former President Manuel Zelaya and his foreign relations minister, Patricia Rodas, are victims because they were illegally detained and expelled from the country.

However, some conservative groups in the country continue to deny the human rights violations and the coup; they attest that it is a “fabrication by human rights organizations” to garner international attention and funding for their projects. For example, one of the interviewees who backed the coup remarked:

“I know that unfortunately there was a death at the airport. I know that a guy was killed in El Paraíso, that he was stabbed I don't know how many times, and people say it was the police. I can't rule that out because that's how the university dean's son and his buddy were killed, and we constantly see police involved (in abuses). But here there were no victims; they say that there were hundreds of victims, but there were no victims.”<sup>30</sup>

In terms of victims' involvement, in their comparative study of the TRC and civil society's TC, Andino and Leiva (2012) note that: “the TRC purports to be neutral regarding the conflict – even though it was appointed by the current government – and does not highlight victims but rather treats them on a par with the perpetrators. The TC, on the other hand, did not purport neutrality regarding the conflict but rather took the side of the victims of human rights violations. In its investigations, the TRC gave precedence to official actors in line with the political

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26 Interview 05.

27 Interview 22.

28 Interview 03.

29 Interview 19.

30 Interview 06.



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status quo, though in exceptional cases it included key players in resistance to the coup. Meanwhile, the TC gave precedence to victims' testimonies.”<sup>31</sup>

In terms of victims' participation in the TRC recommendations, the report indicates that the Commission held two workshops with civil society organisations to elicit recommendations. The workshops were held in January 2011 in the cities of Tegucigalpa and San Pedro Sula; 68 representatives from different organisations and public institutions participated. However, human rights organisations and FNRP members did not participate in these workshops, nor did they present their recommendations to the TRC. This indicates that the recommendations' legitimacy was limited because one of the sectors hardest hit by the conflict was not consulted.

### 2.3. Impact of the TRC report

In general, the TRC report had little political and social impact in Honduras. This was partly because of the limited political support held by the Commission and President Lobo, and because practically everyone knew what had happened and the motives behind the coup. However, many social sectors, including FNRP members and human rights organisations, acknowledged the rigour of the report and the relevance of its conclusions. They welcomed the TRC's confirmation that a coup had occurred, that the Roberto Micheletti de facto government was illegal, and that human rights violations had taken place against protesters and coup opponents. In this regard, Andino and Leiva's (2012) comparative study notes:

“The report is objective, consistent, well documented, and centered on the hope of helping to create bridges towards reconciliation; it used an inductive method, with a functionalist approach, seeking the causes of the crisis on June 28, 2009 and focusing on political and institutional players and their acts; and draws on a positivist vision that seeks to maintain neutrality or distance from victims and perpetrators of the coup.

We can find within the TRC report an effort to listen to the actors of the events and a substantiated and well documented process of evidence collection, both from testimonies and from the documentation of a timeline of events. Yet it lacks the human face of the victims who faced the security forces, and their invisibility in State institutions.”<sup>32</sup>

As mentioned above, human rights activists and the FNRP doubted the impartiality and objectivity of Commission members; they even questioned the role held by coordinator Eduardo Stein due to his past as Guatemala's Vice-President and his close relationship with the President Lobo government.

This was reflected in several of the interviews:

“The official commission has been questioned, starting with Mr. Stein being linked to economic interests in Guatemala, and the issue of genocide in Guatemala has been particularly called into question. That such a person forms part of a truth commission after a coup and a human rights crisis such as we have experienced in Honduras deserves no credit, has no authority, and isn't even ethical. Of course the truth

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31 Andino T. and Leiva C. (2012). *Estudio comparativo de la Comisión de la Verdad y la Reconciliación (CVR) y la Comisión de Verdad (CdV) (Comparative Study of the Truth and Reconciliation Commission (TRC) and the Truth Commission (TC))*. Tegucigalpa: HEKS.

32 Andino T. and Leiva C. (2012). *Estudio comparativo de la Comisión de la Verdad y la Reconciliación (CVR) y la Comisión de Verdad (CdV) (Comparative Study of the Truth and Reconciliation Commission (TRC) and the Truth Commission (TC))*. Tegucigalpa: HEKS.



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commission report says interesting things, but it also bears a political backdrop that in a certain way corresponds to support for the coup.”<sup>33</sup>

FNRP members criticised the TRC report because it did not delve into the socio-economic causes that provoked the coup and did not directly cite all of the sectors that participated in the incidents. According to the FNRP, one of the main causes of the coup was the economic elite’s fear that they would lose their privileges under a government that proposed sweeping economic and social changes. Thus they conspired with Congress, the Supreme Court, and the armed forces to overthrow President Zelaya and “regain” control of the country to maintain the status quo. Moreover, the FNRP opposed the amnesty decree from the outset and held that the TRC report in a certain way validated impunity for the coup and human rights violations.

The conservative sectors in the country were not accepting of the TRC report either. They insisted that there was no coup but rather a transfer of power, or that at the most only a “coup to the executive branch” had occurred, since the legislative and judicial branches were unaffected and continued “operating normally.” Besides the discourse of denial, conservative groups argued that the country should forget the past and move forward so that Honduras’s international image would not be further affected.

## Follow-through on TRC recommendations

In November 2011, the Lobo government created the Monitoring Unit for the TRC Recommendations affiliated with the Secretariat for Justice and Human Rights, and a Notable Citizens’ Council was formed to accompany the process. The Monitoring Unit was created by Executive Decree PCM 071-011, and Rolando Sierra was appointed executive director. The Notable Citizens’ Council was comprised of five representatives from different social sectors: Lea Cruz, Manuel Gamero, Oscar Puerto, Enrique Aguilar, and Donaldo Avelar. The Monitoring Unit produced two reports regarding progress in fulfilling the recommendations. However, they disappeared during President Hernández’s administration in January 2014, apparently due to restructuring of the Secretariat for Justice and Human Rights. President Hernández’s government has essentially abandoned the TRC report, taking a stance of forgive-and-forget. One monitoring report was presented in 2012, while the other was presented in 2013. The last report stated that only 23 of the 84 recommendations had been fulfilled, primarily legal ones, and that practically nothing had been done to investigate or prosecute those responsible for the coup and the human rights violations, to provide reparations to victims, or to reform the armed forces. Moreover, other key reforms to the elections process, the independence of the justice system, and measures aimed at national reconciliation (one of the TRC’s central themes), have yet to be implemented.<sup>34</sup>

Finally, it is important to stress that the population is largely unfamiliar with the TRC report. The Commission printed a few copies of the complete report to deliver to government and civil society representatives, and provided the media with an executive summary, the main conclusions and recommendations. The Monitoring Unit, meanwhile, made almost no effort to disseminate the report, and currently the report is only available on the webpage of the Secretariat for Human Rights, Justice, Governance, and Government Decentralization.<sup>35</sup>

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33 Interview 14.

34 Secretaria de los derechos de justicia y derechos humanos de Honduras/Secretariat for Justice and Human Rights in Honduras (2013). *Segundo Informe de Seguimiento a las Recomendaciones de la Comisión de la Verdad y la Reconciliación (Second Report Monitoring the Recommendations of the Truth and Reconciliation Commission)*. December 2013.

35 The TRC report and the Monitoring Unit reports are available on the website: <http://www.sdhjgd.gob.hn/biblioteca-virtual/informes-recomendaciones-y-documentos-de-la-uscvr>





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In a 2015 publication, Radio Progreso posed the need to engage the recommendations of the TRC report related to the justice system in order to confront the corruption scandals and political crisis currently facing the country. The publication recalls that the TRC mainly recommended that the Honduran government request the United Nations to create an international investigation and prosecution entity, similar to the CICIG that has operated in Guatemala since 2007, and that the independence of the Attorney General's office and the Supreme Court will be guaranteed.<sup>36</sup>

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<sup>36</sup> Periódico A mecate corto, edition 217, September 2015.



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## 3. The Truth Commission

The TC was an initiative by the Human Rights Platform, a coalition of Honduran organisations that originated out of the coup d'état to publicly denounce the abuse of power and human rights violations being committed during Roberto Micheletti's de facto government. The Human Rights Platform was formed by six organisations: the Committee of Family Members of the Detained and Disappeared of Honduras (COFADEH), the Human Rights Defense Committee (CODEH), the Center for Research and the Promotion of Human Rights (CIPRODEH), the Women's Rights Center (CDM), the International Federation for the Right to Food of Honduras (FIANH), and the Center for the Prevention, Rehabilitation, and Treatment for Torture Victims (CPTRT).

Following the Tegucigalpa/San José Accord in 2009 that proposed the creation of the TRC, the Human Rights Platform decided to form an alternative truth commission to record in detail the human rights violations within the context of the coup and the de facto government. The human rights organisations did not trust the incumbent government and feared that the TRC would serve to justify the coup and cover up human rights violations in the international arena.

The TC was formed in 2010 and operated parallel to the TRC. It was created with three aims: a) to clarify incidents related to the coup, b) to promote justice for victims of grave violations and provide fundamental rights and freedoms, and c) to promote comprehensive reparations for victims. The Commission was comprised of ten members, including renowned academics and national and international activists such as Elsie Monge Yoder (president), Luis Carlos Nieto García, Mirna Antonieta Perla Jiménez, Adolfo Pérez Esquivel, Nora Cortiñas, Craig Scott, François Houtart, Francisco José Aguilar, Helen Umaña, and Fausto Milla.<sup>37</sup>

Human rights organisations collaborated with the Commission by offering their databases on documented human rights violations and by referring many victims to the TC to present their testimonies. In addition, the Commission had a technical team made up of Hondurans and foreigners who travelled to the major cities and communities where human rights violations had been committed to collect first-hand testimonies, review official and unofficial documentation, conduct interviews with key political and social players, and produce a database of human rights violations. In all, the Commission compiled 1,966 testimonies and registered 5,418 human rights violations including assassinations, forced disappearances, illegal detentions, torture, intimidation, threats, and sexual violence. The project was primarily funded by international non-governmental organisations.<sup>38</sup>

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37 Three members of the Commission resigned for personal reasons during the investigative process: Craig Scott, François Houtart, and Francisco José Aguilar.

38 The Truth Commission received funding from HIVOS Netherlands, Dan Church Aid, DCA Denmark, Batir un Monde de Justice Canada, DIAKONIA Sweden, IBIS Denmark, OXFAM United Kingdom, Rights Action United States and Canada, TROCAIRE Ireland, HEKS Switzerland, Plan International United Kingdom, HELVETAS, Swiss Intercooperation Switzerland, the Danish Embassy, the German Embassy, FOA United States; International Accompaniment Project in Honduras, PROAH–International, Judges for Democracy - JPD Spain, International Commission of Jurists, Mothers of the Plaza de Mayo Argentina, Training and Psychological-Social Accompaniment Team – ECAP Guatemala, and the Herbert Anaya Sanabria Human Rights Collective (CDH-HAS).



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### 3.1. The Voice of Greatest Authority is that of the Victims

The TC publicly presented its report *The Voice of Greatest Authority is that of the Victims* in October 2012, 15 months after the TRC report was published. The report was presented in the main cities where human rights violations were registered: Tegucigalpa, San Pedro Sula, Tocoa, and others. It was distributed to victims' families, civil society representatives, members of the international community, and the press. However, the TC did not officially deliver a copy to the President Lobo administration.

As its name indicates, the report centres on the voices of victims of human rights violations and coup opponents, and particularly highlights the brave and critical role played by citizens who joined together in the FNRP to demonstrate against the coup and the de facto government. The 310-page report is organised into four sections. The first section presents the introduction, methodology, and the Commission's mandate; the second section explains the historical background, the context, and the motivations behind the 2009 coup; the third section examines patterns of human rights violations and presents 21 emblematic cases of human rights abuses; and the fourth and final section offers conclusions and recommendations.

The emblematic cases include those that caused a significant political and social impact within and outside Honduras, such as former president Manuel Zelaya's illegal detention and expulsion from the country; the military raid and closure of television channel 36; repression against protesters in Tegucigalpa, El Paraíso, San Pedro Sula, and Choloma, including a rape by police in Choloma; the dismissal of judges belonging to the Judges' Association for Democracy (AJD) who protested the coup and were removed from their positions by the Supreme Court; and the murder of Walter Tróchez, a well-known rights activist in the LGBTBI community. The report presents 16 conclusions that can be synthesised as follows:

- The coup d'état constituted a gross violation of the Constitution, the sovereignty of the Honduran people, and their right to self-determination and democracy.
- The perpetrators of the coup and the human rights violations are the groups that hold economic, political, and military power, both national and foreign. They aimed to maintain their control over the population to benefit their own interests.
- Since the coup, systematic patterns of human rights violations, repressive measures, and institutional dysfunction have been registered, in which the justice system has been complicit. These patterns continued after Roberto Micheletti's de facto government, continuing during the Porfirio Lobo administration.
- The Commission blames the police and armed forces for committing human rights violations against protesters and coup opponents as part of a repressive policy on behalf of the de facto government. Furthermore, the Commission indicates that illegal groups linked to organised crime and drug trafficking operate as "death squads". They carry out "social cleansing," summary executions of human rights defenders and social leaders, and sow terror among the population.
- The justice system was inoperative in relation to the coup d'état and the human rights violations, and it was inefficient in handling the numerous complaints, protection measures, and applications of habeas corpus. The amnesty decreed on 27 January 2010 is an example of the policy of impunity and the denial of justice and reparation to victims.



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- The Commission highlights the harmful influence that the United States and powerful groups wield on the country's economic, social, and military policies as they aspire to maintain their historical control over people's fate, goods, and natural resources.

The report presents 18 recommendations aimed at ending human rights violations, honouring victims, overcoming the historical causes of impunity, and promoting victims' rights and democratisation in the country. Among the main recommendations, the following stand out:

- Investigate the intellectual and material perpetrators of the coup and of the human rights violations. The State should publicly acknowledge its responsibility and proceed to prosecute and penalise the violators.
- Create a comprehensive reparations programme for victims that would include historical research and a historical memory law; provide a compensation fund for victims; promote memorial projects so that the incidents are not forgotten; revoke the amnesty law; guarantee the return of political refugees and coup exiles; and cover the coup in school curriculum, incorporating the topics of democracy, human rights, gender equality, and diversity.
- Reform the Constitution and review the domestic legislative framework, restrict the Congress's power to interpret the Constitution, and create a constitutional court separate from the Supreme Court.
- Guarantee judicial independence and strengthen professional judicial training so that justice system workers act professionally and independently. In addition, reinstate justice system workers who were dismissed due to their opposition to the coup.
- Strengthen the investigative capacity of the Attorney General's office, evaluate the effectiveness of the human rights prosecuting unit, and investigate the existence of illegal armed groups and public officials' involvement in criminal acts.
- Remove civil and military officials involved in serious human rights violations during the coup from their posts in public administration. Likewise, review army and police training doctrine to limit their actions to those stipulated by the Constitution.
- End military and security accords with the United States government; close U.S. military bases in Honduras; and stop joint operations, training and equipment programmes, and other interference by foreign military and security forces.

To follow through on these recommendations, the TC proposed creating a mixed commission comprised of representatives from social organisations and government institutions and one representative from the United Nations human rights system. This commission would be in charge of monitoring compliance with the recommendations and providing technical assistance in implementing them. However, the commission was never formed, and practically no one, not even the Human Rights Platform, followed up on the TC recommendations. The Human Rights Platform dissolved, but the human rights organisations involved in the Platform continue to operate independently. None of them has taken on the effort to disseminate the report.

### 3.2. Victims' participation

The TC report centres on the victims; undoubtedly, this is what most distinguishes it from the TRC report. The TC received 1,966 testimonies, while the TRC only received 250. Victims trusted the TC more because the human rights organisations had a closer relationship with them and shared their opposition to the coup, whereas they



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associated the TRC with the government. Moreover, the TC operated for over two years and was backed by the FNRP, whereas the TRC only operated for one year and was repudiated by the FNRP. This was substantiated in the interviews.

“The truth commission folks were around, and there was another truth commission [TRC] that was part of the State, but well, those ones were never trustworthy for us. When the [Truth Commission] arose, with companions who had been in the struggle and people who are very prestigious, we recognized that they are honorable.”<sup>39</sup>

The TC report is based on a transitional justice approach that promotes victims’ rights to truth, justice, and reparations, as well as a guarantee of non-repetition. The report presents an exhaustive analysis of the patterns of violence against the population and the State’s repressive policies and impunity, based on concrete cases that demonstrate the actions by police, armed forces, and illegal groups that functioned as death squads. In addition, it examines the complicity of the justice system in maintaining impunity for these crimes and presents a clear political stance condemning the coup and its perpetrators.

As in the TRC, victims’ involvement in the TC was limited to presenting their testimonies or statements about the incidents. Apparently, people knew that their testimonies would be used to spread the word nationally and internationally about what had happened; they did not trust the Honduran justice system or government. Many of them simply hoped that their testimony would help ensure that the truth is known and that it would belie the administration’s denial of human rights violations:

“I was motivated to tell the truth, because the truth should not be silenced; what is happening should not be hidden, and wherever one is, one should communicate what is happening. And this is especially so in the case of these commissions that are spreading and telling the truth, when those in the State have tried to say that nothing happened here and that people are not telling the truth.”<sup>40</sup>

“I was motivated to present my testimony to the Truth Commission so that it comply, so that it can be somewhat restored.... To be able to help, because I believe that the more of us victims who unite, the better it will be for human rights.”<sup>41</sup>

“As member of the community of sexual diversity, it meant proclaiming and exposing, nationally and internationally, what we were victims to during the whole context of the coup; and seeking a way for them [the truth commission] to find peace, to find those who are guilty, to convict them, that many perpetrators be removed from office. We as victims seek this, but we see that within the State of Honduras nothing changes.”<sup>42</sup>

“I never expected anything. I didn’t even imagine that my name would be in a report like the one I am looking at, because the truth is that when one is going through something like this, it is not easy to give testimony.”<sup>43</sup>

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39 Interview 04.

40 Interview 11.

41 Interview 21.

42 Interview 32.

43 Interview 13.



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“Neither of the two reports seeks justice, because for me at least I would like to know who clubbed me and why, not so that he goes to jail but rather to know who ordered him to do that. I assume that someone gave them the order; I assume that they didn’t care what happened to Javier, Porfirio, and the others.”<sup>44</sup>

“I didn’t expect anything. I knew that they weren’t going to help me, that there would not be justice.”<sup>45</sup>

What was most important for many of the victims was to share their story with the TC. This was present in practically all the interviews conducted for this study: even though the interview questions were focused on victims’ involvement in truth commissions and the reports’ impact, the victims insisted on telling their stories in detail and relating the violations that they had suffered. This demonstrates that people continue to feel a deep need to be heard, especially those who belong to vulnerable groups, such as women, peasants, indigenous people, and members of the sexual diversity community. Following are some of the accounts shared in the interviews:

“At that time many difficult things had happened to us. Here in Tocoa, we were basically shut in for several days because of the curfews and barricades in the neighborhoods. In San Pedro Sula also we were persecuted, beaten, and jailed.”<sup>46</sup>

“After all of this, there have been lots of human rights violations, death threats. I have been illegally detained. I’ve been beaten. But thanks to God, the human rights organizations have helped me and are defending me.”<sup>47</sup>

“My family and I have been out of the country, trying to reduce the harassment profile that’s kept up against us. We have split up as a family because some of us are on one side and others are on the other side. There have been lots of death threats.”<sup>48</sup>

“In the MUCA case in Guadalupe Carney, I was the one who presented all the victims from Tumbador, people who were threatened when five people were killed there, four people were wounded, and about four or five were threatened.”<sup>49</sup>

“We were heading to the Alauca border to meet up with Mel Zelaya who was on his way there. Then in El Paraíso, we arrived right when they were ordering curfew, and they captured us when we were on our way there. The damages were above all psychological.”<sup>50</sup>

“When we were captured there were eleven of us men and women companions traveling together as a group. They held us at a ball court and a police post in El Paraíso. The men were put into jail cells; that was very traumatic because they were doused with teargas and almost suffocated.”<sup>51</sup>

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44 Interview 17.

45 Interview 25.

46 Interview 29.

47 Interview 13.

48 Interview 19.

49 Interview 32.

50 Interview 12.

51 Interview 10



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“Even though we were not inside a jail cell, they were constantly threatening to put us inside a cell and hit us, what were we doing, they used foul language to us. They threatened us all the time. They brandished their weapons in front of us, like they wanted to frighten us, and they kept saying to us: you hags, what are you doing here instead of at home.”<sup>52</sup>

“I was harmed when Isis Obed was killed. A tear gas bomb struck me severely; it left me shattered. When the police feel like it, they race after us.”<sup>53</sup>

“When President Mel wanted to come in to the country, we suffered several consequences, army repression and other things. We suffered together with our companions in Bajo Aguan. We were shot by the army, and they forced us to endure hunger in the mountains because they pursued us, grabbed us and jailed us, and beat us. All of this damaged us.”<sup>54</sup>

“We started walking here from Colón, and at the exit they put out a checkpoint for us and stopped us, the police and soldiers there. We didn’t have problems there. The problem was in El Zamorano; there they took us off the bus, and we decided to walk, to go on foot, and we began to walk. We arrived in Las Crucitas, and there they had detained one of our fellow members, and we had to wait until they released him to us. Supposedly they were going to let him go at six o’clock. His name is Kevin Rivas. They stopped us there, and it was already six o’clock.”<sup>55</sup>

“When we were about to arrive in Danlí, they picked us up. There was a checkpoint at every kilometer; they would ask us for our identification number, and we would present it. We slept there, and the next day we went to El Paraíso, and began again with the checkpoints all over again, as if they repressed us for power.”<sup>56</sup>

“They tried to figure out a way to stop us from continuing; they put up a checkpoint at the turnoff to Alauca, at a turnoff there. The lieutenant who was in power at that time came over and set a curfew for twelve o’clock noon. When the curfew struck, the soldiers began repressing. They took people off the streets, and that’s when the recklessness began. We were in a car, and they started shooting. That’s when they grazed my ear. Many say that it was a rifle, but it was a nine millimeter, and it was a police officer, by the last name of Rodríguez.”<sup>57</sup>

“The victims were the youth, the historically vulnerable populations, like women, people with disabilities, and above all the members of the LGBT population, transsexual women.”<sup>58</sup>

However, several interviewees believe that the TC did not reach everywhere in the country and was unable to gather all victims’ testimonies, particularly among people who live in the more remote parts of the country and

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52 Interview 15.

53 Interview 24.

54 Interview 34.

55 Interview 27.

56 Interview 14.

57 Interview 35.

58 Interview 31.



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who participated in the demonstrations. In addition, many victims chose not to present their testimonies because they perceived no benefit in doing so and did not believe that the system could change.

“I did not feel motivated to participate, and I repeat, I have never liked remembering the awful things that happen, and that’s why I did not want to give my testimony. I thought, either way I am going to die, since this system doesn’t stop at anything. But valuing the work carried out by human rights defenders, one can say that if they are doing this, it is to have a different ending and so that what happened not be repeated.”<sup>59</sup>

Overall, the TC facilitated victims’ access to testifying. Rights organisations and the FNRP informed people about the TC’s work and invited victims to give their statements. The interviews were conducted in places that were private and safe for people; human rights organisations’ offices, churches, or even people’s homes were used. People participated voluntarily, and no security incidents were reported during interviews. Nor were there reports of attacks or threats on people for participating. Many victims expressed relief after presenting their testimony.

“Giving testimony is very difficult because it is like reliving everything that happened. I’m not such a strong person when it comes to that. I can be strong during an action, but when it comes to remembering what happened, the injustice, maybe not the beatings done to me but the injustices that have been done to other, humble people, that’s what I cannot stand and that’s what hurts the most; whereas if I’m involved in an action, that doesn’t affect me.”<sup>60</sup>

“It was easy for me to testify because I spoke about what had happened.”<sup>61</sup>

“I felt threatened by this culture of distrust and fear, since you give them your personal information and fear that there will be retaliation, but above all I felt disbelief that justice would truly be applied. But I do not regret speaking out.”<sup>62</sup>

### 3.3. Impact of the Truth Commission report

The TC’s report *The Voice of Greatest Authority is that of the Victims* had little political and social impact because it was published fifteen months after the TRC report. This is similar to how the TRC report was received. Nevertheless, its greatest recognised strengths are that it centres on the victims, it indicates patterns of human rights violations against protesters, and it pinpoints the structural causes of the conflict. The economic elite, the military, and the government automatically disparaged the TC report. From the outset, they characterised the Commission as one-sided and biased, asserting that human rights organisations only sought to discredit the government and to make the government look bad in the eyes of the international community.

The interviewees state that the population is unfamiliar with the reports because neither the government nor human rights organisations have adequately endeavoured to distribute them. The main critique of the TRC report is that it did not adequately document human rights violations or identify individual perpetrators. The main

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59 Interview 23.

60 Interview 40.

61 Interview 28.

62 Interview 14.





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critique of the TC report, on the other hand, is its limited methodological rigour in documenting violations and incidents due to the numerous debates between the Commission and the Human Rights Platform which delayed and hampered the investigation.

Meanwhile, some interviewees believe that the TRC was imposed by the international community and that a truth commission was not necessary in Honduras because everyone knew what had happened. According to some interviewees, the international community proposed forming a truth commission as one of the conditions for readmitting Honduras into the OAS and for re-establishing financial cooperation with the country.

### 3.4. Victims' hopes: justice, reparations, and social change

In the interviews, many victims expressed their hope that the coup and the human rights violations would not remain with impunity: that the crimes are acknowledged and that the perpetrators are penalised. However, they deeply distrust the Honduran justice system.

“Justice exists when a country's laws are applied, but in this country laws are not respected. Instead, the victims are accused of being the victimizers; it's backwards.”<sup>63</sup>

“The human rights violators should be penalized. Those who violated life in that way in Honduras are the civilian and military authorities.”<sup>64</sup>

“Justice is (when) the institutions in charge of meting out justice could solve the cases that are in impunity, for instance, the coup. Justice would be calling a constituent assembly to make a new constitution. That would be justice, and that is one of the things that we think about. For example, all of our companions, men and women, who are in jail, could be freed, because they were unjustly jailed. That would be doing justice. But the law passes up all of that; in other words, the law is not being followed.”<sup>65</sup>

“For me, the people should serve justice for all the damages caused, like Roberto Micheletti, Romeo Vásquez Velásquez, and all their followers that still accompany them. In the current government there is no justice. Juan Orlando's army itself is killing people and washing their hands of it, saying that those who died were gang members.”<sup>66</sup>

“We wish there was justice against those who did the coup, but it's really hard because they are big shots: they have the laws and everything. We wish there was justice. We are small; we don't have an easy way to do justice and send them to jail.”<sup>67</sup>

Many interviewees also expressed their hope that the State would repair the damage caused to victims and their families, but they simultaneously noted that they do not believe that the State can undertake a reparations policy.

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63 Interview 18.

64 Interview 26.

65 Interview 32.

66 Interview 22.

67 Interview 09.



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“Repairing the damages is difficult, because there are psychological damages. But those responsible should pay something; people who did something to hurt someone else have to pay. As I understand it, human rights violations don't have a statute of limitations. The injustice that they caused should be compensated. The truth is that a price can't be put on the damages.”<sup>68</sup>

“I think that the best reparations that we the people could have had after the coup is if they hadn't washed the coup by the elections. The reparations would have been to hold a national constituent assembly, but that wasn't done, whereas in the earlier coups there was a sort of national constituent assembly. I've never thought that there could be reparations, because when we were captured right during the coup, a whole series of violations followed, and we continue to have them and there's a response. Or maybe someday we could dream to think that there could still be a change.”<sup>69</sup>

“Reparations is like saying, I was injured and need the right medicine to heal. For example, I can say that with the coup here, for me to talk about it, tears practically run down my face. I think that this will keep going for the long haul. The government wants to do away with the poor, with those who want to join up with the people; they're being destroyed.”<sup>70</sup>

“It would mean setting up a government and starting to work for us to be able to move ahead. We were already involved in President Mel's struggle, but we hadn't been able to do anything yet. Since they saw that President Mel was in thick with the peasants, they overthrew him. Since the coup, we ended up as wanderers.”<sup>71</sup>

“I think that this can't be repaired. Maybe repairs could happen in the sense of asking for justice and seeing it be granted, but the pain I don't think can ever be repaired...”<sup>72</sup>

Finally, many of the participants in the Siguatepeque focus group affirmed that it is necessary for the past to not be forgotten, and that civil society should take up the content of the truth commission reports and their recommendations in order to re-launch a campaign for social change in the context of the issues currently facing the country - and especially to demand broad reforms in the State and to struggle against impunity and corruption.

“It's really important for civil society organizations to take up the initiative presented by CIPRODEH. They should sit down and start reviewing the recommendations of the Truth and Reconciliation Commission and the Truth Commission, and within that reflection or analysis, evaluate if the recommendations are still valid and if civil society is still interested in pushing the State of Honduras to fulfill them.”

“The validity or applicability of these recommendations should be reviewed. The recommendations are also relevant to organizations in that they could restructure their agenda or workplan to jointly make these recommendations effective, in connection with entities that are already created or that are creating something new; or when defining a new strategy that would let them accompany, monitor, or evaluate the

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68 Interview 19.

69 Interview 34.

70 Interview 14.

71 Interview 12.

72 Interview 28.



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State's actions regarding compliance with these recommendations. One of the State's arguments has been that there are over one hundred recommendations, that it is a very long list, and that the State does not have the capacity to cover the demand.”

“The great challenge that we as human rights organizations face is for a bare minimum of the recommendations to be responsibly and seriously engaged. What we've seen lately is that the context is quite regressive in terms of respect for human rights, and that the government itself has completely abandoned the implementation of the Commission's recommendations.”

“I believe that we in the human rights organizations and the social and popular movement should grasp the importance of many of the recommendations made by both commissions, and that they be articulated and fought for. I would not say that the more than one hundred recommendations total between the two commissions should be taken on, but at least some should be prioritized, and that prioritization should encapsulate strategies for lobbying, political pressure, and a strengthening of citizens' social movements.”

## Conclusions

The official TRC report and the TC report promoted by human rights organisations reveal important conclusions in understanding the causes and consequences of the 2009 coup d'état, and their recommendations present a clear roadmap for honouring victims and reforming the State. However, over three years after the two reports were



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published, neither the government nor civil society appear interested in following through on their recommendations.

The reports' limited impact is partially because both commissions emerged as instruments to validate a particular side's version of the incidents – the coup perpetrators and the opponents – and not as a consensus-based tool for rebuilding historical truth and seeking authentic reconciliation. The two commissions operated at a time when the political crisis was ongoing and the sectors continued to clash. On the one hand, Porfirio Lobo's administration was viewed as an extension of the coup, and it pursued a repressive policy towards protesters. On the other hand, the FNRP questioned the government's legitimacy and the TRC's impartiality. Historical truth became a battleground between the two sides rather than a means for reflection and national unification. Undoubtedly, the TRC would have enjoyed greater credibility if it had been fully accepted by both sides and if it had reached out more to the victims.

The 2009 coup awakened the ghost of Honduras's military dictatorships and human rights violations from the 1970s and 1980s. This incident exposed the power that the armed forces continue to wield in politics and the risk that this signifies to democracy. Even though the coup was planned by the economic and political elite, it was perpetrated by the military, and since then the armed forces have increased their power. Currently, the military continues to take charge of public (and private) security and intelligence services, participate in the country's politics, and do business with the State.

The TRC and TC reports propose specific measures to restrict the armed forces' mission and functions in order to prevent them from influencing political power. They recommend investigating the military members responsible for the coup and the human rights violations, and eventually purging the armed institution, but to date the State has done nothing to implement these measures, surely out of fear for the power that the military still wields in the State.

Conservative groups in the country, with the consent of the international community, tried to buffer the political and social crisis unleashed by the coup by proceeding with elections in 2009 and 2013, but this approach did not manage to curb social discontent. The FNRP proposed calling a national constituent assembly to thoroughly reform the State and to balance social relationships, but this was constantly rejected by the country's elite and conservative politicians. The recent scandals of the State and private corruption in 2015 that directly implicate President Juan Orlando Hernández and the National Party rekindled the demonstrations against the government and reopened public debate in favour of a deep-seated reform of the State.

The two truth commissions highlighted the justice system's ineffectiveness during the coup and Roberto Micheletti's de facto government, and proposed concrete measures to guarantee judicial independence. However, the justice system continues to be prone to influence from political powers and the behind-the-scenes powers in the country, as was revealed in 2012 when the National Congress dismissed four Supreme Court judges in a clear violation of the independence of the justice system. Likewise, political powers continue to have the authority to select and appoint Supreme Court judges and the Attorney General, as well as other public officials. This deepens citizens' distrust of Honduran justice.

Meanwhile, one of the main goals of the TRC was to promote national reconciliation, yet in fact, social polarisation has intensified over time. The TRC report dedicated an entire chapter to promoting a spirit of national reconciliation, but this seems a difficult ideal to achieve in Honduras, because no substantial change has occurred since the coup such that citizens would recover their trust in the State or that people's real participation



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would be stimulated. On the contrary, the elite and the military continue to hold the same attitude about what happened and have bolstered their power in the State, which has increased polarisation and social discontent. To achieve reconciliation, the economic, political, and military elites in the country must show true willingness and promote changes to benefit all citizens.

In terms of victims' involvement in the truth commissions, people clearly trusted the TC and human rights organisations more than the TRC because they associated the latter with the Porfirio Lobo administration and the masterminds of the coup. The TC received 1,966 testimonies compared to the TRC's 250. However, victims' participation in both commissions was limited to giving testimony; there was not an adequate process of returning or disseminating the reports, to the extent that few victims and citizens are currently familiar with the reports' contents. This study found that people are interested in knowing the conclusions and recommendations of both reports and that they believe the reports can be useful tools in preserving historical memory and promoting social change.

Victims approached the TC so that the violations they suffered could be made known; many of them hoped for justice and reconciliation, but that hope never became a reality. On the contrary, practically all of the violations and crimes continue with impunity due to the Amnesty Decree of 27 January 2010 and the fact that the justice system never investigated or prosecuted the numerous claims presented by victims and human rights organisations. Victims feel deeply disappointed in the Honduran justice system and increasingly distanced from the State.

Some victims also feel disappointed by the lack of accompaniment by human rights organisations, because after giving testimony they expected some form of psychological and social support, legal assistance, reparations, or simply physical accompaniment by human rights activists. Yet human rights organisations often lack the capacity or resources to respond to people's demands, and obviously they cannot cover the State's obligations of serving victims and vulnerable social groups.

The TRC report indicates that the crisis unleashed by the 2009 coup d'état opens the possibility for Hondurans to launch "a second transition," referring to the transition period to democracy that the country began in 1982 when the military dictatorships ended and civilians regained political power. In "the first transition," a new constitution was drafted, democratic institutions were created, and the branches of government were separated. It was a time of great political and social expectations, but the new context did not translate into progress or true citizen participation. On the contrary, the economic and military elite continued to maintain their privileges and their influence on the State, while the majority of the population remained impoverished and excluded.

In this sense, the TRC proposes a detailed agenda to reform many aspects of the State, while the TC proposes a deep-seated transformation of the State to build a more just and equitable society. The greatest challenge at this time is to ensure that both the State and civil society take renewed interest in the contents and recommendations of the truth commissions and find within the two reports a roadmap to achieve profound change in the State and society. Likewise, it is crucial not to forget the victims of human rights violations to whom the State owes a debt of justice and reparations for the damages inflicted.



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Impunity Watch is a Netherlands-based, international non-profit organisation seeking to promote accountability for atrocities in countries emerging from a violent past. IW conducts research into the root causes of impunity that includes the voices of affected communities to produce research-based policy advice on processes intended to enforce their rights to truth, justice, reparations and non-recurrence. IW works closely with civil society organisations to increase their influence on the creation and implementation of related policies. The present Research Report has been produced as part of a multi-year comparative project aimed at supporting and strengthening the participation of victims and affected communities in transitional justice processes. We are grateful to the Oak Foundation and to Hivos for their financial assistance and continued support for our work.

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