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Honduras: Rule of law in danger after justice officials unfairly dismissed

Honduras' new leaders will be judged by whether they can rise to the challenge of upholding the rule of law and building public faith in the independence of the judiciary, after four judges and a public attorney were removed from their posts, apparently for the sole reason of having been critical of the 28 June 2009 *coup d'etat* which resulted in the then President Zelaya being ousted from office.

In January 2010, when the new government came into office, Amnesty International urged the authorities to put an end to the intimidation of those who were critical of the *coup*, including members of the judiciary who faced disciplinary proceedings. Amnesty International considers that the independence of the judiciary is placed in serious question by these dismissals.

Magistrate Tirza del Carmen Flores Lanza, Judge Ramón Enrique Barrios, Judge Luis Alonzo Chevez de la Rocha, Judge Guillermo López Lone and public attorney Osmán Fajardo Morel have been dismissed, amidst concern that their removal is politically motivated. The five disagreed with the 2009 *coup d'etat* and participated peacefully in demonstrations against the *coup*, or expressed their concerns in writing, in the months immediately following the overthrow of the government. Judges and justice officials who took part in demonstrations during the same period in favour of the *coup d'etat*, however, have not faced similar proceedings.

The disciplinary proceedings against these justice officials must be dropped and all must be reinstated immediately. The judicial system is seriously undermined by politically motivated harassment of the kind suffered by these officials. An independent judicial system is the corner stone for protecting human rights and ensuring that everyone without discrimination has a right to due process before the law.

Background:

Honduran President Manuel Zelaya Rosales was forced from power on 28 June 2009 and expelled from the country by a military backed group of politicians led by Roberto Micheletti, former president of the national Congress. Following the *coup d'etat* on 28 June 2009 there were closures and occupation of media outlets by military personnel, the beating and physical attack of journalists. Journalists, particularly those investigating organised criminal activity, human rights violations or speaking out about the *coup d'etat*, have been subjected to threats and intimidation. Some judges, viewed as critical of the *coup d'etat* and the resulting *de facto* authorities, experienced a series of arbitrary transferrals and unfair disciplinary proceedings during the *de facto* governments' period in control. Members of the organization "Judges for Democracy", which has been working to promote judicial independence and principles of fairness and transparency in legal proceedings, formed the vast majority of those targeted.

On 12 August 2009, Luis Chevez de la Rocha, a member of Judges for Democracy, was arbitrarily detained in San Pedro Sula. Judge de la Rocha was watching a protest against the *coup* when he saw police officers beating demonstrators. When he insisted that police officers use restraint, one police official reportedly told his officers: "take this one too for disrespect for authority". He was pushed into the back of a police pickup truck and taken to a police station, where he was held for over three hours before being released without charge. A month later Judge de la Rocha was informed that disciplinary proceedings had been opened against him due to "his presence in acts which breach the peace" despite the fact that he had not taken part in the demonstration, had been detained arbitrarily and was released without charge.

A *de facto* government headed by Roberto Micheletti remained in power until the end of 2009. A new government led by Porfirio Lobo took office on 27 January 2010, on the same day Amnesty International released a report titled "Honduras: Recommendations to the new Honduran government following the *coup* of June 2009" (Index number: AMR 37/003/2010) which documented violations during the *coup d'etat*.

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