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Honduras, a Constitutional Democracy

Three months ago, on June 26, the Supreme Court of the Republic of Honduras issued an order to detain the President of the Republic, Manuel Zelaya, on charges of treason and criminal abuse of authority, arising from the President's attempt to change the Constitution of the Republic of Honduras which prohibits the President from serving another term when his current term expires in 2010.

The Supreme Court had, in early May, ruled that the President's attempt to amend the Constitution was unlawful, as the Constitution of the Republic gives authority to amend the Constitution to the Congress. The President ordered the Honduran military to assist in a "referendum" to change the Constitution. General Romeo Vasquez Velasquez, commander of the Honduran armed forces, refused the order, on the grounds that the Supreme Court had ruled the President's action illegal. The President dismissed General Velasquez on May 24 because of his refusal to follow the President's order.

On June 23, the Honduran Congress passed legislation specifically blocking the referendum. On June 24, the Supreme Court ordered that General Velasquez be reinstated. President Zelaya was quoted by BBC saying, "We will not obey the Supreme Court." The Honduran Minister of Defense and the commanding officers of the Honduran Army, Navy, and Air Force, all resigned that day in protest of the President's refusal to reinstate General Velasquez.

On June 26, the Supreme Court ordered the President detained for treason. On June 28, the Honduran Army performed that order and took the President into custody. Roberto Micheletti, the presiding officer of the Congress of the Republic of Honduras, has acted as interim President, after being elected to that position by the Congress as provided by the Constitution of the Republic, since President Zelaya was taken into custody. Mr. Zelaya was placed on a government airplane, flown out of the Republic, and was released unharmed in Costa Rica.

Interim President Micheletti has administered the Republic since June 28. Preparations for the regular Presidential election of 2010 continue as provided by the Constitution. Mr. Zelaya returned to Honduras on September 21 and is, at the moment of this writing, in refuge inside the embassy of Brasil in Tegucigalpa. Mr. Zelaya has issued radio broadcasts calling for his supporters to demonstrate in the capital. The government of Honduras has asked the government of Brasil to turn over Mr. Zelaya to Honduran authorities for trial. President Lula of Brasil has refused.

The President of the United States, on June 29, described these actions of the Congress and Supreme Court of Honduras as a "coup" and has stated the position that a successful action of this nature to remove a national president before the end of his term, for treason and unconstitutional abuse of power, would "set a terrible precedent". Yes, that was the current President of the United States, not a former President, that said that. Given the experience in the United States the past several years, one wonders how

terrible such a precedent might be.

- Christopher J. Mallin, Old Country Lawyer