

# United States Senate

WASHINGTON, DC 20510

July 8, 2009

The Honorable Hillary Clinton  
Secretary  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Madame Secretary:

We write out of deep concern for the unfolding situation in Honduras and respectfully request you meet with the Honduran delegation currently in Washington that represents the other side of this situation.

Given the turbulent history of Latin America, we can understand, but disagree with, the rush to label the events of June 28<sup>th</sup> a coup d'état. We believe several important facts require a thoughtful and thorough review of the situation before our country legitimizes Mr. Zelaya's actions and attempts to overrule Honduran law.

First, please find attached a document from the Honduran Attorney General outlining the specific charges against Mr. Zelaya. This document lays out Mr. Zelaya's corruption, abuses of power, and violations of the Honduran constitution, which became the basis for the Supreme Court's arrest warrant for Mr. Zelaya and his removal from office. It appears that the Honduran government operated under Constitutional authority and that the removal of Mr. Zelaya from power was legal and legitimate.

We have yet to see the legal arguments from your department refuting the constitutional authority the Honduran government operated under and how Mr. Zelaya's removal from power was anything but legal and legitimate. Please immediately provide us with this legal determination and in the meantime, pending full-disclosure and review of the facts, U.S. assistance should not be interrupted to Honduras.

Second, President Obama said in Moscow, "we respect the universal principle that people should choose their own leaders." In a 125-3 vote, the Honduran Congress approved of the actions taken to remove Mr. Zelaya from office and install Mr. Micheletti. It appears that the elected officials of Honduras - representing their constituents - did indeed choose their own leader and that the system of checks and balances, instrumental to a functioning democracy, actually worked as prescribed.

With these facts in mind, we are concerned by what appears to be one-sided support of Mr. Zelaya, and it appears this situation was exacerbated by this administration's insistence in disregarding Honduran law.

While you have already met with Mr. Zelaya, we find it discouraging that you are unwilling to meet with Honduran officials that have simply followed their constitution. The U.S. position should not be about supporting specific politicians in this crisis, but about supporting democracy for the Honduran people and judiciously defending the rule of law.

We hope you will meet with the Honduran delegation currently in town. We look forward to working with you to ensure the respect for the rule of law in Honduras and of freedom and democracy in Latin America.

Sincerely,



Jim DeMint



Tom Coburn

~~David~~

Sally Chaulin

Jim Burroughs

Neil McCreath

Neil Bero

John King  
Rob Robb

John Long

John Eisinger

Don Kuhl

Mike

Robert Wicker

Jim Lintoff

John Shaw

Jeff Lewis

## SUMMARY TRANSLATION OF THE CHARGES AGAINST PRESIDENT ZELAYA

Attorney General Luis Alberto Rubi before the Supreme Court against José Manuel Zelaya Rosales who is charged with crimes **AGAINST THE ESTABLISHED FORM OF GOVERNMENT, TREASON, ABUSE OF AUTHORITY and USURPATION POWER** in detriment of the **PUBLIC ADMINISTRATION OF THE STATE OF HONDURAS.**

### BACKGROUND

**FIRST:** On March 24, 2009 during a TV and radio appearance, the President of the Republic made known that the Council of Minister had approved the decree PCM-05-2009, by which the President orders a referendum to be held on June 28, 2009 of the current year, as the whether or not the people the people would agree to the following question: **“Do you approve that during the general elections of 2009, a fourth ballot box be included to decide on the convening of a National Constituent Assembly to approve a new Political Constitution?”**

**SECOND:** The Court of Administrative Law issued a ruling on this issue on May 27<sup>th</sup> of this year, ordered the suspension of this Public Consultation of the citizens by the Executive Power or any of its institutions. On May 29<sup>th</sup> of this year at the request of the Attorney General’s Office, the court issued the following ruling: *“The suspension of the consultation ordered on March 23, 2009, includes any other administrative act, whether general or particular, which has been issued or might be issued, whether explicitly or implicitly, by publication or lack thereof in the Official Gazette, which might be conducive to the same administrative act which has been suspended, as any other procedural consultation or question which may be designed to avoid obeying this ruling.”*

**THIRD:** On Thursday May 26<sup>th</sup> of the current year the President of the Republic issued a new Executive Decree PCM-19-2009, published in the Official Gazette on June 25<sup>th</sup> of the same year, by which:

1. Nullifies Decree PCM-05-2009, which ordered a public referendum.
2. Orders, in accordance with the Law, a national consultation, to be held on June 28<sup>th</sup> of the current year, and will ask the following question:  
**“Do you agree that during the 2009 general elections, a fourth ballot box be installed so that the people can decide as to whether to call [into session] a National Constituent Assembly? Yes \_\_\_ No \_\_\_”**
3. Instructs all the dependencies and administrative offices of the Government, State Secretaries, Decentralized Institutions, to work actively in all that will be assigned to them to carry out this “Public Opinion Poll on whether to call [into session] a National Constituent Assembly” which, according to the mentioned decree, is an official government function.

**FOURTH:** On May 29, 2009, the president of the Republic, through the national media informed the Honduran people through the then State Secretary for Defense Dr. Edmundo Orellana Mercado, that the President, with the Council of Ministers, had ordered that a national public opinion poll be carried out by the National Institute of Statistics. At the same time, the President of the Republic orders the Armed Forces of Honduras to lend logistical support to the National Institute of Statistics, establishing that this executive decree will enter into effect on 5/29/09.

**FIFTH:** In response to the aforementioned ruling, on June 3<sup>rd</sup>, the Administrative Court issued the first judicial communication through the State Secretary for the Presidency, asking the President to abide by the ruling.

**SIXTH:** In the same way, the above mentioned Court on June 19<sup>th</sup> 2009, issued another judicial communication to the President of the Republic, through the State Secretary for the Presidency, that he abstain from conducting any kind of public consultation that might violate the rulings of May 27<sup>th</sup> and May 29<sup>th</sup>.

**SEVENTH:** In the same way, the Court, on June 19<sup>th</sup> of the current year, issued another judicial communication to the President of the Republic, through the State Secretary for the Presidency, by which he had five days to communicate to the court what measures he had taken in order to abide by the court ruling, but to this date, no answer was received.

**EIGHTH:** On June 25<sup>th</sup> of the current year, the President of the Republic, along with several people, among them members of the Executive Branch, after having made a public pronouncement in the Presidential Palace which was made public through the national media, said that he had a mission to fulfill and asked the people that were gathered there to follow him to the "Hernán Acosta Mejía" Air Base, from where he took 814 boxes which contained the materials which would have been used in that public opinion poll, if it had taken place on Sunday June 28, 2009.

**NINTH:** Once he was in possession of this material, he proceeded to the Presidential Palace, where he coordinated their distribution to the different heads of the *departamentos*, asking them to help him distribute the boxes at the national level.

[TRANSLATOR'S NOTE: what follows in the original document is the legal justification of the actions taken by the *de facto* government against President Manuel Zelaya]



CORTE SUPREMA DE JUSTICIA

Tegucigalpa, M.D.C.  
26 de junio 2009

= COPIA =

SEÑOR  
JEFE DEL ESTADO MAYOR CONJUNTO  
DE LAS FUERZAS ARMADAS  
GENERAL DE DIVISION  
DON  
ROMEO VASQUEZ VELASQUEZ  
Su Despacho

De orden de este Tribunal de Justicia de la República de Honduras, por conducto del suscrito nombrado Juez Natural por unanimidad del pleno de esta Corte, sírvase por conducto de la autoridad que Usted delegue en capturar al Ciudadano Presidente de la Republica de Honduras: JOSE MANUEL ZELAYA ROSALES, a quien se le supone responsable de los delitos de: CONTRA LA FORMA DE GOBIERNO, TRAICION A LA PATRIA, ABUSO DE AUTORIDAD Y USURFACION DE FUNCIONES en perjuicio de la Administración Pública y del Estado de Honduras, lo anterior a raíz del Requerimiento Fiscal presentado en esta Corte por parte del Ministerio Publico.

Atentamente



TOMAS ARITA VALLE

JUEZ

26/06/09



COPIA

**CORTE SUPREMA DE JUSTICIA**

Tegucigalpa, M.D.C.  
26 de junio 2009

**TENIENTE CORONEL  
DON  
RENE ANTONIO HEPBURN BUESO  
ESTADO MAYOR CONJUNTO DE LAS  
FUERZAS ARMADAS DE HONDURAS  
Su Despacho**

De orden de esta Corte Suprema de Justicia de la Republica de Honduras, por conducto del suscrito nombrado Juez Natural por unanimidad del pleno de esta Corte, sírvase en proceder en el momento pertinente al allanamiento de la vivienda del señor Ciudadano Presidente de la Republica de Honduras: JOSE MANUEL ZELAYA ROSALES, ubicada en la colonia Tres caminos, Cuarta Avenida, segunda casa mano izquierda, sin numero de esta ciudad entre las seis de la mañana y las seis de la tarde y ponerlo a la orden de la autoridad correspondiente por suponerlo responsable de la comisión de los hechos delictivos: CONTRA LA FORMA DE GOBIERNO, TRAICION A LA PATRIA, ABUSO DE AUTORIDAD Y USURFACION DE FUNCIONES en perjuicio de la Administración Publica y del Estado de Honduras, lo anterior a raíz del requerimiento fiscal presentado en esta Corte por parte del Ministerio Publico.

Atentamente



*[Firma]*  
**THOMAS ARITA VALLE**

**JUEZ**



*[Firma]*  
Recibido 26/06/09



[Seal of the Supreme Court of Honduras]

Tegucigalpa, M.D.C.  
June 26, 2009

Chief of the Joint Chiefs of Staff  
Lt. Gen. General  
Romeo Vásquez Velásquez

By order of this Tribunal of Justice of the Republic of Honduras and by the unanimous authority conferred by the Court, please, by your authority, arrest the citizen President of the Republic of Honduras José Manuel Zelaya Rosales who is accused of the following crimes:

**ACTING AGAINST THE ESTABLISHED FORM OF GOVERNMENT, TREASON  
AGAINST THE COUNTRY, ABUSE OF AUTHORITY, AND USURPATION OF  
POWER**

in detriment of the public administration and of the State of Honduras. The foregoing is a result of a legal requirement presented to this Court by the Attorney General's Office.

Attentively,

[signed] Tomas Arita Valle  
Judge  
[Seal of the Supreme Court of Honduras]