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HOLDING HONDURAS HOSTAGE: REVOKED VISAS AND U.S. POLICY

HEARING

BEFORE THE

SUBCOMMITTEE ON
THE WESTERN HEMISPHERE

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

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CONTENTS

Page

WITNESSES

The Honorable Roberto Micheletti Baín (via video conference), former President of Honduras 8
The Honorable Cresencio S. Arcos, Jr., senior political advisor, National Defense University's Center for Hemispheric Defense Studies (former U.S. Ambassador to Honduras) 16

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

The Honorable Roberto Micheletti Baín: Prepared statement 11
The Honorable Cresencio S. Arcos, Jr.: Prepared statement 18

APPENDIX

Hearing notice 32
Hearing minutes 33
The Honorable Connie Mack, a Representative in Congress from the State of Florida, and chairman, Subcommittee on the Western Hemisphere:
Prepared statement 35
Material submitted for the record 37
The Honorable Donald M. Payne, a Representative in Congress from the State of New Jersey: Material submitted for the record 46

HOLDING HONDURAS HOSTAGE: REVOKED VISAS AND U.S. POLICY

TUESDAY, JUNE 14, 2011

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE WESTERN HEMISPHERE,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 3:10 p.m., in room 2172, Rayburn House Office Building, Hon. Connie Mack (chairman of the subcommittee) presiding.

Mr. MACK. The subcommittee will come to order.

I first want to thank everyone, especially our witnesses, for joining us here today.

After recognizing myself and the ranking member, Mr. Engel, for 5 minutes each for our opening statements, we will then proceed directly to testimony from our distinguished witnesses. The full text of their written testimony will be inserted into the record. Without objection, members have 5 days to submit statements and questions for the record.

After we hear from our witnesses, individual members will be recognized for 5 minutes each to question our witnesses.

As you all can tell, we have a special guest with us here today, the chair of the full committee of Foreign Affairs; and in deference to the chairman of the full committee, without objection, Chairman Ros-Lehtinen is recognized to make a brief statement at this time.

Ms. ROS-LEHTINEN. Thank you so much, Chairman Mack. It is an honor and pleasure to be here at your subcommittee.

I wanted to take just a minute to join you this afternoon to underscore my deep disappointment at the Obama administration's overall ongoing punitive policy toward the people of Honduras who opposed Manuel Zelaya's attacks on their country's Constitution and the rule of law and to express my grave concern that the Department of State appears to have actively stood in the way of having Mr. Micheletti and others participate in today's hearing.

We faced similar stonewalling when the State Department initially refused to provide requested information to the Government Accountability Office in response to an investigation that it was carrying out at the request of several Members of Congress, including me.

The GAO investigation, which will be released in the next few months, was to focus on the State Department's involvement and particularly on U.S. Ambassador Llorens' role in promoting a specific pro-Zelaya political outcome for Honduras.

Also, with respect to today's hearing, it is deeply troubling that the Department of State would take steps to thwart at every turn the prerogative of Congress and this committee in their oversight of U.S. policy toward Honduras, especially as I believe this policy has undermined U.S. national security and foreign policy objectives.

I want to thank Congressman Mack, the chairman of this subcommittee, for holding this important hearing as well as for his leadership on behalf of U.S. national security interests and vital interests in the region and also for bringing attention to this concerning policy of this administration.

So I thank the gentlemen and I thank the chairman and the members for this opportunity.

Mr. MACK. Thank you, Madam Chair. It is a delight to have you with us today, and thank you for helping us highlight the point that you made. It is very important.

Before I move on, I want to obviously thank the Ambassador for being here with us.

I also want to take this opportunity to thank President Micheletti for joining us. As you can see, he has to join us by video conference. Why? Because the State Department refuses to give him a visa to testify here in person. So the State Department is blocking the oversight of this committee by refusing to have President Micheletti join us.

President Micheletti, thank you so much for being with us here today. Thank you for taking the time, and I know it wasn't easy. But, as you know, I consider you to be a hero in Latin America for standing up for freedom and democracy. So thank you.

The State Department has gone to great lengths to try to stop this hearing from happening, whether it was refusing visas to people who we have asked to come and testify in front of the committee, or wouldn't even let President Micheletti into the State Department—into the Embassy in Honduras. So we had to find another place for him to do the video conference. I think that is shameful on the State Department's side. They should welcome the opportunity for this committee to do its oversight.

I now recognize myself for 5 minutes.

The real coup and the only coup that occurred in Honduras that the Obama administration has failed to address is the coup attempted by former President Zelaya with the support of Hugo Chavez. Zelaya attempted to change the Honduran Constitution by all means possible, including the use of the military.

In May, 2009, President Zelaya, working with his friend Hugo Chavez, ordered a referendum to take place on November 29, 2009, that would have removed Presidential term limits. The Honduran Constitution specifically prohibits this; and, thus, Zelaya violated Article 239 of the Honduran Constitution, which includes a self-executing clause of removal from office.

Now you all know the ALBA nations. The ALBA playbook, led by Hugo Chavez, was followed closely. We have seen it in Bolivia, Nicaragua, and Ecuador. But the courageous Honduran people stood firmly behind their Constitution, behind the rule of law, and for their democracy. The intent of Zelaya, under Chavez's guidance,

was to become President for life. I don't know about you, but I call that a dictator.

On May 29, 2009, the Attorney General recommended that the Honduran courts hold that Zelaya's referendum was illegal and unconstitutional. In late June, the Supreme Court ordered the Honduran forces not to provide support for the referendum.

Zelaya continued to utilize the resources of his friend Hugo Chavez, who printed the ballots and flew them to a military base in Honduras. On June 27, in opposition to the Supreme Court order, Zelaya led a violent mob to seize and distribute the ballots for the referendum. On June 28, the Supreme Court issued an arrest order for Zelaya and formally removed him as President. The brave Honduran military was also placed in a difficult position, forced to stand up to their President in order to support their Constitution.

On June 28, the Honduran military, acting on a warrant from the Honduran Supreme Court, removed Zelaya from power. He was later put on a plane out of the country for his own protection as well as other security reasons.

On June 28, President Obama issued a statement calling the removal of Zelaya illegal and a coup. How in the world, after looking at the facts, could you describe what happened in Honduras as a coup? At no time did the military take control of the country. At no time was force used to take over the country. And, in fact, Honduras did everything that you would ask from a country in Latin America to do. They stood up for their Constitution. They stood up for the rule of law. They stood up for their democracy. They fought for their freedom.

Later, the Honduran Congress, pursuant to the Honduran Constitution, voted Roberto Micheletti in as President. By the way, Micheletti was constitutionally next in line for succession and assumed the Presidency on an interim basis. Again, the military was never in control of Honduras. President Micheletti never interfered with the ongoing Presidential campaign nor interfered with the previously planned November 2009 Presidential election.

On November 29, 2009, Hondurans voted in the Presidential election. Pepe Lobo won with 56 percent of the vote. On December 2, in accordance with the San Jose Accord, the Honduran Congress voted 111–14 to not reinstate ousted President Zelaya. The Supreme Court and the Attorney General also recommended this outcome.

On January 27, President Micheletti stepped down from power in accordance with the Constitution and handed over power peacefully to a democratically elected President-elect Pepe Lobo.

What were the U.S. responses to these actions?

After harshly labeling the situation a coup, the State Department cut funding for Honduran military and law enforcement programs. Since then, the homicide rate in Honduras has become one of the highest in the world.

So where are we today?

Zelaya is back in the country. The Obama administration capitulated to Chavez's demands when accepting Honduras back into the OAS, a flawed and ineffective institution that has failed to uphold its own democratic charter; and the brave Honduran heroes are still being punished by this administration today, as wit-

nessed by our witness having to speak to you today not from our subcommittee hearing room.

In a hearing before this subcommittee on February 15, 2011, Assistant Secretary Valenzuela said the State Department was, and I quote: "Looking into how the visas that were taken away will be restored." It has been 4 months since that statement, 15 months since the U.S. Government recognized the new President of Honduras, and almost 2 years since the first visas were revoked.

As Assistant Secretary Valenzuela, Ambassador Llorens, and the Obama administration continue a policy of meddling in Honduran affairs, it is time we hear from the Hondurans themselves. It is important that everyone understands the degree to which U.S. policies have negatively impacted the country of Honduras and the region.

It is time for the U.S. administration to move on, specifically, Ambassador Llorens who, through abuse of power, has manipulated and intimidated the Honduran people. This is not the role of the U.S. diplomatic community.

Let me just add, I hope that Ambassador Llorens is watching this today and I hope he feels shame for not participating in what should have been held up as what we would expect from countries in Latin America, but for trying to dictate and manipulate an outcome that supports an attempted coup by Zelaya on the country of Honduras.

Hondurans deserve to move forward without the counterproductive interference from the State Department. It deserves to have every one of its revoked visas reinstated, to have a second MCC Compact, and an assistant secretary in the United States State Department who believes in providing the same kind of assistance the United States provides other free countries.

In a hemisphere dangerously influenced by anti-democractic forces—Hugo Chavez—Honduras deserves to have the kind of ally that will allow it to determine its own secure and prosperous future.

I want to conclude by saying this: I was in Panama a couple of weeks ago where I met with President Martinelli. During the meeting, completely unprovoked, the President of Panama requested our help in getting the good people of Honduras their visas back. This is a serious issue. This is a regional issue, and this is an issue that must be solved without further delay.

I look forward to hearing from our witnesses and their testimony.

I will conclude with this: When we look at foreign policy in Latin America, it is time that the United States stands on the side of our allies. It is time that we stand with those who defend their Constitution and the rule of law. It is time that we stand with the allies of Panama and Colombia and pass their free trade agreements. It is not a time to appease Hugo Chavez and the ALBA countries. We need to stand strong in support of our friends and allies and the actions by this President and the State Department are not supporting the security of this country.

I now would like to recognize the ranking member, Eliot Engel, for his opening statement.

Mr. ENGEL. Thank you very much, Mr. Chairman.

I don't know where to begin. There is so much to say.

First of all, I wish that we were looking forward, rather than backwards. I think we need to ask ourselves some important future-oriented questions and not focus on yesterday's news. I am not sure that we help Honduras and its citizens advance in today's society by focusing on the unfortunate events of 2009.

I know that you feel strongly about it because when I was chairman, we talked a lot about it and I don't think that our reading of this is tremendously different. I think we all want to help Honduras and we all—at least I supported the elections in Honduras to move forward; and, frankly, I am delighted with the leadership that Pepe Lobo has provided for Honduras.

I have a different feeling about the U.S. State Department. I don't know about the visas, but I think basically the State Department handled it rather well. I think that it is clear to me that Mr. Zelaya was illegally trying to run for another term, something which has been done by a lot of the despots in the region, like Hugo Chavez and others and I think what he was doing was illegal.

However, I think the way he was removed was also illegal. I don't think that you rout someone out of their bed in their pajamas and whisk them away at gunpoint. I don't really think that is the right way to do it either, as well.

So I think what the State Department had to do was walk a delicate line. It doesn't bother me whether it is called a coup or not. Frankly, the bottom line is: Where do we go from here? That is what I think we need to be focusing on.

I think that Mr. Micheletti was running the country during a very difficult time, a difficult time for him, a difficult time for Honduras. I think, by and large, he had an admirable record.

But I do think that we should be talking about looking forward. We have just witnessed being a party and we were a party to a stunning display of multilateral diplomacy as OAS members nearly unanimously agreed to welcome Honduras back into the OAS. I would hope that we could have a hearing at some point about that because I think that is something I had been pushing for. I thought it made no sense to not allow Honduras into the OAS when you have an invitation to Cuba to come in. You have Hugo Chavez and others in there and I thought it made no sense to not have Honduras there. We were able to get that and I think that is something that this committee needs to look at.

I think it is a successful example of multilateral diplomacy. It emphasized cooperation over antagonism and I think it should be applauded and emulated. Because this goal is testament to the progress that can and is being made throughout the region, despite the despots that we have in the region.

So I think what we should be doing today is asking the questions that need asking: How do we help President Lobo advance this country to qualify for a new Millennium Challenge Corporation Compact? How do we help President Obama advance his Central American Citizen Security Partnership and assist Honduras and its neighbors in the drug- and violence-ravaged northern triangle? How do we help Honduras address its human rights record and take serious steps to improve the rule of law?

I think those are better things to focus on than visas that should or should not have been granted a couple of years ago. I mean, as far as I am concerned, I see no reason why Mr. Micheletti shouldn't be allowed in this country, but I think that there are more important things to concentrate on.

So, as Honduras tackles these challenges, one way we can increase confidence in its adherence to the rule of law is to deal with the claims of American citizens whose business or assets were lost in Honduras due to a corrupt judicial process or collusion by government-owned or controlled companies. We raise this again. I have raised this before. Mr. Rohrabacher has raised it, and others have raised it. And, Mr. Chairman, you and I have discussed it.

The owner of one of these companies was illegally driven out of business and he is sitting in the hearing room today. And he is an American citizen. It is the same claim that has been dragging on for too long, and I urge the Government of Honduras to resolve this dispute without delay. We cannot sit here and allow American citizens to be treated in such terrible fashion. That needs to be addressed.

That is why I have invited Ambassador Cresencio Arcos to testify today. Ambassador Arcos was U.S. Ambassador to Honduras from 1989 to 1993. Subsequently, he served as a Deputy Assistant Secretary of State for Western Hemisphere Affairs and International Narcotics and Law Enforcement. He has also served as an Assistant Secretary in the Department of Homeland Security and is currently a senior advisor at the Center for Hemispheric Defense Studies at the National Defense University. He is the ideal person, I believe, to address the challenges facing Honduras in the days ahead.

So, Mr. Chairman, to be sure, Honduras has work yet to be done. There are outstanding concerns about American citizens' business interests in Honduras. There are obvious human rights concerns in Honduras, including recently a rising number of journalists being killed.

When I was chairman of this subcommittee, I visited Honduras in 2009 for the OAS General Assembly. That gathering occurred on the eve of a dark chapter in Honduras' history. I hope and I strongly believe that by asking the right questions, having the right discussions, and looking forward, not backward, we can close that chapter and help Honduras as it moves into the future.

I thank you, Mr. Chairman.

Mr. MACK. I want to thank the ranking member.

I think we will allow the members 2 minutes for an opening statement.

Mr. Rivera is recognized for 2 minutes.

Mr. RIVERA. Thank you, Mr. Chairman. Thank you for your indulgences. I thank the witnesses for testifying today before our committee.

Like Chairman Mack and Chairman Ros-Lehtinen, I, too, am deeply disappointed with the State Department's actions regarding today's hearing and in their continued poor response and policy toward Honduras.

When Assistant Secretary Arturo Valenzuela testified before this committee a few months ago, he stated that the State Department

was looking into restoring the visas of Honduran Government officials whose visas were unjustifiably revoked for being leaders in fighting an unconstitutional takeover of their homeland. Nearly 1½ years after the democratic election of a new President, we still see no progress from the State Department on this issue, as is evident today. I believe this is outrageous, considering the fact that we allow terrorist government leaders from around the world, like Fidel Castro and Ahmadinejad, to come into this country, but yet not a democratically elected leader from Honduras.

In addition, the suspension of assistance to Honduras throughout the last 2 years has been detrimental to the well-being of the democratic Honduran Government and people, especially with the growing threat of drug cartels throughout Central America.

Since the expulsion of Manuel Zelaya and the democratic Presidential election which followed, the Obama administration's policy toward Honduras has focused more on appeasing the region's leftist leaders. This was evident with the administration's continued lobbying for the return of Zelaya to Honduras, an action which Hugo Chavez and Daniel Ortega had long been advocating. I cannot help but ask myself if this administration understands what is going on in Honduras and the challenges facing this ally nation, especially after the Honduran Constitution, court, and people helped solidify democracy.

We all know what Zelaya did and the amount of corruption in his leadership and the constitutional crisis he created with the Honduran people. Why would the Obama administration force the Honduran people, who were hurt during this crisis, to accept once again a Communist puppet of Chavez that the Honduran courts and people constitutionally removed?

As soon as Zelaya returned a few weeks ago, he began inciting violence by calling for resistance. It is no secret that Hugo Chavez and other leftist leaders are continuing to move to consolidate their hold on Honduras in order to continue facilitating drug trade routes to the north and to continue supporting leftist terrorist organizations.

I look forward to the testimony of President Micheletti and Ambassador Arcos.

Thank you, Mr. Chairman.

Mr. MACK. Thank you, Mr. Rivera.

Now I would like to recognize Mr. Payne for 2 minutes for an opening statement.

Mr. PAYNE. Thank you very much. I appreciate this hearing.

The title of the hearing could not, in my opinion, be further from the truth. In short, Honduras is not under hostage and the United States has greatly contributed to Honduras' current standing with the international community. The United States urged allies in South and Central America to restore relations with Honduras and lift the country's suspension from the Organization of American States. In fact, on July 1, 2011, every OAS member state, with the exception of Ecuador, voted to lift Honduras' suspension from the organization. This is a far cry from hostage treatment. You must correctly characterize our current relationship with Honduras before discussing further U.S. policy.

That being said, our U.S. policy concerning Honduras must remain focused on addressing the numerous challenges Honduras faces, including the deteriorating human rights climate; First Amendment violations, particularly toward journalists and those with differing political views; narcotrafficking; and serious corruption in the economic sector. Furthermore, Honduras currently has inequitable levels that are among the highest in the Western Hemisphere.

I look forward to the hearing and I agree we need to look forward rather than back.

We have a letter I would like to submit, Mr. Chairman, for the record sent to Mrs. Clinton and signed by 68 Members of the U.S. Congress requesting to look into these allegations.

Mr. MACK. Without objection. Thank you, Mr. Payne.

I would now like to introduce our witnesses.

First, again, on the video screen, the former President of Honduras, Roberto Micheletti.

Before serving as President, Mr. Micheletti was the President of Honduras National Congress and has been a deputy in Congress since 1982. In January, 2010, President Micheletti was granted the status of "Legislator for Life" by the Honduran Congress. I again appreciate President Micheletti being with us.

Second, we have Ambassador Arcos. I would introduce you, but I think the ranking member must have read my notes. He introduced you for me. So we appreciate you being here as well, Mr. Ambassador.

I now would like to recognize President Micheletti for 5 minutes for his testimony and again thank him for joining us via video conference. Again, I think it is just flat wrong that the United States wouldn't let you come and testify here.

Mr. Micheletti, you are recognized for 5 minutes.

STATEMENT OF THE HONORABLE ROBERTO MICHELETTI BAÍN (VIA VIDEO CONFERENCE), FORMER PRESIDENT OF HONDURAS

[The following testimony was delivered via video conference and through an interpreter.]

Mr. MICHELETTI. Thank you for the chance of allowing me to provide my testimony before this honorable committee, giving the society of Honduras the chance to speak through me and all the Hondurans.

What happened on June 28 was the arbitrary and illegal behavior of President Zelaya. We acted according to our legislation. I assumed the Presidency by a mandate of the National Congress, a decision which was ratified by the Congress 6 months later at the petition of the international community. As President, I accepted the commitment of protecting the democratic process and guaranteed the electoral process which was in jeopardy.

The elections held on November 29, 2009, where Hondurans elected our current President was not backed up by any of the international community agencies, nor by the administration of the United States of America. It was my administration who made the effort to find a solution to this crisis. That is why I defended and

complied with my commitment to hold free and transparent elections.

Notwithstanding, Zelaya opposed general elections. He made a call not to vote and also even to boycott the elections. After the election, he requested not to recognize the President, Pepe Lobo. Thank God and the effort of the Honduran people, the elections were transparent and with extraordinary results. There is no dictator or someone who overtakes a government who only stays 7 months in government and doesn't go against the laws of the Honduran Constitution.

I feel proud that I defended alongside the Hondurans and thank God that I was able to protect the democracy which I believe so heartily in. I complied with the oath I took before the honorable Congress that I was going to respect the law and handle the elections on November 29 to elect a new government, a new administration.

I would like to remember that I am personally and the country of Honduras a friend of the United States and I wish that this friendship will be held forever and would not be destroyed.

It is ironic that the life to be protected, when he was the one promulgating hate between Hondurans and against the United States and he was the one who still was carrying and to this day promoting hatred among Hondurans.

Everybody knows that Hugo Chavez is an employee—that Zelaya is an employee of Hugo Chavez. He has a salary from Hugo Chavez and he is here to promote—he is here to fight against democracy. He is promoting the meeting with Sol Pablo which promotes the ALBA countries which are against democracy. Zelaya has always—he was alongside the socialist dictators of Latin America. He received a prize for being with the left of Latin American countries.

I was 1 day before the events of 2–28 with Ambassador Llorens in his residence, and we talked about Hugo Chavez, Zelaya's closeness with Hugo Chavez, and I informed him personally of that relationship.

I would like to point out something really strong, according to my judgment, and to define who is who in Honduras.

The previous Secretary of State of Zelaya, Patricia Rodas, ideologue of the socialist movement, advisor of Zelaya, a militant of Sandinista, a political activist of Castro and who lived in Cuba for many years, she had meetings with Iranian diplomats. That is why in my administration we had immediately to cancel visas for people from Iraq, Iran, Libya, and other African countries because there was a large flow of these people, terrorists, from Venezuela to Nicaragua and they wanted to come into Honduras. We are very preoccupied because we know Hugo Chavez still has an influence and has power over those countries.

I want to set the record clear. I am going to send several documents for your perusal from before, during, and after the events of June 28.

I want to state that I support all of the efforts to have reconciliation in this country, but that reconciliation must not break our Constitution, not to allow impunity, not to allow those who committed crimes against the laws of this country walk on the streets free of punishment.

I want to tell you that we are under the position to continue defending the democracy of this country. The last favor I am going to ask from you, who are the fathers of democracy in this world, to please look out for this democracy, these Presidents who come overnight and who intend to stay as Presidents, violating the democracy of the people in those countries.

I am gratified that it is the opinion of the majority of Hondurans that OAS committed a crime against our country because they sent observers to the court, after knowing that it was declared illegal. They sent Mr. Insulza, condemned Honduras, and gave us 72 hours to bring Zelaya back to the country.

I also want to claim from the United States, of the administration——

Mr. MACK. Mr. President, if I may interrupt for a minute, we have kind of a standing time limit here of 5 minutes. We have let your statement go for 15. I am thankful for the members, but we wanted to accommodate both you and the interpreter.

If you don't mind, Mr. President, I would like to move to our second witness and then we will have time for questions. Is that okay?

Mr. MICHELETTI. Yes. Thank you, sir.

[The prepared statement of Mr. Micheletti follows:]

TESTIMONIO DEL SEÑOR ROBERTO MICHELETTI BAIN
Ante el Comité de Asuntos Exteriores
Cámara de Representantes
USA.

Junio 14, 2011.

Gracias por su invitación y por la oportunidad que me conceden de rendir testimonio ante este Honorable Comité.

El tema que se conoce en esta audiencia tiene para mi una elevada connotación porque trata sobre las tradicionales relaciones de amistad entre el pueblo de los Estados Unidos de América y el pueblo de Honduras, relaciones en las cuales compartimos los ideales de la libertad y la democracia desde que surgimos como naciones y que espero perduren por siempre.
Lo sucedido en Honduras el 28 de junio del año 2009 fue consecuencia del comportamiento arbitrario e ilegal del presidente Zelaya. Se actuó conforme a nuestra legislación. Asumí el mandato del Congreso Nacional, decisión que fue ratificada por el mismo, 6 meses después, a petición de la comunidad Internacional. Como presidente de la República acepte el compromiso de blindar el proceso democrático y garantizar el proceso electoral que estaba en peligro.
El proceso de elecciones no fue apoyado ni por la comunidad Internacional ni por muchos en los los Estados Unidos. Fue mi gobierno el cual se empeño en buscar una salida a esa crisis, cumpliendo con mi compromiso de realizar elecciones libres y transparentes. Zelaya mantuvo su posición de no reconocimiento al presidente Lobo y durante el proceso electoral llamo a no votar.
Ningun golpista o dictador busca el poder por 7 meses y promueve elecciones. Me llena de orgullo haber protegido la democracia en Honduras.

Quiero hacer notar, que los acontecimientos políticos del 28 de junio del año 2009 en Honduras y la salida del poder del Ex Presidente Manuel Zelaya, dieron lugar a presiones, sanciones y condenas de gobiernos de la comunidad internacional y de sus organismos de integración y refiriéndome particularmente a los actuaciones de estos últimos, quiero señalar que sus acciones violentaron los principios que rigen el respeto, las buenas relaciones y la armonía entre los pueblos, se actuó apresuradamente y se resolvió mas allá de las atribuciones que les permiten sus cartas constitutivas, lo de la Organización de Estados Americanos (OEA) es un buen ejemplo.
Tradicionalmente las buenas relaciones entre nuestro pueblo y su hermoso país habían prevalecido. Mientras Zelaya se dedicaba a ofender y denigrar a los Estados Unidos, nosotros levantábamos vos de protesta y exigíamos respeto para nuestro aliado y pueblo amigo. Sorpresivamente vemos como después de los acontecimientos del 28 de Junio se invierten los papeles y los que eran nuestros amigos nos dan la espalda y apoyan a los que nunca dejaron de adversarlos.

El gobierno de los Estados Unidos ignora nuestro clamor a ser escuchados pasando por encima de la legalidad y la justicia, obviando el proceso de investigación para ver el origen de los acontecimientos, no se estudiaron las leyes y los sustentos jurídicos; en todo momento se negó el derecho a la defensa, no se dio la oportunidad de escuchar posiciones y justificaciones; pero lo mas lamentable es que fue absolutamente visible un marcado interés ideológico en las actuaciones institucionales, sencillamente, se condenó sin escuchar y se perjudicó a un pueblo fundamentalmente por razones ideológicas.

Quiero enfatizar en mi testimonio que la sustitución del Presidente Manuel Zelaya se originó por su irrespeto y desacato legalmente comprobado a mandatos de la Constitución y de resoluciones de los tribunales de justicia y como consecuencia

de lo dicho, su salida del poder es totalmente legal y legítima y se hizo respetando procedimientos jurídicos establecidos.

La Corte Suprema de Justicia, el Congreso Nacional, el Ministerio Público, la Procuraduría General de la República, las Fuerzas Armadas, actuaron por su *motivación propia e independiente* en el ejercicio de sus finalidades y cumpliendo mandatos de ley. Como Presidente instalado por el Congreso Nacional siempre cumplí con la Ley.

Sin embargo, ningún gobierno, ningún organismo internacional tuvo el interés de investigar en forma oficial y a profundidad sobre lo sucedido, los antecedentes y causas precisas. Los agentes diplomáticos actuaron superficialmente en sus informes, lo cual dio lugar a actuaciones y resoluciones apresuradas y sin fundamentos reales por parte de sus gobiernos. Desde mi punto de vista el desconocimiento de las leyes hondureñas otros países y organismos internacionales amparados en la credibilidad de la diplomacia norteamericana emitieran sus condenas y aplicaran presiones y sanciones injustas.

Fue evidente la influencia y control de las decisiones norteamericanas en el manejo de esta situación politica, dentro de la OEA y fuera de ella. De hecho la solución del problema se originó en decisiones del gobierno americano. Aún así, la OEA ya actuando al margen del asunto, trató de desconocer las elecciones celebradas en el año 2009, e ignoró además el funcionamiento y la existencia de otros poderes del Estado y de sus resoluciones.

Aparte de su falta de conocimientos sobre la legalidad del asunto, nos causó extrañeza que el Embajador Hugo Llorens teniendo conocimiento de la simpatía y las vinculaciones del Expresidente Manuel Zelaya con países que manejan políticas hostiles hacia el pueblo y gobierno americano y del apoyo de

estos otros países para instalar regímenes autoritarios y antidemocráticos, no alertara de lo que estaba sucediendo.
Como es el caso de las acciones de la ex canciller Patricia Rodas, ideóloga del movimiento socialista, consejera de Zelaya, militante del sandinismo, activista política de Castro, ex residente en Cuba por muchos años; quien en su gestión como funcionaria, tuvo encuentros con diplomáticos Iraníes.
Relaciones que encienden las alertas y me obligan, en el periodo de mi mandato, a tomar la decisión de cancelar la entrada de ciudadanos provenientes de países vinculados con actos terroristas tales como Irán, Irak, Libia entre otros.

El informe Llorens, perjudicó a Honduras y comprometió los ideales de las políticas de Estado de su país, la tradicional relación de los pueblos de Honduras y los Estados Unidos de América.

Aparte del retiro de asistencia económica, otras sanciones y presiones nos causaron daño e indignación, el retiro de visas a funcionarios de gobierno lo cual no les permitió a estos cumplir totalmente su función publica, también se retiró la visa a personas tan solo por identificarse con el gobierno interino y que afectó sus negocios internacionales.

Quiero señalar que estoy remitiendo como soporte al texto de esta declaración, la documentación de cada una de las aseveraciones que he expresado o citando fuentes para su ubicación.

No quisiera concluir sin antes expresar agradecimiento a funcionarios del gobierno norteamericano que nos visitaron, que nos dieron apoyo y que al igual que juristas internacionales, la prensa norteamericana y de otros países confirmaron la razón de las actuaciones institucionales del gobierno interino en Honduras y fueron muchas, extensas y valiosas estas opiniones y estudios.

Finalizo expresando, mi deseo mas vehemente para evitar que se repitan estas situaciones, y para que el gobierno norteamericano adopte políticas que respeten los derechos de los pueblos, pero sobre todo que no se tomen decisiones si previamente no se han investigado y estudiado las circunstancias sociales y legales que dan origen a las crisis políticas y se determinan las mentes que los impulsan.

Necesitamos amigos para preservar las libertades y la democracia en el hemisferio.

Muchas gracias.

5

[NOTE: The unofficial English translation of this statement appears in the appendix of this transcript.]

Mr. MACK. Now I would like to recognize Ambassador Arcos for his opening statement and testimony.

STATEMENT OF THE HONORABLE CRESENCIO S. ARCOS, JR., SENIOR POLITICAL ADVISOR, NATIONAL DEFENSE UNIVERSITY'S CENTER FOR HEMISPHERIC DEFENSE STUDIES (FORMER U.S. AMBASSADOR TO HONDURAS)

Mr. ARCOS. Thank you, Mr. Chairman, for the kind invitation today to address this distinguished body.

During the last 30 years, I served for 8 years as a U.S. diplomat in Honduras. Throughout this period, Honduras has taken significant strides to become a modern, democratic society. Honduras was, in fact, a loyal and commited friend of the U.S. in the final chapter of the Cold War when both Soviet and Cuban efforts were successfully thwarted. I must say, Honduras was key to this. So I am heartened by the whole fact that the OAS has deemed it correct to return Honduras to its ranks of the OAS.

Unfortunately, since the 2009 crisis, Honduras has seen organized crime flourish, accompanied by a weakening of the rule of law. I would personally like to comment on the Honduran legal system.

If Honduras could manage to successfully apply its laws, it would be much easier to attract investment. That is the enforcement of contractual rights as well as human rights, which are both vital to the rule of law.

The Honduran justice system is too often found to be flawed in its process. Property and investment disputes, like the CEMAR case, which Mr. Engel alluded to, continue to illustrate how Honduras often lacks the political grit to address the complaints of foreign investors. Lacking trust in the Honduran justice system, they turn to international arbitration or similar credible processes. The justice system plainly lacks credibility and trust in the proper application of the law. This is the reason why investors do not seek resolution through the local judicial system. The legal system plainly does not inspire confidence.

Unfortunately, the current institutional weakness, along with the scant political will, encourages impunity. By impunity I mean the lack of accountability, which is the greatest weakness of the Honduran legal system. Yet there is no consensus on how to end it.

Honduras' laws regulate the state's obligations to execute actions to prevent unfair competition and monopolistic practices. Different Honduran administrations have either found themselves unwilling or unable to apply the law correctly. This undermines the rule of law.

Moreover, it has become commonplace for some to engage in predatory pricing with the intent to eliminate foreign investment competition. This has encouraged influential groups to continue with impunity. It has underscored the government's inability to handle investment disputes properly.

The 1992 Honduran investment law sought to improve the country's ability to compete. Its objective was to enact a framework for foreign investment with transparency to implement good practices and allow for due diligence.

Though corruption and abuse of power are typified under Honduran law as criminal, they continue to hobble business. Some U.S. firms have resolved their cases through the Honduran courts, nonetheless. Recently, however, I provided advice to a foreign investment firm which subsequently was awarded an official contract in a true climate of transparency. This was most welcomed as a refreshing, positive development.

There are other factors that cause Honduras' investment climate to be hampered. The Honduran Government does not customarily publish regulations before they enter into effect. The country does not count with a formal mechanism to seek public commentary for proposed regulations. To complicate matters, Honduras lacks an indexed legal code. That means that lawyers and judges themselves have to maintain the index publication of laws. While a few U.S. firms have satisfactorily navigated through the Honduran court system, the majority have serious challenges.

The current alarming levels of criminal activity, low educational levels, and inadequate infrastructure serve to exacerbate the investment climate. The Honduran court system's opaqueness and slow administration have been underscored as primary obstacles for attracting investment. The U.S. has spent millions of tax dollars training prosecutorial staff in the Honduran justice system. Yet, recently, many U.S.-trained prosecutors have found themselves out of a job due to their commitment to a fair and equal administration of law.

The Honduran Government and its private sector must ensure that those interested in conducting business in Honduras are able to in a transparent environment and given a level playing field. We must energetically demand fair treatment of U.S. investors.

Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Arcos follows:]

Ambassador (Ret.) Cresencio S Arcos
Senior Political Advisor
National Defense University's Center for Hemispheric Defense Studies
Tuesday June 14, 2011 "*Holding Honduras Hostage: Revoked Visas and U.S. Policy*"
House Committee on Foreign Affairs

During the last thirty years, I served for eight years as a diplomat in the Republic of Honduras. For nearly four years I was Chief of Mission. After my departure eighteen years ago, I have continued to stay engaged and have kept a close eye on the developments that have taken place. One could say that during this period, with few exceptions, Honduras has taken strides to become a modern democratic society. However, Honduras and its people still face serious challenges in the application of the 'rule of law'.

Nearly twenty years ago, while as US Ambassador, I publicly stated that in Honduras: "*Justice* (system) is like a serpent that only bites the barefoot (the poor) and not those who wear boots (the powerful)". Honduras has struggled constantly with issues such as impunity, corruption and lack of transparency. Unfortunately, since the 2009 crisis Honduras has experienced a resurgence of human rights violations and, generally, a weakening of the rule of law. Today, I would like to comment on the dysfunctionality of the Honduran legal system and its application. I believe that if Honduras could manage to successfully apply its laws, most difficulties encountered would not take place. The enforcement of contractual rights, as well as the protection of human rights, is vital to the true functioning of the rule of law. Honduras continuously manifests a muddled rule of law in both of these arenas. Ultimately, the Honduran justice system is too often found to be a flawed system which conveys the essence of a well known Latin American saying: 'a deal for my friend and the law for my enemy'.

Property and investment disputes, like the CEMAR case, continue to illustrate how the government of Honduras too often lacks the political will to address the many complaints of foreign investors. Lacking trust in the Honduran justice system they turn to international arbitration or similar credible international legal process, in order to attempt to settle their claims. What the Honduran justice system sorely lacks is credibility and trust in the proper application of the law. This is the basic reason why investors do not seek justice through the local judicial system. The Honduran legal system's lack of political will, along with its scant transparency, plainly does not inspire confidence. Unfortunately, the current institutional weakness and insufficiencies, along with the near absence of political will, encourage impunity and protection of the all-powerful. By impunity, I mean the lack of accountability; whether for corruption, human rights abuses or non compliance of contractual agreements. In my opinion, this is the greatest weakness of the Honduran legal system. Yet, there is no consensus on how to put an end to it. The non existence of serious public discussion, the continuing lack of transparency of government contracts, its flawed bidding process, and the implementation of irregular trade practices, seek to destroy or eliminate foreign competition from the domestic market. This has caused an epidemic of major proportions and seriously impacted the investment climate.

The Constitution of the Republic of Honduras and its laws regulate the State's obligations to execute the necessary actions, in order to prevent unfair competition and monopolistic practices. However, for years different Honduran administrations have either found themselves unable or unwilling to apply the law, regardless of the repercussions these abusive practices generate and

the impact they have on the population. This undermines the rule of law. Moreover, it is common place for the powerful to engage in predatory pricing with the specific intent to eliminate foreign investment competition. This scenario has encouraged powerful groups to continue their corrupt practices with impunity. It has also underscored the Honduran government's inability and lack of desire to effectively and fairly handle investment disputes.

In 1992, the Honduran Congress passed The Investment Law, which sought to improve the country's ability to compete in world markets. Its objective was to enact a legal framework for foreign investment with the necessary transparency to implement good practices and allow for due diligence. Yet, though corruption and abuse of power are now typified under Honduran law as criminal offenses, they continue to hobble business in Honduras. Frequent complaints of favoritism, external pressure and charges of bribery, within the Honduran judicial system are common place. While a limited number of U.S. firms have satisfactorily resolved their cases through Honduran courts, the majority have been faced with an ineffective or unresponsive legal system.

Recently, I provided advice to a foreign investment firm which subsequently was awarded an official contract in a climate of transparency. This was welcomed by many in Honduras as a refreshing development. At the same time, in the past I have been involved in guiding other foreign companies, including US enterprises, which after many decades of conducting business in Honduras saw their land-- to which they held legal title and where their facilities were housed-- change hands out from under them through fraudulent transactions carried out in the Honduran judicial system. There are several Americans citizens, who have lost legal title to their land through fraudulent manipulation of land titles. Unfortunately, title insurance is not widely available in Honduras. A significant percent of the privately-held land in the country is either untitled or improperly titled. Complaints of widespread corruption in land sales, deed filing, and dispute resolution are a staple of land ownership in Honduras.

At the same time, there are other factors that cause Honduras' investment climate to be hampered. For example, the Honduran government does not customarily publish regulations before they enter into effect. The country does not count with a formal mechanism to seek public commentary for proposed regulations. To complicate matters, Honduras lacks an indexed legal code. This means that lawyers and judges themselves have to maintain and index the publication of laws. While few U.S. firms have satisfactorily navigated through the Honduran Court System, the majority have experienced serious difficulty. According to the 2011 World Bank's Doing Business Index (DBI), just registering property in Honduras requires seven procedures, takes approximately 23 days, and costs 5.5 percent of the property value.

The current levels of criminal activity, coupled with low educational levels of its human resources, poor transportation systems and inadequate infrastructure only serve to exacerbate the investment climate. The high levels of crime and violence experienced in Honduras over the last decade have become a major constraint on foreign investment. A World Bank survey conducted in 2006 of firms doing business in Honduras showed the combined costs of expenses devoted to security, along with loss of annual sales due to security incidents, totaled 4.5 percent of sales. The 2011 World Bank Doing Business Index which ranks countries with most favorable conditions to conduct business ranks Honduras 131st out of 183 countries (#1 being the best)..

The Honduran Court System's lack of transparency and deliberately slow administration have been underscored as the primary obstacles for attracting foreign investment, as well as for the much needed development of the nation. There is a palpable need for stricter vigilance in the lawfulness of rulings that emanate from the Honduran legal system. The US has spent millions of tax payers' dollars training prosecutorial staff in the Honduran Justice System. However, in the last couple of years, most of these US trained prosecutors have found themselves out of a job due to their commitment to fair and equal administration of the law. We must engage the Honduran government and its private sector to ensure that those interested in conducting business in Honduras, including US companies, are able to do so in a transparent environment and given a level playing field when it comes to the application of the rule of law. We must energetically demand fair treatment of U.S. investors.

Mr. MACK. Thank you very much. Thank you for your testimony.

I now would like to recognize myself for 5 minutes for questions.

President Micheletti, again, I want to thank you for joining us.

I agree with the sentiment here that we wish we were talking about moving forward, but it is hard to move forward when the United States Government continues to wrongly punish people for doing exactly what it is we would want them to do: Stand up for their Constitution; stand up for the rule of law.

So I ask you this: Do you believe that Ambassador Llorens and the State Department are continuing to put pressure or punish those who stood up for their Constitution?

Mr. MICHELETTI. I am completely sure that there is still pressure, especially for Mr. Llorens, trying to put pressure on people who participated in defending democracy in this country.

Mr. MACK. I don't think that it is a secret that this was personal to Ambassador Llorens in some way. Instead of acting on the behalf of the United States and its diplomatic effort, somehow this was personal. This has become personal to him, so much so that he visibly gets angry when talk about restoring visas comes up.

Can you tell us a little bit about your dealings with the Ambassador?

Mr. MICHELETTI. There is an action which I am going to make public at this time. Mr. William Holt Micheletti had his visa suspended. He is a businessman who has nothing to do with what happened on June 28.

When he went to the U.S. Embassy, he had an interview with Mr. Llorens and a consul who was there at that time and they told him that they were doing that to put pressure on me so I would quit my administration. And like with many other figures of this country, they put pressure on me so I would abandon the administration, my post as President, and hand it over to Zelaya, knowing that Zelaya has no sympathy for the democracy of the United States.

Mr. MACK. Thank you.

Mr. Ambassador, do you believe that the State Department was right in revoking these visas in punishment to government officials, business leaders who supported their rule of law and their Constitution?

Mr. ARCOS. Mr. Chairman, while I was Ambassador, fortunately, I did not have to deal with the sort of arbitrary cancellation of visas as we have seen in recent times.

Let me say this: I think that Mr. Llorens, who in fact worked for me at one time, is a dedicated public servant and a dedicated U.S. diplomat. I think whatever actions that were taken, there was a reflection of larger policy and of the policy of the United States at that time, whether we agreed with it or not.

I feel that, first of all, we have to understand this visa issuance is somewhat a quandary to most people. There is no such thing as a right to a visa. It is very arbitrarily given by consular officers to begin with. And I think that now we are seeing an arbitrary cancellation not just in this case that you are talking about, Honduras, but worldwide.

It seems to me that it would be useful at one point to have perhaps a discussion specifically on the procedures because they cause enormous confusion to many people. I feel in this case I don't know what process the Embassy used exactly, or the State Department, but, clearly, the reflection was one of punitive action, I must say.

Mr. MACK. Thank you, Mr. Ambassador. My time is up.

By the way, the State Department would not tell us what their procedures are. So maybe we will have that hearing.

I would now like to recognize the ranking member, Mr. Engel, for 5 minutes for questions.

Mr. ENGEL. Thank you, Mr. Chairman.

President Micheletti, please correct me if I am wrong, but it is my understanding that you supported adding Honduras to Chavez's ALBA group of nations; is that true? Did you ever support that?

Mr. MICHELETTI. We approved the ALBA but with the condition of not including the phrase from Chavez of supporting Chavez politically and militarily, that aspect of ALBA.

Mr. ENGEL. Thank you.

I am no fan of Zelaya and certainly no fan of Hugo Chavez, and I believe that Mr. Lobo is doing a good job. But I also believe that our State Department took a middle-of-the-road position that I think is proving to be a good position. We believed that the elections in Honduras, the elections that elected Mr. Lobo, should be respected and approved when other countries like Brazil and Argentina were saying no; and I know that we exerted a lot of pressure on that.

So I guess my question is this: When you deal with any dispute that went on and nerves are raw and all sides feel that they were not treated properly—as I said before, I don't think the way Mr. Zelaya was forced out of the country at gunpoint was the proper thing to do. I don't think his trying for a second term was the proper thing to do.

But I seem to remember when you were President there were negotiations going on to see if a compromise somehow could be resolved. I know the OAS and others were trying, and each time we would get reports that a compromise was about to be agreed to and signed off on, only to have you, the way it appeared to me—and correct me if I am wrong—have you back off and not support the compromise.

Today, I hear you say that people who did all of these things should not get impunity or anything like that. I know people on the other side might say the same thing about you, particularly with visas and other things like that. So aren't we just better off to try to put the unfortunate events behind us and look toward the future? And should we not be concentrating on the future for Honduras, not what, unfortunately, went on in the past?

Mr. MICHELETTI. I feel it is necessary to concentrate on the future. At no time have we obstructed the actions of this President, current President. To the contrary, we always have supported the actions of President Pepe Lobo but with the fear of his getting close to Chavez. But we have no fear that President Lobo will not change our relation with the United States.

Mr. ENGEL. Thank you.

Mr. Ambassador, I am wondering if I can quickly ask you a question. As you know, I have been particularly involved with the CEMAR case claim in the past several years; and to review the facts, it is my understanding that CEMAR was driven out of business due to the collusion of two Honduran cement companies, one which was controlled by the government. And this case has been a serious thorn in the side of U.S.-Honduran relations for the last several years and needs to be resolved.

So let me ask you, how do you think the CEMAR claim should be resolved? What are the facts? I think you alluded to it when you said that you have to have confidence in the judicial system.

I have spoken with Mr. Cerna, who is the President; and when people from Honduras said to me, "Well, what Mr. Cerna has to do is go into our courts and get a judgment on the courts and then we can deal with it. We can't deal with it since he hasn't gone to the courts."

Well, Mr. Cerna—and I hope I am not putting words in his mouth, but I know the case very well—doesn't go into the courts because he doesn't have any confidence that he is going to get a fair hearing in the Honduran courts. And the mechanisms that have been set up for him globally to appeal would essentially bankrupt him. It is a large corporation to be able to afford that and is not for an individual business person.

So what do you think here? What do you think our friends in the Government of Honduras should do? After all, they are asking for help from us and we want to protect our American citizens. We would like to see some help from them.

Mr. ARCOS. Mr. Congressman, let me say that, as I understand the facts of the CEMAR case, it predates the current administration of Lobo and the one before it, as I understand it. So it has been around a while.

Let me just say that I had a similar problem when I walked into the Ambassador's office back in 1989 with a complaint from an American investor, and it was a sizeable complaint in terms of money. Quite frankly, the Honduran law does not provide for an easy process in these sorts of claims, as I understand.

What I would suggest is that there be a discussion, as there was in my time, with the claimant and come to some agreement. There was no judicial agreement at that time or should I say resolution or an arbitration. There were just some discussions that made

sense, and they were wisely taken by the then administration in Honduras and the U.S. investor. And, quite frankly, it worked out. We were able to resolve this step-by-step.

So it can be done, but there has to be some willingness on both sides.

Mr. ENGEL. Thank you, Mr. Ambassador.

I just want to add, Mr. Chairman, another 10 seconds.

This isn't only something that I have been concerned with. Congressman Rohrabacher has actually put in a bill to cut U.S. aid to Honduras because he is so angry over the way Mr. Cerna and others—there are Cortez Byrd and Andreas Kafati and others. So this is something that is festering in a bipartisan fashion here on Capitol Hill. And I would hope that the Honduran Government would settle these cases.

Thank you. Thank you, Mr. Chairman.

Mr. MACK. Thank you very much.

And I now recognize Mr. Rivera for 5 minutes for questions.

Mr. RIVERA. Thank you, Mr. Chairman.

And I want to share in the sentiments of all my colleagues who think it is important to move forward in U.S.-Honduran relations, but it is difficult for those bilateral relations to move forward as long as this administration keeps trying to punish a democratic ally.

I want to start my questions with Ambassador Arcos. Can you give us a little bit of an insight in terms of what your opinion is or what you can tell us from your experience for the administration's decision of not officially calling what happened in Honduras a coup?

Mr. ARCOS. As I understand you, sir, you are asking me if it was correct——

Mr. RIVERA. Why you believe the administration would not officially say—use that term, "coup."

Mr. ARCOS. I should say, fortunately perhaps, I wasn't a member of the administration at that time.

Let me say this. When I was Assistant Secretary of Homeland Security, I accompanied the then Attorney General of the United States to the inauguration of Mr. Zelaya. And on the eve of his inauguration, I was asked to meet privately and basically give some advice on how to deal with the then administration, the American administration. And I said to Mr. Zelaya—and I reminded him after the June 8th events of that, what I said then when he—on the eve of his being sworn in.

I said, you must distance yourself from Mr. Chavez. It is not productive. It won't do you any good. Honduras is too close to the United States and has been for so many years that that optic is not acceptable. You are asking me in terms of Washington, and he said yes. And I reminded him afterwards that I had told him that three times. So I think that Mr. Zelaya knew exactly what he was doing.

Now, with the interpretation of the State Department in terms of why he was removed, why wasn't it called a coup, because I think that there was a doubt. I personally think they questioned whether the process—I think they were looking for—the State De-

partment, Mr. Rivera, is subfused with process. We used to say, if they don't get you on substance, they get you on process.

So I think that the process was very important to the State Department; and I think they looked at the process and separated it somewhat from the substance, perhaps. But the fact of the matter is they came to the conclusion it was a coup at one point. Because of the process, they regurgitated the whole process, and I think they came to that conclusion. But I think initially they had great doubts.

Mr. RIVERA. President Micheletti, is it true that Assistant Secretary Valenzuela has made several trips to Honduras during his tenure?

Mr. MICHELETTI. I have no personal knowledge. I know that he came once or twice through the media, but private trips I have no knowledge of that.

Mr. RIVERA. Can you tell me, President Micheletti, in your opinion, the suspension of assistance to Honduras in 2009 by the United States, can you tell me how you believe that has affected the Honduran people?

Mr. MICHELETTI. It causes a lot of harm to Hondurans who truly believe in democracy. In Honduras, while I was in the administration, crime rates went down except for the followers of Zelaya and the attempts of President Zelaya and other Secretaries of State and Presidents to bring Zelaya illegally into Honduras. We feel Honduras has received a very hard blow for certain characters from the United States administration.

I want to read something that is very important which is the belief of a—people who were judged, sentenced, and condemned Hondurans for their—termination of defending democracy. You don't imagine the damage caused and what still can happen because—due to unthoughtful and quick actions.

Fortunately, the Library of Congress of the United States of America made a legal study that assures that in Honduras there was no coup; and that was good news for Honduras. But that did not change the attitude of some members of the U.S. administration to the Honduran people.

Mr. MACK. Thank you, Mr. President.

Mr. Payne is recognized for 5 minutes for questions.

Mr. PAYNE. Thank you very much.

For us to say that it is unusual that the United States breaks relations with a country that has a coup is the practice that we have, and I think it is good practice.

In Africa, Mauritania had a coup d'etat. They didn't even put their President out of the country. The United States ended assistance, other than humanitarian assistance. They had an MCA account and it was doing a great job in the environment. It was suspended.

And so to have people say that it is unusual that assistance is cut, that is what we do, to discourage. As a matter of fact, the Organization of African Unity even suspends its relationship just like the OAU did.

And I know that there was the talk about this was a constitutional issue, that the courts voted on something. Half the countries in Africa have constitutional issues between the executive and the

legislature and so forth. But it is not the practice to take people out.

Now, they say it wasn't a coup; it was maybe following the mandate of the General Assembly. The General Assembly didn't take the President out, from what I understand. There were soldiers with guns and bayonets that drove him to the border that said don't come back.

Now, if it is a duck, it is a duck. A coup d'etat is a coup d'etat, regardless of what the court says. When you take a gun and tell a person to get out and don't you come back and they try to come back, you drop block them at the airport.

And I think that the new President, Lobo, from what I have been given, is trying to do a decent job. He is trying to do some good things. I don't know how you—on what scale—you know Dante's Inferno had seven levels of purgatory. So I don't know where a better job is as relates to what is happening. But I think that for us to——

And visas, I can give you some visa stories. Some countries never get a visa because it is a privilege. And in Nigeria, you know what you get? About 1 minute to give your case. And they just say, go, next, next, next, next because there are so many people applying. You have to pay a big fee. And 90 percent, 95 percent are rejected. It is hard to get in this country today because of national security and other things.

So to make this is a special case—I just maybe ask the former President, Micheletti, there was an interest that I have had in a medical facility and there was a medical school, the first Garifuna people's hospital in Honduras. This is a group of doctors who are in the very poor area. They were granted a hospital license under President Zelaya's government.

Since the coup came in—and these are people who serve an underserved area. They serve the people of African descent, the former Carib, the Carib, and the Arawak Indian people. Since the new government came in, the military came in, changed the status of the hospital to a medical center, broke in one day and said they were looking for arms or something and arrested people. Three army patrols on October the 7th broke into the hospital.

And now this hospital that is servicing poor native people, people of African descent, these are African descent doctors that were fortunate enough to get their education in Cuba because that is the only place that gives free education to poor people—If you could just quickly—if you know about this incident or are familiar with it, could you give me a quick—since my time has expired—I think you did it on purpose. Well, if he gets back on—okay. Thank you.

Mr. MACK. I now will recognize Mr. Smith for 5 minutes for questions.

Mr. SMITH. Thank you very much, Mr. Chairman. Should I wait?

Mr. MACK. Go ahead.

Mr. SMITH. Okay, thank you.

Ambassador Arcos, thank you for your testimony and I really appreciate your insights.

Let me just ask you—first, I want to associate myself with Elliott Engel with regards to Oscar Cerna and his wife and their ongoing efforts to get justice and relief from their illegally stolen cement

factory. And I would encourage the Hondurans, with whom I have a great deal of respect for, to resolve this and to do so immediately. And I think your comments, Ambassador, were right on point. It ought to be done, and it ought to be done immediately.

Secondly, let me just ask you a question, if I could. What message regarding the consistency of U.S. foreign policy or the lack of it does the Obama administration send to a new democracy in the hemisphere and elsewhere in the world when it revokes visas to some 14 Supreme Court Justices, key leaders, including President Micheletti, and yet bestows huge honors and praise, including a steak dinner for Hu Jintao, the unelected President of the People's Republic of China?

President Hu, as we know, is directly responsible for the murder of hundreds of Tibetans as the Communist leader back in 1989. There is no statute of limitations on murder. He was the man in charge. He ordered those killings. He also ordered the brutality and the use of torture, arbitrary detention, and executed many of the Tibetan nuns, as well as the Tibetan monks. And yet that helped him rise to power. And now, as we all know, he is the President of China.

Today, Hu Jintao rules with an iron fist over a Gulag state; and he and his fellow rights abusers not only get visas, he gets a steak dinner.

What message does that send to people who believe in democracy? Mr. Ambassador.

Mr. ARCOS. Thank you, Mr. Congressman.

Let me say that, having been in the Foreign Service for about 27 years, that was clearly a sort of gnawing question we had as a career Foreign Service officer, how to explain the inconsistencies of policies such as that.

Well, obviously, foreign policy to the United States includes its interests; and, clearly, China is of great interest to the United States. Honduras was of great interest to the United States when I first served there because of the position and our policy of rollback and what have you, as well as when the Soviets were in Nicaragua and the Cubans were trying to topple the Salvadoran Government. So we had interests.

Unfortunately, I think in foreign policy, we don't have consistency in terms of our ethical or moral viewpoint. We certainly try to bring in—in every administration it seemed to me that I was familiar with—trying to reconcile that problem. But it is very difficult because of the larger interests and constituencies that we have in this country.

Having said that, let me say that my own personal opinion is I congratulate each and every member of this subcommittee. Because, quite frankly, I feel Latin America is left out and ignored too often. Not just this administration but in many administrations. And, frankly, it is basically given to the daily routine of the State Department to have its say.

It is not really the policymakers at the top involved on a daily basis, unfortunately, I would venture to say. We do not have energy. We do not have great lobbies for Latin America. We don't have the banking interests, the defense industry, or any of that, or ethnic lobbies. Because certainly the Hispanic lobby or Latino lobby

is not very interested in foreign policy, from my perspective. But certainly those lobbies, those constituencies are missing for Latin America.

So, consequently, when—even Africa has a very significant NGO constituency in this country that is very, very significant; and it makes a difference. And I would just say that Latin America lacks that. So, consequently, it even gets more befuddled, sir.

Mr. MACK. Thank you very much.

And going out of order very quickly—and I want to thank the gentleman, Mr. Faleomavaega, but Mr. Gallegly is recognized for 30 seconds.

Mr. GALLEGLY. I would, first of all, thank my good friend, Eni Faleomavaega. And I do have a meeting, so I will make my question very short and to the point.

To the President and associating myself with the question that Mr. Engel posed to our distinguished Ambassador. While I agree that what happened in Honduras in 2009 resulted from the arbitrary and unlawful behavior of President Zelaya, I would, however, like to ask the President—since I cannot see that he has done anything to rectify the problem with U.S. businesses operating in Honduras illegally driven from the market or illegally losing their investment, specifically companies like CEMAR—I would like to know if the President has, in fact, done anything to correct this or if he intends to.

Mr. MACK. Thank you.

And just to remind you, he is no longer the President. He is the former President.

Mr. GALLEGLY. While he was President, did he do anything? And, if so, if he is aware of any attempts to rectify the issue. If during his Presidency——

Mr. MACK. Yeah, I got it.

So, President Micheletti, are you familiar with the case that the Congressman is talking about?

Mr. MICHELETTI. First, to answer the question of Congressman Payne about the coup d'etat, here I have in my hand a telegram from John F. Kennedy, the President, October 9, 1963, where he finishes the relationship with Honduras due to a coup d'etat and Hondurans—thank God the United States never broke the relationship with Honduras.

In reference to ethnic groups during my administration——

Mr. MACK. Mr. President, if I may ask you to pause for a minute. We had a question about the U.S. cement company in Honduras. The question is, while you were President, did any of the issues surrounding that cement company come to your attention?

Mr. MICHELETTI. At no time I remember any American company seeking for our help. At this time, I have no recollection of such a request.

Mr. MACK. Okay. Thank you very much. Thank you, Mr. President.

And I would now like to recognize Mr. Faleomavaega for——

I am sorry. Was there a—which one?

So if you will finish answering the question about the hospital closing down during your administration.

Mr. MICHELETTI. To the contrary. We opened the department of the government, which was headed by a member of the Garifuna community; and I recall giving no instruction to close no hospital to the country.

Mr. MACK. Thank you, Mr. President.

Now I recognize Mr. Faleomavaega for 5 minutes, and thank you for your patience.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

And I do want to say that, in fairness to President Micheletti, I hope that he gets the gist of the members' concerns about the American businesses that do business in Honduras, that they be treated fairly and on an equal basis. I think that is the gist of what we are trying to pursue here.

But, Mr. Chairman, I think there is a deeper issue here that you brought to light over the course of this hearing for which I really, really think it is a great thing that has been brought to the attention of this subcommittee. To the effect that it is not Honduras that is in question here, the question is the kind of laws that our country has passed when there is a military coup.

And the reason for my suggestion, Mr. Chairman, is that a classic example of a military coup that took place was in Chile with Pinochet and Allende, with the socialist-Marxist government and how that came about and some of the activities that took place on the part of our Government when Pinochet took over the government in that country for some 14 years.

And then there is the question of Thailand. There was a military coup in Thailand. We also put sanctions and all kinds of revocations of visas and everything that we did in that country.

And then there was also Pakistan, also a military coup by this fellow named Musharraf who took over the government that was duly elected by the people under Musharraf. And for some 10 years we have had to put up with that because the administration put a waiver on the sanctions law that we had for those countries that do commit military coups.

We have the same problem with Fiji. Fiji had four military coups, three Constitutions, all within 20 years; and we put sanctions on that country and some of the problems we are faced with.

So there is a deeper issue here that I want—and, hopefully, Mr. Chairman, that maybe in the coming months that we ought to have an oversight hearing on all the series of military coups that took place in Latin America. And maybe we ought to learn about the inconsistencies.

And the problem here is that sometimes when we give the administration—not just this administration—any administration discretionary authority, just like the issue that we are discussing here about denying visas for some of these people who participated in this coup—what is interesting with my friend, Mr. Payne, we are looking at a situation that looks like a duck, acts like a duck, quacks like a duck, but never clear if it really was a duck to suggest that there ever really was a military coup that took place here. And, to this day, the administration denies that there was a military coup. But in every form and substance of what we have done against Honduras, substantively we have really put the stops on

the ability of some of these officials or former officials of the government to come to this country.

And I just wanted to second what Ambassador Arcos said. You are absolutely correct. Latin America—and I want to say that this is not anything to you, Mr. Chairman, or our previous chairman or Mr. Engel. Both gentlemen have been very proactive and very much wanting to participate and to make sure that our Government is involved with the affairs of the Western Hemisphere, as we should. But we have not done so for all of these years, and I know that for a fact as a member of this subcommittee for all these years.

And I am so sorry. I have about 100 questions that I wanted to ask, and I only have 1 minute left. But I will want to thank Ambassador Arcos for his expressions here. And also, President Micheletti, I have one question.

But I just want to suggest again, Mr. Chairman, it would be nice that we hold an oversight hearing about the series of military coups that have taken place in Latin America. And maybe we need to review more closely the substance of how we have gone about putting restrictions on visas and all of this, giving it to the administration, if we have been inconsistent in doing these things.

Because Honduras is a classic example of this. We do it for some countries, and then we don't do it for others. And after spending about $8 billion in helping Musharraf with his military coup, where does it put us as far as our foreign policy toward Pakistan is concerned? It is nothing but a mess.

And I wish I had more questions, Mr. Chairman, but thank you.

Mr. MACK. Thank you very much.

I would now like to recognize Mr. Rohrabacher from California for 5 minutes for questions.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman.

I am sorry that I didn't get here earlier. As usual, we have about 20 different things to do at one time here in Congress.

And just one comment about my good friend Mr. Payne's description about what happened in the so-called coup. The description that my good friend provided left out one important factor in terms of escorting the President to the border. And the important factor that you left out is the people who were escorting him to the border had a court order from the Supreme Court and permission from both houses of their legislature and was acting totally within the law. Whereas the Supreme Court had found that President Zelaya now had taken actions which put him in a position of being a threat to democracy for their country.

Mr. PAYNE. To be escorted out of the country by guns.

Mr. ROHRABACHER. Yeah, by a gun in one hand and a court order in the other. Just like in our country, every time the police do something, they have a gun, but they also have to follow the law.

Mr. PAYNE. But not by putting him out to another country.

Mr. ROHRABACHER. Let me just note they were following the law in every way in which we follow the law in our country with people who have guns.

And let me just note President Zelaya talked like a would-be caudillo, and was taking actions like a would-be caudillo, and was actually palling around with caudillos like Mr. Chavez. And thus, if

he acts like a would be caudillo or a want-to-be caudillo and talks like one, maybe he should be treated like one. Meaning people should worry about whether or not he was trying to establish a non-democratic rule of Honduras, which is what he had planned and which he was stopped from doing by a lawful action that was taken with the approval of the Supreme Court of that country and the Parliament of that country.

So let us just note that I don't think that what we have is a coup anywhere near the definition—for example, when Mr. Chavez tried to do a coup in Venezuela early on with his military fellows and was stopped and thrown into jail, certainly what was happening in here was—certainly when Mr. Chavez tried to do that, he didn't have a court order. So I think that the word "coup" does not refer to this type of action. Instead, this was an action trying to save democracy, rather than to extinguish it.

One note just for our witnesses and for those people who are listening, I would naturally try to come to the defense of people who believe in democracy, who are under attack like President Lobo is under attack and naturally want to help Honduras, but I cannot bring myself to get engaged in helping Honduras if they are not doing right by American citizens.

And when we look at this whole CEMAR Cement Company, that is just one example of where American companies have claims and these American companies are not being treated with justice. And if that continues not only are they going to lose my support, but we will ensure that Honduras, no matter who is President of that country, does not receive the benefits of American largess if they do not follow the law in trying to ensure that American companies are treated fairly, justly, and within the law. And we have looked at these cases and they are not being treated, especially this CEMAR case, which is a blatant disregard for the legal rights of an American citizen.

With that said, I would like to congratulate you, Mr. Ambassador and former President. You have both been leaders in a very volatile area of the world, and you have both been friends with the United States. And, to me, that means I should be grateful to you; and I am. So thank you both for participating today. And I want to thank the chairman for trying to refocus American attention on Latin America and using our influence in the right direction.

Thank you, Mr. Chairman.

Mr. MACK. Thank you very much, Mr. Rohrabacher.

And that concludes the hearing.

I want to end by, first of all, thanking both of our witnesses.

Ambassador, thank you so much.

Mr. President, again, I consider you to be a hero in Latin America for standing up for your Constitution and rule of law. No one in their right mind can look at the facts on the ground and compare what happened in Honduras to a coup. And so thank you for putting up with the State Department's continued efforts to try to keep you from speaking to Members of Congress in this Congress. And I hope to see you here in the United States soon.

That concludes the hearing. I want to thank all the members for their participation, and the subcommittee is adjourned.

[Whereupon, at 4:44 p.m., the subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

HEARING NOTICE
SUBCOMMITTEE ON THE WESTERN HEMISPHERE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

Connie Mack (R-FL), Chairman

June 14, 2011

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, Subcommittee on the Western Hemisphere, to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at http://www.hcfa.house.gov)**:

DATE:	Tuesday, June 14, 2011
TIME:	3:00 p.m.
SUBJECT:	Holding Honduras Hostage: Revoked Visas and U.S. Policy
WITNESSES	The Honorable Roberto Micheletti Baín (via video conference) Former President of Honduras
	The Honorable Cresencio S. Arcos, Jr. Senior Political Advisor National Defense University's Center for Hemispheric Defense Studies (Former U.S. Ambassador to Honduras)

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *the Western Hemisphere* HEARING

Day *Tuesday* **Date** *6/14/11* **Room** *2172*

Starting Time *3:12 p.m.* **Ending Time** *4:44 p.m.*

Recesses [ ] (____to____) (____to____) (____to____) (____to____) (____to____) (____to____)

Presiding Member(s)

Connie Mack

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]
Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

Holding Honduras Hostage: Revoked Visas and U.S. Policy

SUBCOMMITTEE MEMBERS PRESENT:

Connie Mack, Jean Schmidt, David Rivera, Christopher H. Smith, Elton Gallegly, Eliot L. Engel, Eni F. H. Faleomavaega, Donald M. Payne

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not members of full committee.)*

Ileana Ros-Lehtinen, Dana Rohrabacher

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] **No** [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Statement: Connie Mack
Extraneous Material: Connie Mack, Donald M. Payne

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *4:44 p.m.*

Subcommittee Staff Director

Subcommittee Members

☑ Mack, Connie

☐ McCaul, Michael T.

☑ Schmidt, Jean

☑ Rivera, David

☑ Smith, Christopher H.

☑ Gallegly, Elton

☑ Engel, Eliot L.

☐ Sires, Albio

☑ Falcomavaega, Eni F. H.

☑ Payne, Donald M.

Opening Statement
Chairman Connie Mack
Western Hemisphere Subcommittee
"Holding Honduras Hostage: Revoked Visas and U.S. Policy"
June 14, 2011

The real coup that this Administration has failed to address- is the coup attempted by former President Zelaya with the support of Hugo Chavez. Zelaya attempted to change the Honduran constitution by all means possible, including use of the military.

On May 2009: President Zelaya, working with his friend Hugo Chavez, ordered a referendum to take place on November 29, 2009, that would have removed presidential term limits. The Honduran Constitution specifically prohibits this, and thus Zelaya violated Article 239 of the Honduran Constitution.

The ALBA playbook, led by Hugo Chavez was followed closely, we have seen it in Bolivia, Nicaragua, and Ecuador but the courageous Honduran people stood firmly behind their constitution.
The intent of Zelaya, under Chavez' guidance was to become President for life.

Next, on May 29, 2009, the Attorney General recommended that the Honduran courts uphold that Zelaya's referendum was illegal and unconstitutional. Then, in late June, the Supreme Court ordered the Honduran forces not to provide support for the referendum.

Zelaya continued to utilize the resources of his friend Chavez who printed the ballots and flew them to a military base in Honduras. On June 27, in opposition to the Supreme Court order, Zelaya led a violent mob to seize and distribute the ballots for the referendum; and on June 28, the Supreme Court issued an arrest order for Zelaya and removed him as president.

The brave Honduran military was also placed in a difficult position, forced to stand up to their President in order to support the constitution. On June 28, the Honduran Military, acting on a warrant from the Honduran Supreme Court, removed Zelaya from power. He was later put on a plane out of the country for his own protection, as well as other security reasons.

This was followed by President Obama's statement on June 28 calling the removal of Zelaya illegal and a coup.

Later, the Honduran Congress, pursuant to the Honduran Constitution, voted Roberto Micheletti in as president. (Micheletti was constitutionally next in line for succession and assumed the presidency on an interim basis.) The Military was never in control of Honduras! President Micheletti never interfered with the ongoing presidential campaign nor interfered with the previously planned November 29th presidential election.

On November 29, 2009 Hondurans voted in the presidential election. Porfirio "Pepe" Lobo won with 56 percent of the vote. On December 2, in accordance with the San Jose/Tegucigalpa Accord, the Honduran Congress voted 111-14 to not reinstate ousted President Zelaya. The Supreme Court and Attorney General also recommended this outcome.

Finally, on January 27, President Micheletti stepped down from power, in accordance with the Constitution, and handed over power peacefully to democratically-elected President-elect Pepe Lobo.

What was the U.S. response to these actions?

After rashly labeling the situation a coup, the State Department cut funding to Honduran military and law enforcement programs. Since then, the homicide rate in Honduras has become one of the highest in the world.

Now, where are we today?

Zelaya is back in the country, we capitulated to Chavez' demands when accepting Honduras back into the OAS- a flawed and ineffective institution that has failed to uphold its own democratic charter, and brave Hondurans heroes are still being punished by this Administration.

In a hearing before this Subcommittee on February 15, 2011, Assistant Secretary Valenzuela said that the State Department was, and I quote: "looking into how the visas that were taken away will be restored." It's been four months since this statement, fifteen months since the U.S. Government recognized the new President of Honduras, and almost two years since the first visas were revoked.

As Assistant Secretary Valenzuela, Ambassador Llorens, and the Obama Administration continue a policy of meddling in Honduran affairs, it is time we hear from the Hondurans themselves. It is important that everyone understands the degree to which U.S. policies have negatively impacted the country of Honduras and the region.

It is time for the U.S. Administration to move on; in particular Ambassador Llorens who, through abuse of power, has manipulated and intimidated the Honduran people. This is not the role of the U.S. diplomatic community. Honduras deserves to move forward without the counterproductive interference from this State Department. It deserves to have every one of the revoked visas reinstated, to have a second MCC compact, and an Assistant Secretary in the U.S. State Department who believes in providing the same kind of assistance the United States provides other free countries.

In a Hemisphere dangerously influenced by anti-democratic forces, Honduras deserves to have the kind of ally that will allow it to determine its own secure and prosperous future.

I want to conclude by saying this: I was in Panama a couple weeks ago where I met with President Martinelli. During the meeting, completely unprovoked, the President of Panama requested our help in getting the good Honduran people their visas back.

This is a serious issue, this is a regional issue, and this is an issue that must be solved without further delay.

I look forward to hearing the witnesses' testimony.

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CONNIE MACK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA, AND CHAIRMAN, SUBCOMMITTEE ON THE WESTERN HEMISPHERE

THE UNOFFICIAL ENGLISH-TRANSLATED VERSION OF MR. MICHELETTI'S PREPARED STATEMENT

Testimony of Mr. Roberto Micheletti Bain
For the Committee on Foreign Affairs
House of Representatives
USA.

June 14, 2011

Thank you for your invitation and for granting me the opportunity to testify before this honorable committee.

The issue which is upon us at this hearing is of great importance for me because it deals with the traditional relations of friendship between the people of the United States and the people of Honduras, a relationship in which the ideals of freedom and democracy are shared, the ideals from which we emerged as nations and I hope will last forever.

What happened in Honduras on June 28, 2009 resulted from the arbitrary and unlawful behavior of President Zelaya. We acted in agreement with our legislation. I assumed the mandate of the National Congress, a decision ratified by it, 6 months later, at the request of the international community. As President of the Republic I accepted the pledge to shield the democratic process and protect the electoral process which was in danger.

The election process was not supported by the international community or by many in the United States. It was my government which was determined to find a solution to this crisis, fulfilling my commitment to hold free and transparent elections. Zelaya maintained his position to not recognize President Lobo and called for the boycott of the electoral process.

No coup plotter or dictator seeks power for 7 months and promotes elections. I am proud to have protected democracy in Honduras.

I would like to note that the political events of June 28, 2009 in Honduras and the exit from office of former President Manuel Zelaya, led to pressures, sanctions and condemnation from governments in the international community and its integration institutions. I am referring particularly to the actions of the latter and would like to show that they violated the principles of respect, good relations and harmony between peoples. Those institutions acted hastily and went beyond their mandated powers that their charters allow for, of which the Organization of American States (OAS) is a good example of.

Traditionally the good relations between our people and their beautiful country had prevailed. While Zelaya was devoted to offend and denigrate the United States, we stood up in protest and demanded respect for our ally and its friendly people. Surprisingly, we saw how after the events of June 28 the roles were reversed and those who were our friends gave us their back and supported those who never stopped being their adversaries.

The United States government ignored our cry to be heard by dismissing the legality and the justification. It ignored the investigating process to reveal the source of the events as well as the laws and legal underpinnings involved. It at all times refused the right of the defense and did not give the opportunity to hear the positions and justifications. But more unfortunate is that there were visible strong ideological interest in the institution's actions, simply put, they condemned without hearing and harmed a country mainly for ideological reasons.

I want to emphasize in my testimony that the replacement of President Manuel Zelaya was caused by his disrespect and contempt for the law, legally proven from the mandates of the Constitution and decisions of the courts. As a result of this, his oust from power is perfectly legal and legitimate and was made by respecting established legal procedures.

The Supreme Court, the National Congress, the Public Prosecutor, the Attorney General's Office, and the Armed Forces acted by their own motivations and independent in the exercise of their goals and fulfilling the mandates of law. As President installed by the National Congress, I always complied with the Law.

However, no government, no international body had interest in a formal and in-depth investigation of what transpired, the history and precise causes. Diplomatic agents acted superficially in their reports, which led to hasty actions and resolutions without real foundations by their governments. From my point of view, ignorance of Honduras' laws in other countries and international organizations covered by the credibility of American diplomacy cast their convictions and applied pressure and unjust sanctions.

The influence and control of the American decisions in the management of this policy, within the OAS and beyond, was evident. In fact the solution to the problem originated in the decisions of American government. Still, the OAS, acting already outside of the case, tried to ignore the elections in 2009 and the functioning and the existence of other branches of government and its resolutions.

Apart from their lack of knowledge about the legality of the matter, what surprise us was that Ambassador Hugo Llorens, who is aware of former President Manuel Zelaya's sympathies and links with countries that have hostile policies toward the American government and its people and his support of these other countries installations of authoritarian and undemocratic regimes, was not alert to what was happening.

As is the case of former Foreign Minister Patricia Rodas, ideologue of the socialist movement, Minister of Zelaya, a member of the Sandinistas, Castro's political activist, former resident of Cuba for many years, who in her official capacity met with Iranian diplomats. Relationships which alerted and forced me, during my mandate, to take the decision to cancel the entry of nationals from countries linked to terrorism such as Iran, Iraq, Libya and others.

The Llorens report hurt Honduras and compromised the ideals of the state policies of his country, the traditional relationship of the people of Honduras and the United States of America.

Apart from the withdrawal of economic assistance, other sanctions and pressures caused us hurt and anger. The withdrawal of visas to government officials did not permit them to fully meet their civic duty and the revocation of visas of people who just identified with the interim government affected their international business.

I want to note that I am sending the text to support this statement, the documentation for each of the statements I have expressed or sources cited for your review.

I cannot conclude without expressing gratitude to the American government officials who visited us and gave us support as did international lawyers, the U.S. press and the press of other countries which confirmed the reason for the institutional actions of the interim government in Honduras and these opinions and studies were many, extensive and valuable.

I want to conclude by expressing my most earnest desire to prevent recurrence of such situations, and that the U.S. government adopts policies that respect the rights of peoples, but especially that no decisions be made without first having investigated and studied the social and legal circumstances that give rise to these political crises and determine the minds that drive them.

We need friends to preserve the freedoms and democracy in the hemisphere.

Thank you very much.

3

[NOTE: The Law Library of Congress' Report for Congress, August 2009, entitled "Honduras: Constitutional Law Issues," submitted for the record, is not reprinted here but is available in committee records.]

Conocí a Manuel Zelaya Rosales en el Instituto Salesiano "San Miguel".

Le acompañé, muy de cerca, en el segundo año de su primera campaña presidencial.

En una invitación de un Organismo Internacional le preguntaron a los precandidatos presidenciales de ese momento, si estarían de acuerdo con la reelección, ninguno se opuso. Manuel Zelaya Rosales dijo: "sólo pensarlo constituye un alto acto de traición a la patria, es un delito".

En su segunda campaña, varios fuimos marginados por una argolla que encabezaba la Sra. Patricia Rodas, pero aún así trabajé independientemente por Zelaya.

Dos semanas después de haber tomado posesión como Presidente, él me llamó para ofrecerme la Secretaría General de Foro Nacional de Convergencia, advirtiéndome la Sra. Rodas, ahí presente, que la idea era cerrarlo y crear el Ministerio del Poder Ciudadano. No lograron este cambio.

En el momento en que Chávez ofendió desde Honduras, para los hondureños y resto del mundo, inició mi distanciamiento con Zelaya.

A Roberto Micheletti sólo lo conocía, pero no tenía amistad con él y no lo apoyaba, como no lo apoyaba, hasta ese entonces, la mayoría de los liberales.

Manuel Zelaya Rosales a veces apoyaba a un precandidato y luego a otro.

El 27 de Junio 2009 a las 2:00 p.m. llamó el Presidente Zelaya para invitarme comparecer en Televisión convocando a apoyar la iniciativa llamada "cuarta urna".

Le manifesté que era decisión de familia no apoyar esta encuesta (por considerar el propósito en contra del respeto a los artículos pétreos de nuestra Constitución) y que desde ese momento podía disponer de mi cargo. Su respuesta final fue: "No te preocupés, después hablamos".

Debo admitir que jamás me faltó el respeto.

Amanecimos el 28 de Junio con la noticia de la separación de Zelaya como Presidente del país, cómo salió de Honduras y el acto de sustitución presidencial, de acuerdo a nuestra Constitución, ratificado por el pleno de los Diputados del Congreso.

Al no haber Vice Presidente de la República, le correspondió esta responsabilidad a quien ostentaba la presidencia del Congreso.

Fui invitado a participar en el Primer Consejo de Ministros del Presidente Micheletti, donde me ratificó en mi puesto, como al 99% de todos los empleados de gobierno.

Días después invitó a la sociedad civil para informar de los acontecimientos. Como Secretario Ejecutivo del FONAC, me solicitó coordinar el diálogo. Posteriormente pide le acompañe constantemente para mantener informada a la sociedad civil, apoyar y asegurar que se iban a practicar las elecciones generales en tiempo y forma.

Gana las elecciones Porfirio Lobo, y continúo como Secretario General del FONAC hasta Febrero de este año.

Creo en la democracia, apoyo la democracia y me siento orgulloso de haber defendido la democracia en Honduras.

Quienes juzgaron, sentenciaron y castigaron a Honduras por haber decidido su autodeterminación de defender la democracia, no se imaginan el daño provocado y lo que todavía nos puede suceder por causa de sus ligeras y precipitadas acciones. Afortunadamente la biblioteca del Congreso USA hizo un estudio legal que asegura que en Honduras no hubo golpe de Estado

Mi padre fué víctima de un golpe de Estado en 1963. Lo ocurrido el 28 de junio 2009, fué una sustitución constitucional. Creanme: ¡conozco la diferencia!

Leonardo Villeda-Bermúdez
0801-1954-00990

EMBASSY OF THE
UNITED STATES OF AMERICA

11 de septiembre 2009

Leonardo Villeda Bermudez
FONAC
Juan Pablo II
Frente Do It primer piso

Estimado Licenciado Villeda:

Por este medio le informamos que todas y cada una de las visas de los Estados Unidos que actualmente posee le han sido revocadas por el Departamento de Estado de los Estados Unidos.

Desde que tomó lugar el golpe de estado el 28 de junio del 2009 en contra del gobierno de Honduras electo democráticamente, los Estados Unidos y la comunidad internacional han trabajado diligentemente para asegurar que el orden constitucional y democrático retorne, incluyendo el regreso del Presidente Zelaya negociado bajo los auspicios del Presidente Arias de Costa Rica. Sin embargo, como se mencionó en el comunicado del día 03 de septiembre, el Departamento de Estado reconoce la necesidad de medidas fuertes a raíz de la continua resistencia del gobierno de facto de aceptar el Acuerdo de San José y del fracaso continúo para restaurar el gobierno democrático y constitucional en Honduras.

Si el régimen de facto es capaz, mediante negociaciones rápidas y de buena fe, siguiendo el proceso precedido por el Presidente Arias, de lograr un acuerdo para devolver el orden constitucional y democrático a Honduras, los Estados Unidos tiene la esperanza de facilitar la normalización de relaciones entre Honduras y la comunidad internacional, incluyendo la reconsideración de muchas medidas que han resultado por el golpe de estado del 28 de junio.

Le agradecería presente o envíe sus pasaportes con visas vigentes para la cancelación de las mismas. Sin embargo, le recuerdo que aunque sus visas no sean físicamente canceladas, ya han sido canceladas a partir del día de hoy y no son válidas para viajar a los Estados Unidos.

Si desea conversar acerca del estatus de su visa, el Embajador Hugo Llorens, el Ministro Consejero Simon Henshaw o mi persona, estamos disponibles para atenderle a usted personalmente en cualquier momento.

Atentamente,

Douglass R. Benning
Consul General

TELEGRAM

Foreign Service of the United States of America

INCOMING SAN JOSE

Classification: Control:

Rec'd: OCT 9, 1963

PERSONAL AND CONFIDENTIAL

HIS EXCELLENCY
DR. RAMON VILLEDA MORALES
SAN JOSE, COSTA RICA.

I FULLY APPRECIATE THE VERY DIFFICULT SITUATION CREATED BY THE UNFORTUNATE MILITARY COUP IN YOUR COUNTRY. I ASSURE YOU OF THE STRONG POSITION OF THE UNITED STATES IN CONTINUING A FIRM COURSE OF ACTION. WE HAVE SUSPENDED DIPLOMATIC RELATIONS AND ARE IN THE PROCESS OF WITHDRAWING IN AN ORDERLY MANNER OUR MILITARY AND ECONOMIC AID PERSONNEL. OUR AMBASSADOR HAS RETURNED TO THE UNITED STATES AND WILL REMAIN HERE INDEFINITELY. YOU MAY BE SURE THAT WE WILL EXERCISE OUR INFLUENCE IN SEEING TO IT THAT OTHER INTER-AMERICAN AND INTERNATIONAL AGENCIES FOLLOW SIMILAR ACTION. WE WILL CONTINUE TO KEEP AMBASSADOR TELLES FULLY INFORMED ON OTHER STEPS WHICH MIGHT BE TAKEN TO HASTEN THE RETURN TO CONSTITUTIONAL AND REPRESENTATIVE GOVERNMENT IN YOUR COUNTRY.

JOHN F. KENNEDY

Classification

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CONNIE MACK
14TH DISTRICT, FLORIDA

FOREIGN AFFAIRS COMMITTEE
SUBCOMMITTEE ON WESTERN HEMISPHERE
CHAIRMAN

OVERSIGHT AND GOVERNMENT REFORM COMMITTEE
SUBCOMMITTEE ON GOVERNMENT ORGANIZATION, EFFICIENCY AND FINANCIAL MANAGEMENT
VICE CHAIRMAN

Congress of the United States
House of Representatives
Washington, DC 20515–0914

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June 13, 2011

Subcommittee on the Western Hemisphere
Committee on Foreign Affairs
U.S. House of Representatives
Washington, D.C. 20515

Dear Subcommittee Members:

On June 14th, 2011, the Subcommittee on the Western Hemisphere will hold a hearing entitled "Holding Honduras Hostage: Revoked Visas and U.S. Policy." The hearing will focus on the Administration's policy of revoking Honduran visas and an assessment of the impact the Administration's policies have had on the interests of the U.S. and its allies in the region.

It was my original hope that the Obama Administration and its State Department would allow two of the witnesses, Mr. Roberto Micheletti and Mrs. Sandra de Midence, to testify in person. Unfortunately, notwithstanding a protracted and ongoing process of attempting to gain knowledge from the State Department as to the status of these individuals' visas, the State Department has refused to allow Mr. Micheletti or Mrs. de Midence the opportunity to travel to the United States and testify before this Subcommittee.

In an effort to work around this obstruction, it is my hope that these witnesses will be able to testify virtually through videoconference. I have been working with the State Department to utilize their videoconference location within the embassy in Tegucigalpa. However, I was notified only today that the State Department will not support my request.

As a result of this continuing uncertainty, Mr. Micheletti and Mrs. de Midence have been unsure about their ability to testify at tomorrow's hearing. Given the delay and uncertainty caused by the actions of the U.S. State Department, in the case of Mr. Micheletti and Mrs. de Midence, this letter acts as my written explanation to waive the requirement of written testimony two days in advance of a hearing, in accordance with Rule 6(b) of the Committee on Foreign Affairs' Rules of Procedure and will be placed in the record at tomorrow's hearing.

I am disappointed that this Administration refuses to work with the Western Hemisphere Subcommittee of the House of Representatives to carry out oversight of their policy on Honduras, but assure you that this hearing will continue as planned. I look forward to hearing our witnesses' testimony tomorrow and working with the members of this Subcommittee as we continue to carry out our duty of overseeing the Administration's policy in Latin America.

Sincerely,

Connie Mack

CONNIE MACK
Chairman
Subcommittee on the Western Hemisphere
House Committee on Foreign Affairs

Congress of the United States
Washington, DC 20515

July 19, 2011

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

Dear Secretary Clinton:

The Subcommittee on the Western Hemisphere recently convened a hearing entitled, "Holding Honduras Hostage: Revoked Visas and U.S. Policy" which clearly established the need for U.S. policy in the region to move toward a constructive path for U.S. interests.

Early last year, the U.S. State Department took a positive step in recognizing the democratic elections of President Lobo by re-establishing much needed training, and support to the people of Honduras. In the past month, former President Zelaya has been allowed to return to Honduras, and the Organization of American States (OAS) has restored Honduras' membership. However, visas for a number of prominent Honduran businessmen, government officials, and Supreme Court Justices which we understand were originally revoked in 2009 under Section 221(i) of the Immigration and Naturalization Act (INA) due to their affiliation with the Micheletti government continue to be blocked. Assistant Secretary Valenzuela in a hearing before the Subcommittee on February 15, 2011 said that the State Department was, "looking into how the visas that were taken away will be restored."

It has been four months since Assistant Secretary Valenzuela made this statement, fifteen months since the U.S. Government recognized the new President of Honduras, and almost two years since the visas were originally revoked.

Additionally, U.S. Ambassador Hugo Llorens was quoted in an AP article on June 10, 2011, in which he stated: "after what occurred at the OAS, I believe that the time is now right for the U.S. to return the visas to the Hondurans."

It is our belief that the United States should not continue to penalize Honduran citizens based on their efforts to support the constitution and rule of law in Honduras. Within all applicable rules and guidelines, we ask the State Department to immediately cease the punitive Honduran visa policy invoked in 2009.

Sincerely,

CONNIE MACK
Member of Congress

ILEANA ROS-LEHTINEN
Member of Congress

Cc: Janice L. Jacobs

DANA ROHRABACHER
Member of Congress

DAN BURTON
Member of Congress

MICHAEL MCCAUL
Member of Congress

JEAN SCHMIDT
Member of Congress

DAVID RIVERA
Member of Congress

MARIO DIAZ-BALART
Member of Congress

DONALD MANZULLO
Member of Congress

AARON SCHOCK
Member of Congress

TED POE
Member of Congress

BRIAN BILBRAY
Member of Congress

ENI FALEOMAVAEGA
Member of Congress

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE DONALD M. PAYNE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Congress of the United States
Washington, DC 20515

May 31, 2011

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

Dear Secretary of State Clinton,

We write to express our deep and continuing concerns about the protection of human rights, freedom of expression and the rule of law in Honduras. We urge you to ensure that U.S. policy towards Honduras is based on a more vigorous U.S. response in support of human rights. We share the concerns expressed by the Inter -American Commission on Human Rights (IACHR) in March 2011 regarding "the disproportionate use of force to quell public demonstrations against the policies of the current government, the lack of an independent judiciary and the situation of human rights defenders."

We are greatly concerned about the threats and violence reportedly directed against human rights defenders, activists, opposition leaders, members of the LGBT community and journalists in Honduras. State institutions dramatically fail to take action to defend those at risk. As you are aware, the IACHR singled out Honduras in its 2010 Annual Report, released on April15th, as one of four countries in the hemisphere whose human rights situation warrants special attention. The IACHR reports that precautionary measures issued by the IACHR are generally not being implemented by Honduran authorities. Moreover, members of the security forces are implicated in many incidences of threats, harassment, attacks and extrajudicial executions.

The Committee to Protect Journalists (CPJ) cites ten journalists killed since March 2010 in total impunity. Frank La Rue, the U.N. Special Rapporteur for Freedom of Opinion also expressed concern about the role of the Honduran government in attacking community radio. The International Federation of Journalists reported that 10 of 29 journalists killed in Latin America in 2010 were in Honduras, and along with CPJ, has named Honduras one of the most dangerous places in the world to be a journalist. According to Human Rights Watch, the violent attacks on journalists and political opponents have a "profound chilling effect on basic freedoms."

News reports have cited a number of abuses in response to nationwide protests in March by teachers, parents and students in reaction to proposed budget cuts and withholding of teachers' pension funds. For example, widespread police use of tear gas affected teachers, students, journalists and bystanders, and the Honduran human rights group COFADEH reported that tear gas canisters were being fired directly at protestors and that police used live bullets. On March 17, 2011, teacher and human rights leader Ilse Ivania Velasquez died after being struck by a tear gas canister fired by police and then subsequently run over by a truck. Internationally known leader of the Garifuna community, Miriam Miranda, was injured by tear gas burns, threatened and detained.

According to reports by respected human rights groups such as Human Rights Watch, renowned human rights defender, former national Ombudsman and former IACHR president Leo Valladares has received threatening phone calls, been followed and had his home monitored, following a television appearance in which he questioned the growing power of the Honduran military. The non-governmental Commission of Truth, which is documenting human rights abuses perpetrated since the June 2009 coup,

has been the target of several attacks during March and April, including the severe beating by police of one of its staff. The IACHR documents 34 killings of members of the LGBT community since June 2009. In the Aguán valley, campesino farmers report that violence and forced evictions continue unabated. The Honduran non-governmental human rights group COFADEH reports 237 death threats during the first year of President Lobo's term in office (January 2010-January 2011), 133 directed at human rights defenders; 36 politically motivated killings; and 36 people fleeing the country into exile after having received threats. In a December 2010 report, Human Rights Watch noted that "no one has been held criminally responsible for the human rights violations and abuses of power committed after the coup," and observed little evidence of progress in human rights violations committed since the Lobo Administration took office in January 2010.

We strongly urge the State Department and U.S. Embassy in Tegucigalpa to vigorously press the Honduran government to take concrete steps to end abuses by official security forces by suspending, investigating and prosecuting those implicated in human rights violations. The State Department's own 2010 human rights report notes the lack of progress in investigating human rights crimes. We further urge you, Madam Secretary, to suspend U.S. assistance to the military and police, due to the lack of mechanisms in place to ensure security forces are held accountable for abuses.

It is essential that the United States require the Honduran government to respect its citizens' rights to freedom of expression and assembly, including an end to excessive use of force in response to protests. Importantly, the Honduran government must be pressed to vigorously implement the measures recommended by the IACHR to protect human rights defenders and journalists. We ask the U.S. Embassy to publicly denounce violence and threats against defenders and activists. It is vital that the Embassy denounce attacks against the staff of the non-governmental Commission of Truth and urge the government to ensure that the Commission can carry out its functions safely and that victims and witnesses are protected from intimidation and abuse. It would also be helpful to encourage reinstatement of three judges and a magistrate who were inappropriately removed from their posts for simply expressing opposition to the coup. Finally, to end the cycle of abuses and repair the deteriorated rule of law in Honduras, both intellectual authors and direct perpetrators of human rights abuses that have occurred since the June 2009 coup must be brought to justice.

Thank you for your serious consideration of these requests regarding strengthening the protection and promotion of human rights and the rule of law in Honduras. We would welcome the opportunity to discuss them further with you and look forward to your response to these critical matters.

Sincerely,

James P. McGovern
Member of Congress

Janice D. Schakowsky
Member of Congress

Sam Farr
Member of Congress

George Miller
Member of Congress

Maurice D. Hinchey
Member of Congress

John Lewis
Member of Congress

John Conyers, Jr.
Member of Congress

Sheila Jackson Lee
Member of Congress

Jesse L. Jackson, Jr.
Member of Congress

Anna G. Eshoo
Member of Congress

Danny K. Davis
Member of Congress

Jim McDermott
Member of Congress

Lynn C. Woolsey
Member of Congress

Raúl M. Grijalva
Member of Congress

Betty Sutton
Member of Congress

Peter Welch
Member of Congress

Maxine Waters
Member of Congress

Henry C. "Hank" Johnson, Jr.
Member of Congress

John Garamendi
Member of Congress

Barbara Lee
Member of Congress

Michael H. Michaud
Member of Congress

Michael E. Capuano
Member of Congress

Dennis J. Kucinich
Member of Congress

Louise M. Slaughter
Member of Congress

Zoe Lofgren
Member of Congress

Fortney "Pete" Stark
Member of Congress

John W. Olver
Member of Congress

Michael M. Honda
Member of Congress

Mike Quigley
Member of Congress

Tammy Baldwin
Member of Congress

Steve Cohen
Member of Congress

Peter A. DeFazio
Member of Congress

Alcee L. Hastings
Member of Congress

Donna F. Edwards
Member of Congress

Jackie Speier
Member of Congress

Bobby L. Rush
Member of Congress

Wm. Lacy Clay
Member of Congress

Gwen Moore
Member of Congress

Judy Chu
Member of Congress

G. K. Butterfield
Member of Congress

Laura Richardson
Member of Congress

Susan A. Davis
Member of Congress

James P. Moran
Member of Congress

Donald M. Payne
Member of Congress

Russ Carnahan
Member of Congress

Bob Filner
Member of Congress

John F. Tierney
Member of Congress

Yvette D. Clarke
Member of Congress

Keith Ellison
Member of Congress

Chris Van Hollen
Member of Congress

Barney Frank
Member of Congress

Martin Heinrich
Member of Congress

Al Green
Member of Congress

Luis V. Gutierrez
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David E. Price
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Chellie Pingree
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Lois Capps
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Henry A. Waxman
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Bill Pascrell, Jr.
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Frederica S. Wilson
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Edolphus Towns
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Michael F. Doyle
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John A. Yarmuth
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Paul D. Tonko
Member of Congress

Emanuel Cleaver II
Member of Congress

David Wu
Member of Congress

Dale E. Kildee
Member of Congress

cc: Arturo Valenzuela, Assistant Secretary of State, Western Hemisphere Affairs
Michael Posner, Assistant Secretary of State, Democracy, Labor and Human Rights
Dan Restrepo, National Security Council, Latin America Affairs
Hugo Llorens, U.S. Ambassador to Honduras

9

[NOTE: Material submitted for the record by the Honorable Roberto Micheletti Baín, former President of Honduras, is not reprinted here but is available in committee records.]

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