

RELEASE IN
PART B6

From: Abedin, Huma <AbedinH@state.gov>
Sent: Tuesday, November 10, 2009 1:54 PM
To: H
Subject: Fw: Honduras Update

From: Shannon, Thomas A
To: Sullivan, Jacob J; Abedin, Huma
Sent: Tue Nov 10 09:44:19 2009
Subject: FW: Honduras Update

Update on Honduras from Ambassador Llorens. Craig Kelly left this morning for Honduras. He will arrive at midday. He will meet with Micheletti and Zelaya in an effort to bring both back to the table to form a government of national unity.

SBU
 This email is UNCLASSIFIED.

From: Llorens, Hugo
Sent: Tuesday, November 10, 2009 8:59 AM
To: Aquilera, Patricia; Amselem, W Lewis; Brands, William R; Cue, Lourdes C; Doug Fraser
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 Gonzalez, Juan S; Henshaw, Simon; Jacobson, Roberta S; Kelly, Craig A; Otero, Maria; Paul Trivelli
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Cc: Task Force Honduras; 'Polaski, Sandra - ILAB'
Subject: Honduras Update

SENSITIVE BUT UNCLASSIFIED

Restoration of Z: Since the TSJA Accord was sent to Congress on October 30, the congressional leadership of the Liberal, National and Christian Democratic Parties have insisted that that it was unlikely for the National Congress to vote on President Zelaya's restoration prior to the elections. The reasoning has been that in the midst of the elections campaign the candidates were unlikely to risk a vote (regardless of whether it was in favor or against) that in one way or another would alienate a significant proportion of the electorate. Both major candidates have privately told us that if they win the election they would be reluctant to receive the presidential sash from M and would call on the Congress to vote on restoration. Nevertheless, yesterday, M advisor Vilma Morales, a member of the M negotiating team to both the San Jose and Guaymuras Dialogue negotiations, called on the National Congress to take a vote on the restitution question as soon as possible. In response Congress President Saavedra states that Congress would take its responsibilities seriously and would deliberate on the restitution issue, but would await guidance and opinions from the Supreme Court, the Attorney General, and the National Human Rights Ombudsman. All of these institutions have strongly supported or participated in the coup d'etat. It is being reported that the Supreme Court will convene tomorrow to begin to review the congressional request to review Article 5 of the TSJA. Court sources say that the Court cannot issue an opinion on the legality of Article 5 because there is a pending case before the Court filed by private citizens (Raul Valeriano and Leopoldo Romero) arguing that the events of June 28 constituted a coup d'etat. Court sources reports that once the Court rules on that case (which may be imminent) it is better positioned to provide guidance to the Congress. Also,

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Court officials insist that they have already issued a formal opinion of the entire San Jose Accord, including the Article covering restitution. In that opinion going back to August, the Court ruled that the decision to restore Z was a political one, which could be made by the Congress. However, the Court view at the time was that while Congress could restore the deposed President, Z would still face legal and criminal charges unless Congress chose to give him immunity for the political violations, not criminal ones.

Meeting w Z: The DCM and I met with Z for 1 hour 45 minutes to urge him to return to the table and implement the TSJA. We found him unyielding in his position. He says that he is unwilling to return to the talks with the M regime since he doesn't believe they are acting in good faith. He insisted that M was not interested in stepping down and would do everything in his power to ensure that he (Z) would never be restored. He stressed that if he was not restored the elections would not be legitimate and those involved in the coup would not be able to free themselves from the stigma of their actions. Z seemed totally out of touch and seemed completely focused on himself and that the future of Honduras and the future of democracy in the entire region hinged on his restoration to power prior to the elections. He predicted that if he was not restored that Honduras faced a bleak future led by a weak and discredited government and with a high probability of violence and civil conflict. I attempted to make him see the obligation he and M had in creating conditions for a workable step-by-step process that would allow for the regime to step down, ensure the holding of free and fair elections, and the smooth transfer of power, hopefully from the legitimate head of state to the newly elected president.

I will report the details on the high side, but at this moment I see no probability that Z will seek to go back to the table under the TSJA framework. He may be gaming it in order to put maximum pressure on M prior to the elections. He did not say whether he would accept or reject restoration if the vote was held after the elections. I assume he is keeping his options open.

Meeting w Elections Tribunal: We met with the three Magistrates of the Supreme Elections Tribunal yesterday afternoon in a private meeting in my office. The Magistrates were relatively confident that the technical organization of the event was going well. They discussed some of the novel reforms that they planned to adopt to improve the transparency of the process (we will report the details front channel). They also said that despite the loss of significant international technical assistance, which had strained their budget, they had been able to secure funding (some of it by incurring debt) to cover the loss of the international funding. They were disappointed that at this stage it was unlikely that official international observer missions were likely to oversee the process of November 29. However, they mentioned that counterparts from the Central American Elections Tribunals planned to participate (they mentioned Guatemala, El Salvador, Costa Rica and Panama). They also noted that they expected significant number of European, Latin American and US observers, including groups of parliamentarians, as well as civil society reps brought in by Rotary Clubs, Chamber of Commerce. They also expressed the hope that some type of accompaniment missions brought in from the OAS (even if not a full delegation), the EU, the Carter Center and others.

PDAS Kelly Arrives Mid-day: PDAS Kelly scheduled to arrive today on the mid-day American flight from Miami. He has scheduled meetings with M, Z, OAS officials and several other key political players. It will be a low profile visit.

NODEL Schakowsky: Representative Schakowsky (D-Illinois) is scheduled to arrive on the same flight as PDAS Kelly. The purpose of her visit is to review the human rights situations and look at the elections outlook. We will brief her this afternoon.

Hugo Llorens

Ambassador

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