

20 August 2020

## **Honduras: Criminalisation of members of the Municipal Committee for the Defense of Common and Public Property**

On 13 August 2020, the Court of Appeals of Francisco Morazán revoked a dismissal in favour of human rights defenders **Juan Antonio López, Carlos Leonel George, Reinaldo Domínguez, José Adalid Cedillo** and **Marco Tulio Ramos**, originally ordered on 4 March 2019. All five human rights defenders are members of the Comité Municipal de Defensa de los Bienes Comunes y Públicos (CMDBCP). The dismissal was issued as part of a legal process that began in September 2018, whilst eight other CMDBCP members also linked to this case remain in [preventive detention](#), since 1 September 2019.

The Comité Municipal de Defensa de los Bienes Comunes y Públicos (CMDBCP) is an organisation in Tocoa, Colón, comprised of several organisations defending land and environmental rights: the Environmental Committees of Sector San Pedro (13 communities) and Sector Committee Abisinia (14 communities); the Environmental Committee of the Community of Guapinol, campesino groups and the organisations Coordinadora de Organizaciones Populares del Aguán (COPA); Fundación San Alonso Rodríguez (FSAR) and Parroquia San Isidro de Tocoa. The objective of CMDBCP is to provide a platform from which these organizations can mobilise to protect public goods in the region and advocate for the right to food, water and a safe environment.

On 4 March 2019, the charges of “aggravated arson” and “unjust deprivation of liberty” were dismissed for a group of 12 human rights defenders, all members of CMDBCP. The charges date back to September 2018 and are in connection with their participation in the peaceful defense of the San Pedro and Guapinol rivers. On 13 August 2020, and without explanation, the Court of Appeals of Francisco Morazán revoked this dismissal for five of the 12 defenders. The defense attorneys have presented a reinstatement plea before the Court to challenge the decision to revoke the dismissal.

On the same day, 13 August 2020, the Court of Appeals also ratified the formal indictment orders issued to the human rights defenders **José Daniel Marquez, Porfirio Sorto Cedillo, Kelvin Alejandro Romero, José Abelino Cedillo, Ewer Alexis Cedillo, Orbin Nahún Hernández, Arnol Javier Alemán and Jeremías Martínez** – also members of the CMDBCP – for the same charges. Seven of the defenders remain in preventive detention since 1 September 2019 at the Olanchito Penal Center, whilst **Jeremías Martínez** has been held at the La Ceiba Penal Center since December 2018.

The legal process against the defenders began on 13 September 2018, when a Honduran court specialized in organized crime issued an arrest warrant against 18 CMDBCP members for “usurpation and damages” against the mining company Los Pinares and the State of Honduras. The defenders were peacefully protesting in the [Guapinol camp](#) due to the environmental and personal damage caused by the mining activities of the company Los Pinares. The mine and the activities associated with it, operated by the mining company Los Pinares, contaminated the water of the Guapinol River which is a source of drinking water for fourteen surrounding communities. The contamination led to the death of animals and diseases among the

inhabitants of the area. The mining project, which has received many allegations regarding the irregularities of its license, was carried out without prior consultation with the communities, or their consent.

On 21 February 2019, 13 of the 18 people named on the arrest warrant voluntarily presented themselves to the National Jurisdiction Court of San Pedro Sula. Whilst there, the defenders and their lawyers were made aware of a second arrest warrant that had been issued by the Public Ministry against 31 people from the Guapinol camp, including 12 of the defenders present at the Court. The arrest warrant was issued for the additional crimes of “illicit association”, “robbery”, “aggravated arson” and “unjust deprivation of liberty”. The defense attorneys filed an appeal against the issuing of the second arrest warrant without notifying the defenders, and as a result the case was transferred to a National Jurisdiction judge based in Tegucigalpa. In February 2019, a judge from the National Jurisdiction Court issued a dismissal of all charges citing a lack of evidence.

In its ruling on 13 August 2020, the Appeals Court ratified the definitive dismissal for the crime of illicit association for the defenders who voluntarily presented themselves before the courts. This ratification indicates that the defenders are not part of an illegal group – which is maintained as one of the reasons why the eight defenders have been held in preventive detention. In light of this ratification, Front Line Defenders calls for the release of the eight defenders who have been held in preventive detention since September 2019.

Front Line Defenders is seriously concerned by the ruling of the Court of Appeals of Francisco Morazán, as it represents an act of criminalization against the defenders **Juan Antonio López, Carlos Leonel George, Reinaldo Domínguez, José Adalid Cedillo, and Marco Tulio Ramos**. The Court's decision forms part of a pattern of criminal law being misused to further political and business interests. The decision can also be viewed as an example of “selective justice”, used to target environmental defenders and deter them from continuing their work in defense of territory and natural resources in Honduras. Front Line Defenders urges the Honduran State to implement the [recommendations](#) issued by the Inter-American Commission on Human Rights in August 2019 in relation to the judicial system.

#### **Front Line Defenders urges the Honduran authorities to:**

1. Immediately release the eight defenders in preventive detention and allow them to go through the legal process in freedom, and respect in all circumstances the right to due process;
2. Cease all legal harassment and criminalisation against the members of the CMDBCP, as well as against other organizations that defend environmental rights in Honduras;
3. Carry out an immediate, exhaustive and impartial investigation into the legality of the mining concessions that caused environmental damage and violations of human rights of communities and defenders of Guapinol, in order to publish the results and bring those responsible to justice in accordance with international standards;
4. Guarantee that human rights defenders in Honduras can continue their human rights activities without fear of reprisals and without restrictions, including judicial harassment.