



Brussels, 6 April 2020

To the President, H.E. Juan Orlando Hernández
To the Secretary of State for Governance, Justice and Decentralization, Héctor Leonel Ayala Alvarenga
To the Secretary of Human Rights, Karla Cueva
To the President of the Supreme Court of Justice, Rolando Argueta
To the National Human Rights Commissioner, Dr. Roberta Herrera Cáceres
To Commissioner President Pro Tempore of the NPM-CONAPREV, Glenda Ayala
To the Attorney General, Oscar Chinchilla Banegas

Re: call to free Guapinol rights defenders amidst COVID crisis

Excellences,

We, the undersigned Members of the European Parliament, are writing to you to express our deepest concerns over prolonged pre-trial detention of human rights defenders in Honduras, and in particular of members of the Municipal Committee in Defense of Common and Public Goods of Tocoa (*Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa*) – namely Porfirio Sorto Cedillo, José Avelino Cedillo, Orbin Naún Hernández, Kevin Alejandro Romero, Arnold Javier Aleman, Ever Alexander Cedillo, Daniel Marquez and Jeremías Martínez Díaz.

We have been alerted that the defenders have spent seven months (since 1 September 2019) in pre-trial detention with no sound legal justification. It appears the defenders are facing charges due to their work in the defence of the San Pedro and Guapinol Rivers. From August until October 2018, the defenders had peacefully occupied the margins of a public access road leading to a mining project operated by Los Pinares. The company's widening of the road for mine use in March 2018 led to heavy sediment contaminating the water of the Guapinol and San Pedro Rivers, and resulting in the water becoming unusable for the communities depending on it. At least ten legal and administrative challenges have been filed against the project licensing and implementation, and have so far not received a reply.

We are especially concerned at the prolonged detention and judicial harassment of the defenders in the absence of clear incriminating evidence against them. Moreover, it is our understanding that these charges do not legally require the application of preventive measures such as pre-trial detention. We have also been alerted about some irregularities in the process whereby a court of National Jurisdiction is presiding over the case, when the charges brought do not correspond to that jurisdiction.

We are deeply concerned that the EU delegation in Honduras, together with member States, were prevented from observing the hearing (without a reason being given) on 6 November 2019, during which the Judge (Lisseth Vallecillo) rejected the defenders' requests for bail and

upheld their pretrial detention. We are especially shocked at the Judge's labelling of the Municipal Committee an "illicit and criminal organisation," during the closed door bond hearing, when it is a human rights organisation, recognised as such by the State of Honduras, and not in breach of any laws.

Moreover, on 11 March 2020, a new hearing request was filed for the court to review the pre-trial detention. On 19 March 2020, within the context of rising numbers of confirmed COVID-19 cases in Honduras, a writ of habeas corpus claim was filed to the President of the Supreme Court of Justice. However, to date, there appears to be no response to these legal actions, despite the legal delays for such response having expired.

We are especially concerned that the defenders are being arbitrarily kept in detention, without legal justification, in reprisal for their peaceful human rights work in defence of the right to water.

Given the current health crisis due to COVID-19, defenders are at greater risk within the Penitential Centers in Olanchito and La Ceiba. As United Nations High Commissioner for Human Rights Michelle Bachelet has stated on 25 March 2020 that "now, more than ever, governments should release every person detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views."

In this situation, and fully respecting the division of powers and therefore the sovereignty of justice, we urgently demand the authorities to ensure the constitutionally and internationally enshrined standards regarding pre-trial detention be respected.

We, the undersigned Members of the European Parliament, we would like to emphasize the risk that defenders are facing in the context of the Coronavirus pandemic given the precarious conditions of Honduran prisons, and to reiterate the urgent need to comply with Michelle Bachelet's calls to free political prisoners and those detained for expressing critical or dissenting views. We expect that the honorable Supreme Court of Justice takes the necessary immediate measures and make a pronouncement in accordance with international standards. This entails dropping the charges against the water defenders – Porfirio Sorto Cedillo, José Avelino Cedillo, Orbin Naún Hernández, Kevin Alejandro Romero, Arnold Javier Aleman, Ever Alexander Cedillo, Daniel Marquez and Jeremías Martínez Díaz.

We ultimately call on the authorities to ensure all harassment against the defenders ceases.

Following the EU Guidelines on Human Rights Defenders and the EU human rights Guidelines on safe drinking water and sanitation, we will be requesting the EU delegation in Honduras to follow-up on the issues raised in this letter.

Sincerely,

Tilly Metz
José Gusmão
Marisa Matias
Miguel Urban Crespo
Manuel Bompard
Grace O'Sullivan
Anna Cavazzini

Nikolaj Villumsen
Clare Daly
Mick Wallace
Leila Chaibi
María Eugenia Rodríguez Palop
Diana Riba i Giner
Deirdre Clune
Isabel Santos
Sean Kelly
Mairead McGuinness
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Frances Fitzgerald
Maria Walsh
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Benoit Biteau
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Kira Peter-Hansen
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