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Tilly Metz and Miguel Urbán Crespo

European Parliament

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To the President, H.E. Juan Orlando Hernández
To the Minister of Foreign Affairs, H.E. Lisandro Rosales Benegas
To the President of the Supreme Court of Justice, Rolando Argueta Pérez
To the Attorney General of Honduras, Oscar Fernando Chinchilla Banegas
To the Secretary of State for Governance, Justice and Decentralization, Héctor Leonel Ayala Alvarenga
To the Secretary of Human Rights, Karla Cueva
To the National Human Rights Commissioner, CONADEH, Dr. Roberto Herrera
To the National Mechanism for the Prevention of Torture, NPM-CONAPREV

RE: Subject: Call to free Guapinol rights defenders

Excellences,

We, the undersigned Members of the European Parliament, are writing to you to express our deepest concerns over the current situation of the Sakharov Prize's finalists: Guapinol Human rights defenders and Berta Cáceres. We are particularly worried about the 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) currently jailed: 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, as members of the European Parliament already sent you a letter on 6 April 2020 expressing our deepest concerns about the situation of the human rights defenders of the Guapinol. Now the human rights defenders have spent more than one year in pretrial detention with no sound legal justification and criminalization against them and against the community has further increased.

The legal team of the human rights defenders presented on Monday 12 October an *amparo* in response to the resolutions of the Court of Appeal, which, although issued in March, had not been notified until August 2020. These resolutions violate the right to due process. In addition to that, in September, the Constitutional Chamber admitted an *amparo* against another Court of Appeal's ruling on the illegal application of preventive detention measures, which had been copied and pasted from a completely different ruling, showing once again the reckless and arbitrary nature of the courts' decisions and procedures in this case. The Constitutional Chamber has not yet issued its final judgment.

As you all know, the European Parliament chose the finalists for the 2020 Sakharov Prize for Freedom of Thought. One of them is Guapinol community leaders (and Berta Cáceres) in Honduras. This demonstrates the high interest of the European Parliament to stand with human rights defenders and to ensure due process. Tragically, on 13 October, one of Guapinol's community leaders was killed in

his own home. Arnold Joaquín Morazan, was one of the 32 community leaders criminalized in the Guapinol case. He is also the second of 32 criminalized leaders to be killed.

Moreover, we have been informed that military and police patrols, on average some 50 security personnel, have been besieging the community of Guapinol in the absence of any due process and probable cause, including security or police objectives. While it was feared that some of the five leaders could have been arrested, what happened was the murder of another member of the community, as also reported by the mining company.

We have also received reports from different Honduran and international organizations pointing to irregularities in the judicial process against the intellectual authors of the murder of Berta Cáceres. While impunity continues in this case, the organization she founded, the Civic Council of Popular and Indigenous Organisations of Honduras (COPINH), and the community of Río Blanco, are systematically excluded from participating in the judicial processes that affect them. They are also subjected to smear campaigns and threats, for demanding comprehensive justice.

In this situation, and fully respecting the division of powers and therefore the sovereignty of justice, we urgently demand authorities to ensure that the constitutionally and internationally enshrined standards regarding pre-trial detention are respected, as well as the international guarantees of due process and fair trial. Moreover, we would like to emphasize that according to national law and international standards, the State has the responsibility to ensure hearings are public and that international observation is possible; so we kindly ask you to ensure that, and inform us when the future hearings will take place.

We expect the General Attorney of Honduras and the honorable Supreme Court of Justice to take the necessary immediate measures and make a pronouncement in accordance with international standards. This entails dropping the charges against the 32 water defenders and release the human rights defenders jailed - 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 ask the authorities to take the necessary measures to protect the physical and psychological integrity of the community of Guapinol, the imprisoned leaders, COPINH and the family of Berta Cáceres. Moreover, we call on the competent authorities to conduct thorough, independent and impartial investigations into the killings of Arnold Joaquín Morazan, of the other members of his community and of all defenders of the land, territory and the environment in Honduras.

Sincerely,
Tilly Metz,
Miguel Urbán Crespo,
Alviina Alametsä
Brando Benifei
Malin Bjork
Geert Bourgeois
Benoit Biteau
Michael Bloss

Anna Cavazzini
Leila Chaibi
Clare Daly
Anna Deparnay-Grunenberg
Alexandra Geese
Alexis Georgoulis
Francisco Guerreiro
Jose Gusmao
Claude Gruffat
Heidi Hautala
Yannick Jadot
Sean Kelly
Dietmar Köster
Stelios Kouloglou
Marisa Matias
Hannah Neumann
Niklas Nienaß
Ville Niinistö
Grace O'Sullivan
Diana Riba i Giner
Manuela Ripa
Michèle Rivasi
María Eugenia Rodríguez Palop
Caroline Roose
Isabel Santos
Massimiliano Smeriglio
Jordi Solé
Marie Toussaint
Ernest Urtasun
Nikolaj Villumsen
Mick Wallace