

Lic. Rolando Edgardo Argueta Pérez  
 President of the Supreme Court of Justice  
 via email: [presidencia@poderjudicial.gob.hn](mailto:presidencia@poderjudicial.gob.hn)

December 30, 2020

Dear Supreme Court Justice Argueta Pérez:

We are stunned and outraged at the continuation of the “preventive detention” of eight environmental defenders from the community of El Guapinol in Tocoa, Colón Department. For 15 months, they have been arbitrarily and unjustly detained on suspicion of “aggravated arson” and “unjust deprivation of liberty.” Seven are imprisoned at the prison in Olancho, Yoro Department: **Ewer Alexander Cedillo Cruz, José Abelino Cedillo, Cantarero, José Daniel Márquez Márquez, Kelvin Alejandro Romero Martínez, Porfirio Sorto Cedillo, Orbin Nahúm Hernández, Arnold Javier Alemán.** The eighth person, **Jeremías Martínez**, is imprisoned at La Ceiba, Atlántida Department.

To bring attention to several identified environmental, social, human, and economic impacts of large scale mining projects in the Atlantic zone, residents of El Guapinol and surrounding communities organized the Encampment on the Defense of Water and Life in August 2018. They pointed to contamination of the Guapinol and San Pedro Rivers, which supply drinking water to fourteen surrounding communities, caused by an iron ore mine operated since 2014 by Los Inversiones Los Pinares (owners: Lenir Pérez and Ana Facussé) on 200 hectares of land inside the Carlos Escaleras National Park. Area residents have documented how the mine is destroying animal life and contaminating smaller waterways which supply several other rivers flowing to Olancho, Atlántida, and Colón Departments. Tens of thousands of inhabitants are at risk of losing their agricultural crops and homes (cf our letter of August 25).

This is a summary of recent actions by the court and defense attorneys:

December 18: In a court proceeding in the Tocoa Sectional Court of First Instance (Colón), neither the Prosecutor General (Fiscal General) of Tocoa nor the lawyer of Inversiones Los Pinares presented well-founded legal reasons to maintain the precautionary measure of preventive detention. Judge Zoé Guifarro, nonetheless, denied their release.

December 20: Judge Zoé Guifarro denied the request by defense attorneys to process an appeal against her decision of December 18, citing the suspension of court proceedings for the holidays.


December 22: defense attorneys filed an appeal before the La Ceiba Court of Appeals. Based on article 128 of the Honduran Criminal Procedure Code, the attorneys argued that the vacation period does not apply to criminal matters.

The recent court decisions suggest a disturbing pact that exists between the Judicial Powers, the Public Ministry and Inversiones Los Pinares to keep environmental defenders deprived of their liberty. The continued preventive detention is a misuse of criminal law which aims to inhibit and criminalize the legitimate work of environmental and land defenders.

We are deeply concerned for these eight environmental defenders who pose no flight risk. Because of the COVID-19 health crisis, their continued imprisonment exposes them to serious risks to their lives. We therefore **strongly urge that you**

- condemn the misuse of criminal law to control, neutralize and punish people who exercise the right to organize resistance in defense of land and waterways, and express your opposition to maintaining the precautionary measure of preventive detention
- immediately release from preventive detention the eight environmental defenders mentioned above

Sincerely,

  
 Brian J. Stefan Szittai  
 Co-Coordinator

  
 Christine Stonebraker-Martinez

copies: Lica. Karla Eugenia Cueva Aguilar, Secretary for Human Rights ~ via email  
 Oscar Chinchilla Banegas, Attorney General ~ via email  
 Blanca Sarai Izaguirre Lozano, National Commissioner for Human Rights of Honduras (CONADEH) ~ via email  
 Luis Suazo Barahona, Ambassador of Honduras to the US ~ via email and US mail  
 Joel Hernández, Rapporteur for Honduras, Inter-American Commission on Human Rights ~ via email and US mail  
 Isabel Albaladejo Escribano, Representative to Honduras of the Office of the UN High Commissioner for Human Rights (OACNUDH) ~ via email  
 HSN: Honduras Solidarity Network ~ via email  
 US Embassy in Honduras: Colleen Hoey, Chargé d'Affaires; Nate Rettenmayer, Political Officer ~ via email  
 US State Dept: Honduras Desk ~ via email  
 US Senators Brown & Portman and US Representatives Beatty, Fudge, Gibbs, González, Johnson, Jordan, Joyce, Kaptur, Latta, Ryan ~ via email

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**The following people hereby urge you to take action on this matter as indicated in this letter:**