

Blanca Sarahí Izaguirre Lozano National Commissioner for Human Rights of Honduras	Lica. Karla Eugenia Cueva Aguilar Secretary for Human Rights of Honduras
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May 16, 2021

Dear Commissioner Izaguirre and Secretary Cueva:

We are deeply concerned about the **threat of eviction of five thousand members of the Indigenous Tolupán community of Agalteca** in the municipality of Olanchito, Yoro Department. On May 4, members of the National Police arrived with a judge in Agalteca, bringing machinery to demolish homes. Ultimately, the eviction did not take place.

The police intended to execute an eviction order that was issued on March 22, based on an order (“auto confirmatorio”) issued more than eight years ago by the Court of Second Instance in favor of Ester Zúniga Fúnez, who has a public deed issued about 25 years ago. The disputed land covers an area of about 32 blocks.


Many Tolupán community residents have property titles that date back to the 19th century. In efforts to bring Tolupán communities under the sovereignty of the Honduran state in the 1860s, the government concluded treaty agreements that confirmed traditional Tolupán land rights. It is not uncommon for two property titles to be issued for the same tract of land, especially in communal lands of Indigenous and Afro-descendant communities.

Tolupán lands contain precious resources, such as minerals (e.g., antimony, iron oxide, silver) and wood (e.g., mahogany, pine). For many years, those with economic interests have carried out attempts at forcible evictions (some successful) in order to seize those resources. The number of these evictions has increased over the past decade. Since the government passed a new mining law in 2013, multiple mining concessions have been granted to foreign companies and Honduran entrepreneurs. As a consequence, Tolupán communities in Yoro face increasing threats to their land and water. Those who resist encroachment on their ancestral territories suffer attacks, murders, and judicial harassment. Over the past twenty years, forty Tolupán community members have been murdered.

This is a civil matter that needs to be resolved in civil court, not by criminal proceedings. We **strongly urge** that you

- recommend an investigation into any possible corruption in the issuing of the eviction order on March 22
- instruct judges and prosecutors to heed international conventions (to which Honduras is a signatory) that favor the Indigenous tribes of Honduras, with an eye toward recognizing any violations of constitutional guarantees
- allow the courts to hear challenges by legal representatives of the Tolupanes before taking further action on eviction
- instruct the National Police and other state security forces to cease from enforcing the eviction order of March 22 until this matter is resolved in civil courts

Sincerely,


 Brian J. Stefan Szittai
 Co-Coordinator


 Christine Stonebraker-Martinez

copies: Hector Leonel Ayala, Secretary of Governance, Justice, and Decentralization ~ via email
 Oscar Chinchilla Banegas, Attorney General ~ 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 (IAHCR) ~ via email and US mail
 Antonia Urrejola Noguera, Rapporteur for the Rights of Indigenous Peoples, Inter-American Commission on Human Rights (IAHCR) ~ 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
 COPINH: Consejo Cívico de Organizaciones Populares e Indígenas de Honduras ~ 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 Congress: Senators Brown & Portman and Representatives Beatty, Gibbs, González, Johnson, Jordan, Joyce, Kaptur, Latta, Ryan ~ via email

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