

Lic. Rolando Edgardo Argueta Pérez
President of the Supreme Court of Justice of Honduras
via email

January 12, 2024

Dear Sir:

We are writing to bring to your attention a matter of utmost concern regarding the October 31, 2023 conviction of Indigenous Lenca community organizers Wilmer Otoniel Alonzo Herrera and José Orlando Rodas García on charges related to the alleged "Disturbance of Property Rights" against the hydroelectric company PROGELSA Promotora de Generación de Energía limpia S.A, or Promoter of Clean Energy Generation, Inc.). The origins of the case go back to October 2018 when PROGELSA filed a complaint at the Public Ministry. It is essential to underscore that the charges on which they were convicted is a crime that was not presented in their trial. (They were charged with land usurpation and damages in September 2019).


The genesis of this legal saga lies in PROGELSA's attempt to suppress the peaceful organizing of the wider Indigenous Lenca community of Reitoca in Francisco Morazán Department. The Indigenous Lenca Council and affected communities vehemently oppose the illegal development of a dam project (Proyecto Hidroeléctrico Río Petacón) on their ancestral territory. The project, which impacts both the Petacón River and the Grande River (Río Grande), poses severe threats to their lands, livelihoods, spiritual beliefs, and cultural activities. Since the construction of the dam began in April 2016, there has been a range of environmental problems, such as the decline in the riverbed and the appearance of dead fish, change of color in the water, and the disappearance of animals from the terrestrial fauna.

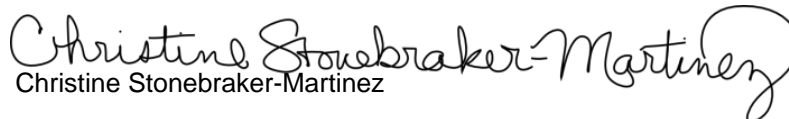
The affected Indigenous Lenca communities, who hold legal titles for the land dating back to 1735, remain unwavering in demanding the cancellation of the hydroelectric concession. They were never genuinely consulted about the project. They did not give their free, prior, and informed consent for the project to proceed. Because of their resistance to the dam, they have faced violent repression and criminalization. Some community members were threatened and deceived into selling land that was subsequently utilized by the company to construct roads.

Your commitment to ensuring a fair and impartial legal process is crucial in fostering a society that respects and protects the rights of all its citizens, especially those of Indigenous communities. We therefore urge that you:

- **Review and Overturn the Conviction:** Conduct a thorough and impartial review of the case against Wilmer Otoniel Alonzo and Jose Rolando Rodas, considering the historical context of the Indigenous Lenca community's opposition to the dam project and ensuring that justice is served.
- **Investigate Allegations of Intimidation and Deception:** Initiate a comprehensive investigation into the allegations of violent repression, threats, and deceit used against community members in relation to the land acquisition for the dam project. Hold those responsible accountable for any criminal actions.
- **Ensure Free, Prior, and Informed Consent:** Establish mechanisms to guarantee that Indigenous communities are genuinely consulted and provide their free, prior, and informed consent for any future development projects affecting their territories. In accordance with ILO Convention 169, strengthen legal safeguards to protect the rights of Indigenous communities and prevent further abuses.

Sincerely,


Brian J. Stefan Szittai
Co-Coordinator


Christine Stonebraker-Martinez

copies: Blanca Sarai Izaguirre Lozano, National Commissioner for Human Rights/Comisionada Nacional de los Derechos Humanos (CONADEH) ~ via email
Javier Efraín Bú Soto, Ambassador of Honduras in Washington, DC ~ via email and US mail
Inter-American Commission on Human Rights (IACHR) Rapporteurs Andrea Pochak (for Honduras), Arif Bulkan (Rights of Indigenous Peoples) ~ 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
Alice Shackelford, UN Resident Coordinator in Honduras, Office of the UN High Commissioner for Human Rights ~ via email
US Embassy in Honduras: Ambassador (Laura F. Dogu) and Human Rights Officer (Joe Duran) ~ via email
US State Department: Bryan Schell, Honduras Desk Officer ~ via email
US Senators Brown & Vance and US Representatives Beatty, Brown, Jordan, Joyce, Kaptur, Latta, Miller, Sykes ~ via email

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