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## **Legal Defense: Honduran Courts Rule to Sustain Political Persecution in Guapinol Case**

August 17, 2020

Late last week, defense lawyers for the more than 20 environmental defenders from Tocoa, Honduras who have been criminalized by the Inversiones Los Pinares mining company and the Attorney General's Office were notified that their appeals to dismiss the case were unsuccessful. The resolution, dated March 3, maintains the arbitrariness in the case and clearly points to politically motivated judicial persecution of local leaders and community members who have been at the forefront of environmental protection in Honduras.

The Appeals Court ruled that five more environmental defenders, in addition to the eight who are already in pretrial detention, must now face legal proceedings. The defenders voluntarily presented themselves to the courts to resolve the trumped up charges, which is sufficient legal basis for them to face their proceedings in freedom. None of the charges they face automatically required remand, which should only be applied as an exception.

"The court's decision reaffirms the clear alliance between the public prosecutor, the Judiciary and the private sector to punish anyone who dares to defend the public and common goods of Honduras," said Attorney Edy Táborá, from the Justice for the Peoples Law Firm and a member of the legal defense team. "This case is not just about Guapinol. This case is emblematic for all those who are fighting to guarantee their rights against extractive projects in their territories".

For the eight defenders already in pretrial detention, Magistrates María Luisa Ramos Matute, Erika Geraldina Dubon Padilla and Magistrate Ramiro Alejandro Ramírez confirmed the decision of National Jurisdiction Judge Lisseth Vallecillo to issue a formal order of indictment on two counts of aggravated arson to the detriment of the mining company Los Pinares and Santos Corea, the head of a security company contracted by the same company. They also face the charge of unjust detention to the detriment of Santos Corea.

In relation to hearings that took place in March 2019 of a separate group of water defenders, the Appeals Court revoked the definitive dismissal of the case that had been issued. Now, five highly regarded defenders, Juan López, Leonel George, Reynaldo Domínguez, Marco Tulio Ramon, and José Cedillo, will also face the aggravated arson and unjust detention charges.

"At no point in the judicial process has the prosecution or the company been able to individualize the charges," said attorney Efrain Ramirez of DABAR Lawyers and part of the legal team. "This case shouldn't even be heard in this jurisdiction. The country is in a compromised legal situation."

Eyewitnesses allege that the Santos Corea was held until the police could arrive to the scene after a young man and member of the peaceful resistance to the mine was shot and injured by a security guard. This took place on September 7, 2018 in the community of Guapinol when the security chief arrived with dozens of armed security guards at the peaceful camp that had been set up a month earlier to defend the rivers that supply the community from the impacts of contamination by the mining project illegally installed in the Montaña Botaderos Carlos Escaleras National Park.

To date, the Public Prosecutor's Office has not investigated the serious damage suffered by the young man while they have forged ahead with the prosecution more than 30 community members for unsubstantiated crimes.

The legal team points to the denial of justice for the imprisoned defenders, as five months have passed between the court decision and its issuance. In addition, referring to the Appeals Court's decision about the application of pre-trial detention, the magistrates referred to an entirely different case in their ruling.

"This is the level we are reaching. It is extremely serious. These facts must be investigated and punished," said Mr. Tábor, who referred to *selective justice* in the case. "The constitution of the Republic says that we are equal before the law, but in Honduras, that is not true."

Despite a supplemental document that the legal team submitted to the Court of Appeals regarding the changes in the new Penal Code, and their favorable impact on the case, the court refused to accept and consider the arguments in its ruling.

This week, the case file must be transferred to the Court of Letters to convene a hearing, during which the legal team will request bond for the illegally incarcerated defenders. The legal team will also present challenges to the recent Court of Appeals rulings.

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