

Tegucigalpa, May 4, 2020

Mr. Dailo Morales
Director
General Directorate of the National Protection System, Secretary of Human Rights
Edificio Le Sage
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Tegucigalpa M.D.C., Honduras

CC: Unit on Implementation and Follow-up; Colón Police; Presidency of the Republic of Honduras; Secretary of Human Rights of Honduras; Inter-American Commission on Human Rights; U.N. Special Rapporteur on the Situation of Human Rights Defenders; U.N. Office of the High Commissioner for Human Rights (OHCHR); Embassies of the United States and Spain in Honduras; Spanish Cooperation in Honduras; Consulate of Paraguay in San Pedro Sula; Delegation of the European Union in Honduras, Programme Supporting Human Rights in Honduras (PADH)

Re: Urgent action required to guarantee the rights and safety of defender and social leaders in the Bajo Aguán in the context of the COVID-19 Pandemic and State of Health Emergency

Dear Sir:

The undersigned civil society and academic organizations and academic experts in human rights urgently implore the National Protection System to guarantee the rights of human rights, environmental, and land defenders in the Bajo Aguán. We call on the Mechanism to adopt all measures necessary to protect their life and work, in the context of the current social, economic, and health emergency, especially given that for many of them, the level of risk and vulnerability has increased in the context of COVID-19 and as a result of the policies adopted by the Honduran government.

We urge the Mechanism and all of the entities that make up the *National Protection System for Human Rights Defenders, Journalists, Social Communicators, and Justice Operators*, to: (1) comply with all of its legal, constitutional, and international human rights obligations in a timely manner; (2) reevaluate the panorama of risk in light of this context and ensure that the Mechanism is responding to potential changes in security needs, taking into account the context of the social, economic, and health emergency and the ways in which new policies and restrictions impact defenders' security; (3) respond to the needs of the specific cases in the Bajo Aguán profiled herein. Finally, we request a telephonic meeting with the Mechanism to discuss in greater detail how the Mechanism intends to address the concerns raised in this letter.

Countries around the world are facing a new and unprecedented crisis in the form of the COVID-19 Pandemic. To avoid collapse of healthcare systems and untold deaths, countries are taking strong measures to protect public health. We recognize that the Honduran government faces difficult decisions in confronting this crisis, and commend actions taken to ensure the health of the Honduran population. However, we impress on the importance that the Honduran government guarantees the rights of social leaders, defenders, and at-risk communities in the context of this health crisis.

Violence and threats against defenders have not gone into quarantine. As human rights and environmental organizations and defenders that work closely with grassroots organizations,

communities, social leaders, and defenders in Honduras, we are alarmed by reports from our colleagues and allies that indicate that since obligatory social isolation measures went into place, social leaders, defenders, and at-risk communities have come to face a new and evolving panorama of risks.

We remind the Mechanism that since the State of Health Emergency was declared and the quarantine measures were put in place in Honduras, there have continued to be threats, attacks, and murders of defenders.¹ On April 2, *Campesina* leader Iris Argentina Álvarez was murdered in the context of a forcible eviction carried out by security guards from the "La Grecia" sugar company in the Choluteca Department.² The actions of the La Grecia sugar company security guards matches the pattern and modus operandi of how security companies operate in the Bajo Aguán. On April 8, Octavio Santos Aguirre Cubas, treasurer and member of the San Isidrio Cooperative from the *Movimiento Reivindicador Campesina del Aguán* (MARCA), was struck by a white 3.0 truck owned by the palm company Corporación Dinant; the car was driven by an engineer from the same company, which has an ongoing land dispute with the San Isidrio cooperative. The incident left him with serious injuries, including hematomas in much of his body and a fracture in his left hand; he has since been released from the hospital and is recovering at home. It bears noting that the Facussé family, owners of Corporación Dinant, are also partners in La Grecia.

The U.N. *Special Rapporteur on the situation of human rights defenders* reports that Honduras "has become one of the most dangerous places on earth for land rights and environmental defenders."³ The Inter-American Commission on Human Rights (IAHCR) also reports that "the state of affairs for human rights defenders continues to be one of extreme risk due to the constant violence, criminalization, and slander they are exposed to."⁴ Organizations that compile global statistics as to the number of defenders killed globally consistently find Honduras to be one of deadliest countries on earth for defenders.⁵ The *Office of the High Commissioner for Human Rights* reports that between 2015 and 2018, 43

¹ Judit Alonso, *Sin tregua durante la pandemia: asesinatos de defensores en Latinoamérica no cesan en cuarentena*, DW (Apr. 9, 2020) <https://p.dw.com/p/3ahx4>.

² CESPAD, *Alerta: Asesinan a Iris Argentina Álvarez lideresa y defensora territorial del sur de Honduras* (Apr. 3, 2020), <https://cespad.org/hn/2020/04/03/alerta-iris-argentina-alvarez-era-lideresa-de-un-asentamiento-humano-en-el-sur-de-honduras-fue-asesinada-el-2-de-abril-mientras-varios-agentes-de-seguridad-privada-de-la-empresa-azucarera/>.

³ UNITED NATIONS HUMAN RIGHTS COUNCIL, *Visit to Honduras: Report of the Special Rapporteur on the Situation of Human Rights Defenders*, A/HRC/40/60/Add.2 (Jan. 11, 2020), p. 8 y 11, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/005/53/PDF/G1900553.pdf?OpenElement>.

⁴ INTER-AMERICAN COMMISSION FOR HUMAN RIGHTS, *Press Release 171/18: IACHR Concluded its Visit to Honduras and Presents its Preliminary Observations* (Aug. 3, 2018), https://www.oas.org/en/iachr/media_center/PReleases/2018/171.asp.

⁵ FRONT LINE DEFENDERS: *Global Analysis 2019* (2020) at 4, https://www.frontlinedefenders.org/sites/default/files/global_analysis_2019_web.pdf; *Stop the Killings* (2018) at 4-5, https://www.frontlinedefenders.org/sites/default/files/stk_-_full_report.pdf. GLOBAL WITNESS: *Enemies of the State? How governments and business silence land and environmental defenders* (2019) at 8, <https://www.globalwitness.org/en/campaigns/environmental-activists/enemies-state/>; *At What Cost? Irresponsible business and the murder of environmental defenders in 2017* (2018) at 10, <https://www.globalwitness.org/en/campaigns/environmental-activists/at-what-cost/>; *Defenders of the Earth: Global Killings of Land and Environmental Defenders in 2016* (2017) at 9, <https://www.globalwitness.org/en/campaigns/environmental-activists/defenders-earth/>. In 2017, Global Witness designated Honduras as the most dangerous place on earth to defend the planet, and as of now the situation for defenders in Honduras has not improved. See generally: GLOBAL WITNESS: *Honduras: The Deadliest Place to Defend the Planet* (2017), <https://www.globalwitness.org/en/campaigns/environmental-activists/honduras-deadliest-country-world-environmental-activism/>.

defenders were murdered in Honduras.⁶ This crisis is particularly acute in the Bajo Aguán,⁷ a region where, according to the Unit on Violent Deaths in the Bajo Aguán, a special prosecutorial unit in the region, more than 140 *Campesino* movement leaders have been assassinated from 2010 to today.⁸ Defenders are also “subject to threats, attacks, intimidation, blows, in addition to being criminalized and stigmatized in defamation media campaigns.”⁹ While *Campesino* leaders are criminalized, the brutal violence against them remains in near absolute impunity.¹⁰

Changing risks in the context of COVID-19 obligatory social isolation

We are alarmed that the situation created by COVID-19 has the potential to compound the lethal context that defenders, social leaders, and communities already faced; we have received information that indicates that the risks have worsened under the State of Emergency, without corresponding measures to guarantee the life and security of this population. While defenders’ and social leaders’ movements are restricted as they respect the social isolation orders, armed groups continue to illegally mobilize to harass and attack defenders. These violent actors now know where defenders will be most of the time, as they are in their homes complying with obligatory social isolation.

Among the measures adopted by the Honduran government in response to COVID-19, the Council of Ministers approved Executive Decree OCM-030-2020 on April 11, which establishes “measures to ensure food sovereignty and security.”¹¹ Subsequently, on April 12 President Juan Orlando Hernández presented a plan to guarantee food security for the population on national television and radio channels. This plan makes small producers and land rights defenders invisible, given that it represents a further deepening of the modernization of the agricultural sector, which focuses on the large agro-industrial corporations (which will be financed by various banks, including the World Bank) and therefore leaves a minimal amount for small producers.¹²

Significant challenges in the implementation of security measures by the Protection Mechanism have become more acute in the context of quarantine. Defenders and communities with protection measures have reported long before this crisis that the Mechanism was not providing them with the material support that they required in accordance with their security schemes. Also, well before the crisis, defenders reported delays in application review and information collection and analysis. Now, it is feared that these delays are going to worsen.

⁶ U.N. HUMAN RIGHTS COUNCIL, *supra* note 3 at 8.

⁷ U.N. HUMAN RIGHTS COUNCIL, *supra* note 3 at 12.

⁸ LA PRENSA, *Banda de yerno de Alegría, el terror en el Bajo Aguán* (Oct. 30, 2016), <https://www.laprensa.hn/sucesos/1013230-410/banda-de-yerno-de-alegría-el-terror-en-el-bajo-aguán>.

⁹ UN HUMAN RIGHTS COUNCIL, *supra* note 3 at 8. The IACHR also observed a high rate of judicial harassment in the Bajo Aguán, as “in a context of extreme violence due to the agricultural conflict in the region, human rights defenders are subject to lengthy legal proceedings, alternative measures, and arrest warrants.” IACHR, *supra* note 4.

¹⁰ UN HUMAN RIGHTS COUNCIL, *supra* note 3 at 8.

¹¹ EXECUTIVE BRANCH OF HONDURAS, *Executive Decree PCM-030-2020* (approved Apr. 11, 2020), <https://www.tsc.gob.hn/biblioteca/index.php/vari0s/912-se-declara-prioridad-nacional-el-apoyo-al-sector-productor-de-alimentos-y-agroindustria-alimentaria-se-decretan-medidas-para-asegurar-la-soberania-y-seguridad-alimentaria>.

¹² LA TRIBUNA, *Presidente Hernández presenta plan para garantizar seguridad alimentaria de la población* (Apr. 12, 2020), <https://www.latribuna.hn/2020/04/12/hacen-llamado-para-reactivar-la-cadena-productiva-y-explican-proceso/>

Additionally, security studies conducted before lockdown measures were initiated analyzed a risk scenario entirely different from the risk scenario presented by quarantine. Therefore, the measures put into place do not necessarily reflect the needs of the present reality. For example, quarantine measures dictating that citizens can only leave in accordance with their national ID number impact defenders and social leaders differentially. For persons who live with high levels of risk, an important security measure is the ability to vary their movements; accordingly, remaining isolated in a set location and with limited ability to vary movements increases their vulnerability to targeted attacks.

With restrictions on the normal practices of justice and police focusing their energies elsewhere, violent groups may feel even more entitled to carry out their attacks.

Cases Requiring Urgent Action by the Mechanism

The undersigned organizations wish to highlight certain cases that need immediate action from the Mechanism in order to protect the lives of social leaders and defenders: the case of the beneficiaries of Precautionary Measures 50-14, which includes approximately 150 people, and the case of the Gaupinol water defenders, who are in urgent need of increased protection.

1) Recent Incidents against MC 50-14 Beneficiaries

We want to emphasize to the Mechanism the situation of extreme risk of *Campesino* leaders from the Bajo Aguán, the beneficiaries of IACHR Precautionary Measure 50-14 (granted in 2014 and broadened in 2016). We have received alarming reports of serious threats, provocations, intimidation, persecution, and surveillance, in addition to strong criminalization, stigmatization, and defamation campaigns, against the beneficiaries since the curfew was declared. We understand that all of this information has been relayed to the people charged with supervising these measures within the Mechanism by the beneficiaries and their representatives. The cases of particular concern at this time are as follows:

Name and Affiliation	Types of Violence Suffered Since Quarantine
<p>Yoni Rivas</p> <p><i>Plataforma Agraria; Movimiento Unificado Campesino del Aguán (MUCA)</i></p>	<p>Mr. Rivas is currently in the Bajo Aguán, unable to leave the zone because of the curfew. Accordingly, the security measures in his favor are inadequate to guarantee his life. He has been subject to surveillance and harassment by the La Confianza paramilitary group; on multiple occasions the presence of men from this group, heavily armed and wearing ski masks, has been observed close to the house where Mr. Rivas is staying.</p>
<p>Jaime Adali Cabrera</p> <p><i>Plataforma Agraria; Empresa Campesina Gregorio Chávez</i></p>	<p>He has been subject to threats and acts of provocation by the paramilitary group commanded by Santos Marcelo Torres that operates in the area of the community of Panamá and the Paso Aguán farm. These incidents include death threats, the presence of armed men surveilling his house, and several robberies of Mr. Cabrera's pigs, which constitute provocations and harassment. He has received credible information that indicates that there is a plan to contract a hitman to assassinate him and a colleague from the <i>Empresa Campesina Gregorio Chávez</i>.</p>
<p>Esly Banegas</p> <p><i>Coordinadora de Organizaciones</i></p>	<p>Since February of this year, Ms. Banegas has received requests on multiple occasions (by phone and in person) for her to meet with Lenir Pérez, one of the owners of the Gaupinol mine project. Ms. Banegas and her husband, also a beneficiary, have interpreted these communications as threats. We</p>

<i>Populares del Aguán (COPA)</i>	also remind the Mechanism that the COPA offices were broken into twice recently (Dec. 2019 and Jan. 2020).
Leonel George <i>Coordinadora de Organizaciones Populares del Aguán (COPA)</i>	On April 8, a stigmatizing article was published on the Facebook page, ‘ <i>La Voz de Tocoa.</i> ’ ¹³ On April 14, a second stigmatizing article was published on the Facebook page ‘ <i>Tocoa Exclusivas.</i> ’ ¹⁴ On April 25, a third stigmatizing article was published on the Facebook page ‘ <i>La Voz de Tocoa.</i> ’ ¹⁵ All three articles named Leonel George (as well as environmental defenders from Gaupinol, mentioned below) and attempt to stigmatize him. This stigmatization campaign exposes Leonel to increased risk. We also remind the Mechanism that the COPA offices were broken into twice recently (Dec. 2019 and Jan. 2020). We also remind the Mechanism that Mr. George was arbitrarily imprisoned and illegally criminalized, constituting a judicial persecution that has put his human rights at risk and vulnerability of being violated.
Líderes y lideresas de La Lempira, incluyendo a Raúl Ramírez <i>Plataforma Agraria, MUCA</i>	On April 7, members of the community of La Lempira found a vehicle abandoned at the entrance of their settlement. They went to the Tocoa police station to inform the police. The police informed them that the car was robbed the day before and that the car had had bags of food that were going to be distributed by the government. It is feared that the police could attempt to use this incident to criminalize the beneficiaries of MC 50-14 in La Lempira.
Karla Zelaya <i>Plataforma Agraria</i>	Social communicator for the Plataforma Agraria. Last week she was could not leave her house on the day assigned to her, so she went to go buy milk for her young child on another day. She was stopped at a military checkpoint, told she could not pass, and threatened her with detention. This week, she went to the supermarket on the day that she was permitted in accordance with her national ID number to leave the house in order to buy food. Outside of the store she was surrounded and harassed by security guards from the supermarket as well as military who were present. They told her that she was not allowed to enter because she had her daughter with her, but she does not have anyone else to care for her daughter.

We understand that these recent incidents have been reported to the Police Commissioner Marvin Vieda, the police liaison for the MC 50-14. We also understand that an enormous quantity of prior incidents of intimidation, violence, attacks, threats, stigmatization, criminalization, surveillance, and other forms of violence against the MC 50-14 beneficiaries have also been communicated to Mr.

¹³ LA VOZ DE TOCOA (Facebook Page), “Indignación Tras Descubrirse que ONGs de Tocoa y Dirigentes se están Aprovechando de Crisis por COVID-19 (8 de abr. de 2020), https://m.facebook.com/2398397007150630/photos/a.2503902143266782/2632141280442867/?type=3&source=57&refid=52&__tn__=EH-R

¹⁴ TOCOA EXCLUSIVAS (Facebook Page), DENUNCLIA: “Ambientalistas” de Tocoa impiden que lleguen donaciones de alimentos a familias de Gaupinol (14 de abr. de 2020), https://www.facebook.com/permalink.php?story_fbid=164263581709188&id=109794487156098&__tn__=K-R

¹⁵ LA VOZ DE TOCOA (Facebook Page), “Dirigentes de Tocoa Usan a Presos como Negocio para Pedir Dinero a ONGs Extranjeras”, Denuncian Familiares (25 de abr. de 2020), https://m.facebook.com/2398397007150630/photos/a.2503902143266782/2647093268947668/?type=3&source=48&__tn__=EH-R.

Vieda. However, the protection measures have been almost completely unfulfilled. The undersigned organizations lament the limited response of the Mechanism until now. We also lament that although Eddy Cruz, an agent from the *Unit on Violent Deaths in the Bajo Aguán* (UMBIVA), told some of the beneficiaries in the community of Panamá on April 5 that there were warrants out for four members of Santos Torres' Group, as of now they remain at large and persist in terrorizing the population of the community of Panamá. The Confidential Appendix, which will be presented separately, contains additional detail as well as one additional case.¹⁶

2) Insecurity of the situation of the Guapinol environmental and water defenders

In addition to the Case MC 50-14, we indicate our serious concern for the situation of the Guapinol environmental and water defenders, who have been in the process of requesting a response from the Honduran government that adequately responds to their high risk level.

We are alarmed by the situation of the eight criminalized Guapinol defenders: Porfirio Sorto Cedillo, José Avelino Cedillo, Orbin Naún Hernández, Kevin Alejandro Romero, Arnold Javier Aleman, Ever Alexander Cedillo, Daniel Marquez and Jeremías Martínez Díaz.¹⁷ International experts have opined that their detention is arbitrary.¹⁸ Members of the European Parliament recently denounced that this pre-trial detention has “no sound legal justification” and constitutes “judicial harassment of the defenders in the absence of clear incriminating evidence against them” and that the Court has not responded to recent filings by the Defendants.¹⁹ Their detention now is even more life-threatening, as it exposes them to a disproportional risk of contracting COVID-19 in precarious prison conditions and to recent prison violence. As U.N. High Commissioner for Human Rights Michelle Bachelet stated on March 25, 2020: “now, more than ever, governments should release every person detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views.”²⁰

¹⁶ This appendix will be presented confidentially to the Mechanism. We will also present the appendix confidentially to the IACHR, the OHCHR, and the embassies of the United States and Spain, as well as other embassies and inter-governmental organizations upon consultation with the beneficiaries.

¹⁷ See, EARTHRIGHTS INTERNATIONAL, *Criminalized Guapinol EarthRights Defenders Should be Immediately Released* (Feb. 27, 2020), <https://earthrights.org/blog/criminalized-guapinol-earth-rights-defenders-should-be-immediately-released/>; *Members of European Parliament Letter to the President of Honduras re: call to free Guapinol rights defenders amidst COVID crisis* (Apr. 6, 2020), <https://eulatnetwork.org/wp-content/uploads/2020/04/Letter-to-Honduras-authorities-re-Guapinol-HRDs-06.04.20201.pdf>

¹⁸ HUMAN RIGHTS CLINIC OF THE UNIVERSITY OF OTTAWA, CORPORACIÓN COLECTIVO DE ABOGADOS 'JOSÉ ALVEAR RESTREPO' DUE PROCESS OF LAW FOUNDATION, BUFETE PARA LOS PUEBLOS INDÍGENAS Y EQUIPO JURÍDICA POR LOS DERECHOS HUMANOS, *Amicus Curiae en el caso 565-19 (Corte de Apelación)/SCO-0761-2019 (Sala de Constitucional)* (Nov. 4, 2020), http://www.dplf.org/sites/default/files/amicus_curiae_detencion_ilegal_caso_guapinol_honduras.pdf. The IACHR has emphasized that States must “[e]nsure that no arbitrary detentions are carried out during the time a state of emergency is in effect. IACHR, *Pandemic and Human Rights in the Americas*, Resolution 1/2020 (April 10, 2020) at 13, <http://www.oas.org/en/iachr/decisions/pdf/Resolution-1-20-en.pdf>.

¹⁹ *Members of European Parliament*, *supra* note 17.

²⁰ U.N. High Commissioner for Human Rights Michelle Bachelet, *Urgent action needed to prevent COVID-19 “rampaging through places of detention”* (Mar. 25, 2020), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=E>. See also, COMITÉ NACIONAL DE PREVENCIÓN CONTRA LA TORTURA, TRATOS CRUELES, INHUMANOS O DEGRADANTES (CONAPREV), April 16 Facebook Post (Apr. 16, 2020),

There is a long history of persecution of the Guapinol defenders. Since the State of Emergency was declared, this persecution has continued despite obligatory social isolation measures. Three other defenders who work on the Guapinol case have been targeted by the same stigmatization campaign as Leonel George: Juan López and Reynaldo Domínguez, both members of the *Comité Municipal de Defensa a los Bienes Comunes y Públicos de Tocoa* (CMDBCP), and Juana Esquivel, a defender from the *Fundación San Alonso* which accompanies the CMDBCP. The April 8th and 25th publications on the Facebook page, ‘*La Voz de Tocoa*’, and the April 14th publication on the Facebook page, ‘*Tocoa Exclusivas*’, all mention these three defenders by name (as well as Mr. George).²¹ The April 8th publication also includes a photo of Mr. López,²² while the April 25th publication included a photo of all three defenders.²³ It is our opinion that this stigmatization campaign, and particularly the publication of the names and photos of defenders, exposes them to an elevated risk level.

Obligations of the Honduran State

The Honduran government has a legal obligation to protect the rights and safety of defenders.²⁴

The *Inter-American Commission on Human Rights* has reminded States that emergency measures must “adhere to unconditional observance of inter-American and international standards on human rights, which are universal, interdependent, indivisible and cross-cutting.”²⁵ Specifically, States cannot suspend ‘non-revocable’ rights²⁶ and must “adopt an intersectional human rights approach in all of their government strategies, policies and measures to deal with the COVID-19 pandemic and its consequences.”²⁷ The IACHR also emphasizes that States must consider the differential ways that the pandemic will impact “particularly vulnerable groups,” among them “human rights defenders [and] social leaders.”²⁸ In the context of the Bajo Aguán, it is also our opinion that *Campesino* populations are “particularly vulnerable groups’, since the IAHR defines this term to include generally, “historically excluded groups.” Additionally, the Commission has also emphasized that affirmative

<https://www.facebook.com/103453093117525/posts/2667954750000667/?d=n>; CONAPREV, April 21 Facebook Post (Apr. 21, 2020), <https://www.facebook.com/103453093117525/posts/2679070715555737/?d=n>.

²¹ LA VOZ DE TOCOA, Apr. 8 publication, *supra* note 13; TOCOA EXCLUSIVAS, Apr. 14 publication, *supra* note 14; LA VOZ DE TOCOA, Apr. 25 publication, *supra* note 15.

²² VOZ DE TOCOA, Apr. 8 publication, *supra* note 13

²³ LA VOZ DE TOCOA, Apr. 25 publication, *supra* note 15.

²⁴ See, e.g., CONSTITUTION OF REPUBLIC OF HONDURAS, arts. 2, 37, 65, 68-69, 72, 77, 78-79, 84, 98, 182-183; *National Human Rights Action Plan of the Republic of Honduras* (2013-2022), p. 217-230, https://www.ohchr.org/Documents/Issues/NHRA/Honduras2_sp.pdf; Legislative Decree Num. 34-2015, *Ley de Protección para las y los Defensores de Derechos Humanos, Periodistas, Comunicadores Sociales y Operadores de Justicia* (April 16, 2015) (establishing the National Protection System). Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Adopted by General Assembly resolution 53/144 of 9 December 1998). For more information, see UN HUMAN RIGHTS COUNCIL, *supra* note 3 at 3-4.

²⁵ IACHR Resolution 1/2020, *supra* note 18 at 7. IACHR, *CIDH llama a los Estados de la OEA a asegurar que las medidas de excepción adoptadas para hacer frente la pandemia COVID-19 sean compatibles con sus obligaciones internacionales* (Apr. 17, 2020), <http://www.oas.org/es/cidh/prensa/comunicados/2020/076.asp>.

²⁶ Among them: the right to life, the right to personal integrity, and the prohibition against torture and cruel, inhumane, and degrading treatment.

²⁷ IACHR Resolution 1/2020, *supra* note 18 at 7. IACHR Statement, *supra* note 25.

²⁸ IACHR Resolution 1/2020, *supra* note 18 at 6; IACHR Statement, *supra* note 25.

measures must be taken to protect certain groups, including human rights defenders covering the pandemic.”²⁹

Petitions to the Mechanism

In light of the urgency of this situation, we call on the Honduran State to take specific precautions to protect defenders in the context of the COVID-19 pandemic and corresponding obligatory social isolation measures. We also reiterate and support the calls for specific protections that have already been made by the MC 50-14 beneficiaries, the Guapinol defenders in processing of requesting protection, and their advocates before this system. In accordance with these duties, we urge the Mechanism and all other entities of the Honduran government whose action is required to guarantee the life, integrity, and security of defenders, social leaders, and movements to:

1) General Petitions

- Respond adequately to the needs of beneficiaries and of those who apply for protection, in accordance with their communications to the Mechanism, regardless of measures taken to prevent the spread of COVID-19. Respect and comply with precautionary measures issued by the IACHR.
- Adequately account for the context of the pandemic and obligatory social isolation measures at every stage of the process. Develop and apply a systematized approach to reevaluating the needs of existing protection schemes, including those authorized to the MC 50-14 beneficiaries, to account for the changing panorama of risk during the COVID-19 state of emergency. Maintain open lines of communication with the beneficiaries and their representatives before the Mechanism and/or IACHR.
- Rapidly implement urgent protection measures adequate for saving the life of those beneficiaries who are in their homes with their families due to the COVID-19 pandemic.
- Authorize the protocols necessary to ensure that the Mechanism can continue executing its functions with the necessary urgency despite the shut-downs that occur within the context of obligatory social isolation. To the extent that the Mechanism is going to conduct virtual or alternative meeting formats, ensure that the technology utilized is adequate to protect the privacy of applicants and beneficiaries. At all times, the duties of the Mechanism should be considered essential and could continue despite obligatory social isolation measures.
- In accordance with IACHR Resolution 1/2020, request on behalf of the Mechanism that the relevant government institutions: *“Refrain from restricting the work and movement of journalists and human rights defenders, who perform a key function during a public health emergency by reporting on and monitoring the actions of the State . . . Ensure that human rights defenders are able to perform their defense and information work during the pandemic. Refrain from going after or detaining human rights defenders on account of the oversight they provide of the State’s actions regarding the pandemic and possible violations of fundamental rights; this includes not bringing civil or criminal actions against them because of their opinions, not detaining them on the basis of overly broad or ambiguous criminal charges, and not exposing them to the risk of being attacked, in person or online.”*³⁰

²⁹ IACHR Resolution 1/2020, *supra* note 18 at 6, 11.

³⁰ IACHR Resolution 1/2020, *supra* note 18 at 11-12.

- Work with the appropriate government authorities to develop alternative protocols to set the rules for the mobility of protected persons in the context of obligatory social isolation, in such a way that respects the collective public health needs, but also allows these vulnerable groups to continue fulfilling their essential work in accordance with IACHR Resolution 01/2020 and to vary their movements, in accordance with their risk profile.
- Monitor the administration of essential humanitarian aid from the Honduran government, including Personal Protective Equipment (PPE) and food, to the beneficiaries. Monitor whether the beneficiaries are receiving humanitarian aid equal to that of all other Honduran citizens, and ensure there is no discrimination in the treatment of the beneficiaries. The IACHR has emphasized the importance that States “[e]nsure non-discriminatory, equitable access to health facilities, goods and services.”³¹ Request, on behalf of the Mechanism, that the relevant government institutions administer PPE and food assistance to the beneficiaries without discrimination.
- Monitor the humanitarian needs of those protected by the Mechanism in the context of this health emergency. Intervene with other government agencies to relay the differential needs of the beneficiaries as particularly vulnerable groups. Request that the corresponding government agency authorize humanitarian aid designated for protected persons and groups.
- Take all steps outlined in this letter to ensure the integrity, security, lives, and well-being of defenders, social leaders, and at-risk communities.
- When undertaking all of these actions, take into account the ways in which rural and *Campesino* communities, as well as women defenders and women social leaders, are impacted differentially by identified risks, including risks related to the COVID-19 crisis.

2) Petitions regarding the Beneficiaries of MC 50-14

- Respond adequately to the needs of the beneficiaries of MC 50-14, as indicated by the beneficiaries themselves and by their representatives in their frequent communications with the Mechanism. Administer any material support necessary under the active measures. Of the measures that have already been requested by the beneficiaries and their representatives, we want to emphasize our strong support for the following, and urge the Mechanism to comply with them as soon as possible:
 - Investigate all incidents reported by the beneficiaries, and inform the beneficiaries as to the progress of those investigations. Implement an Immediate Reaction Plan as soon as possible with regards to the possible detentions of members of the paramilitary groups, since their presence puts the lives of the beneficiaries in serious risk. We remind the State of Honduras that the IACHR emphasizes that States must continue to “[e]nsure that there exist mechanisms for accountability and access to justice in the face of possible violations of human rights.”³²
 - The National Protection Mechanism should make a formal request with the Office of the Prosecutor (*Ministerio Público*) to assign a trusted prosecutor to whom the beneficiaries of MC 50-14 can present criminal complaints, without having to fear that the information will be leaked to paramilitary groups. The National Protection Mechanism should also request that

³¹ IACHR Resolution 1/2020, *supra* note 18 at 8-9.

³² IACHR Resolution 1/2020, *supra* note 18 at 10.

the Office of the Prosecutor authorize protocols that would allow the beneficiaries to present their complaints to this prosecutor telephonically and/or virtually, so as to limit their need to mobilize in this time for both health and safety reasons. Such protocols should ensure that any technological platforms used for this purpose be adequately safe guarded to protect defenders' sensitive information.

- Together with the Secretariat for Human Rights, manage the formation of a high level table, with high-ranking government officials who have decision-making power, which can serve as a space to open and maintain a dialogue about the situation in the Bajo Aguán. When it comes time to define the terms of that table and the institutions that will participate in it, take into consideration the request presented to Director Kenia Irías by the beneficiaries and their representatives.
- Comply with the individual measures necessary to ensure beneficiaries' safety. We reiterate the following requests that we understand have already been communicated to the Mechanism by the beneficiaries themselves and their representatives before the Mechanism. We express our strong support and urge the Mechanism to address these needs as quickly as possible:

Beneficiary	Measures Requested
Yoni Rivas	Comply with Point 25 of the March 28, 2019 agreement, and, as a protection measure, maintain permanent police patrols in the community of La Confianza during the time period that Mr. Rivas is in the community without any possibility of mobilizing to leave a zone. We understand that the response of the Mechanism to date has been that it is not possible to request patrols, police liaisons, and police accompaniment in this time because of Executive Decree PCM-021-2020. This response is unacceptable, as the Honduran government cannot issue decrees that contract its legal obligations to protect the lives of defenders.
Jaime Cabrera	Comply with Point 21(a) and (b) and Point 22(a) of the March 28, 2019 agreement, regarding the need for permanent police patrols in his community, Panamá. Fulfill the illumination measures needed in front of his home, and improve the lock on his house for greater security.
Esly Banegas	Comply with Point 23 of the March 28, 2019 agreement and maintain the presence of a police bodyguard and police patrols for Esly Banegas and her family.
Leonel George	Comply with the illumination measures for the front of his house. Move forward with regards to the complaints presented to the <i>Special Prosecutor for Defenders, Journalists, Communicators, and Justice Operators</i> . Request that the judiciary remove him from the arrest warrant in the Guapinol case.
Karla Zelaya	Assign a police liaison as she is living in Tegucigalpa outside of the jurisdiction of the Colón Police.

3) Petitions related to the case of the Guapinol environmental defenders

- We request that the copied entities who form part of the Mechanism and who also have responsibilities regarding the functioning of the judicial system call for an immediate review of the pre-trial detention of Porfirio Sorto Cedillo, José Avelino Cedillo, Orbin Naún Hernández, Kevin Alejandro Romero, Arnold Javier Alemán, Ever Alexander Cedillo, Daniel Márquez and Jeremías Martínez Díaz, and that they do everything within their power to ensure that the Guapinol water defenders are granted alternative measures and released as soon as possible.

- Review requests for protection submitted by the Guapinol environmental defenders with extreme urgency.
- Identify, in conjunction with the Guapinol environmental defenders, the measures necessary to guarantee their lives and their rights. Authorize and comply with those measures. Rapidly administer any material support required under the authorized measures.

The undersigned organizations request a telephonic meeting as soon as possible to discuss these concerns and steps that the Mechanism will take to address them.

Presented in support of ongoing interventions before the Protection Mechanism by:

- The *Plataforma Agraria Regional del Valle del Aguán*, the *Coordinadora de Organizaciones Populares del Aguán* (COPA), the other MC 50-14 beneficiaries, and the Guatemala Human Rights Commission on behalf of the beneficiaries of MC 50-14; and
- The *Comité Municipal de Defensa a los Bienes Comunes y Públicos de Tocoa*, COPA, and the *Fundación San Alonso* with regards to the Guapinol case.

Signatories:

- 1) Abogadas y Abogados para la Justicia y los Derechos Humanos
- 2) Alianza Centro América frente a la Minería (ACAFREMIN)
- 3) Amigos del Río San Rodrigo, A.C.
- 4) Anticapitalistas Madrid
- 5) Asociación Arcoris
- 6) Asociación de Prensa Hondureña
- 7) Asociación Feminista Trans (AFeT)
- 8) ASONAG
- 9) Bertha Massiel Sánchez
- 10) Both END
- 11) Bufete de Derechos Humanos: Estudios Para la Dignidad
- 12) CADEHO (Alemania)
- 13) CARECEN-LA
- 14) Carlos Leonel George George
- 15) Casa de la Mujer Ixim Antsetic A.C.
- 16) Centro de Estudios de la Mujer (CDM)
- 17) Chicago Religious Leadership Network on Latin America
- 18) CIPRODEH
- 19) Claudia Julieta Duque, Colombian journalist and human rights defender
- 20) Colombia Human Rights Committee
- 21) Comité por la Libre Expresión (C-Libre)
- 22) Comunicación Comunitaria COMUN
- 23) Comunicación y Educación Ambiental SC
- 24) Confederación General del Trabajo
- 25) Consejo Cívico de Organizaciones Populares e Indígenas de Honduras (COPINH)
- 26) Coordinadora de Organizaciones Populares del Aguán (COPA)
- 27) Cultura Ecológica
- 28) Dalila Argueta
- 29) Delmy Martínez Zavala

- 30) Derechos Humanos sin Frontera Honduras
- 31) DIAKONIA
- 32) Dinora Castro
- 33) Disciples Refugee & Immigration Ministries, Christian Church (Disciples of Christ) in the U.S. and Canada
- 34) Dr. Ruth de Frutos, journalist and investigator
- 35) EarthRights International
- 36) ECORE
- 37) Edwin Escoto
- 38) El Comité Noruego de Solidaridad con América Latina
- 39) Elizabeth Medina
- 40) Elvin Hernández
- 41) Empresa Asociativa Campesina de Producción la San Isidro (MARCA)
- 42) Empresa Asociativa Campesina de Producción La Trinidad (MARCA)
- 43) Equipo de Reflexión, Investigación y Comunicación de la Compañía de Jesús en Honduras (ERIC-SJ)
- 44) Eri Kime
- 45) Erick Vidal Martínez Salgado
- 46) Estad
- 47) FIDH, en el marco del Observatorio para la Protección de los Defensores de Derechos Humanos
- 48) Foro de Mujeres por la Vida
- 49) Foro Honduras Suiza
- 50) Frances Meza, Vecinos Honduras
- 51) Franciscan Action Network
- 52) Front Line Defenders
- 53) Fundación Forjando Futuros
- 54) Green Advocates International
- 55) Grupo de Trabajo sobre Asuntos Geográficos
- 56) Guatemala Human Rights Commission
- 57) Guatemala Solidarity Project
- 58) Harvard International Human Rights Clinic
- 59) Honduras Delegation (Alemania-Austria)
- 60) Idania Reyes
- 61) Iglesia Evangélica Jesús es la Respuesta para su Vida
- 62) Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos
- 63) Institute for Policy Studies - Global Economy Program
- 64) Instituto de Derecho Ambiental de Honduras (IDAMHO)
- 65) International Indigenous Peoples Movement for Self-Determination and Liberation (IPMSDL)
- 66) IP, José Reinaldo Avilés Oseguera
- 67) Irma Lemus
- 68) Itza Castañeda
- 69) Jazmin Hristov
- 70) Jorge Umanzor
- 71) Josefa Escoto
- 72) Juan Carlos González
- 73) Juan Frañó

- 74) Julio Gonzalez
- 75) Latin American Working Group (LAWG)
- 76) La Diáspora Hondureña
- 77) Land is Life
- 78) Lisa VeneKlasen
- 79) Marlen Nohemy Corea Mendoza
- 80) MASSVIDA
- 81) Mario Gomez, International Centre for Ethnic Studies, Sri Lanka
- 82) Mateo Castillo
- 83) Maureen Zelaya Paredes
- 84) Merary Avila
- 85) Melissa Cardoza
- 86) Melvin Ariel Madrid
- 87) Mesa Territorial Foro del Agua Morazan, El Salvador
- 88) Migrant Roots Media
- 89) Miriam Avila
- 90) Miriam Miranda, OFRANEH
- 91) Miriam Suazo
- 92) Movimiento Ambientalista Santabarbarensense (MAS)
- 93) Movimiento de Mujeres por la Paz Visitación Padilla
- 94) Movimiento Unificado Campesino del Aguán (MUCA)
- 95) National Advocacy Center of the Sisters of the Good Shepherd
- 96) Nelson A Mejía Gonzales
- 97) Nelson Camilo Sánchez, Director, International Human Rights Clinic at the University of Virginia School of Law
- 98) Not1More
- 99) Oficina Ecuménica por la Paz y la Justicia (Múnich, Alemania)
- 100) Organización Mundial Contra la Tortura (OMCT), en el marco del Observatorio para la Protección de los Defensores de Derechos Humanos
- 101) Otros Mundos AC/Chiapas, México
- 102) Patronato Buenos Aires, Tocoa Colón
- 103) Plataforma Agraria
- 104) Plataforma por Honduras en Madrid, España
- 105) Programa Socioeducativo “Paso a Paso”
- 106) Ramiro Lara, ASONAG (Honduras)
- 107) Red de Hondureñas Migradas
- 108) Recourse
- 109) Red Europea de Solidaridad con Honduras (RESH)
- 110) Red Nacional de Defensoras de Derechos Humanos en Honduras
- 111) Salvador Herencia-Carrasco, Clínica de Derechos Humanos, Universidad de Ottawa
- 112) Sinia Melitssa Alerro
- 113) Sisters of Mercy of the Americas - Washington, DC Justice Team
- 114) Susy Nuñez
- 115) Terry Collingsworth, Director, International Rights Advocates
- 116) Thomas Becker, Clinical Instructor, Harvard International Human Rights Clinic
- 117) Txema Abaigar, Madrid (Estad Español)
- 118) Unitarian Universalist Service Committee
- 119) Vecinos Honduras