

URGENT ACTION

WATER DEFENDERS CONTINUE IN JAIL

Eight members of the Municipal Committee for the Defence of Common and Public Assets (CMDBCP) continue in pre-trial prison in Yoro (North Honduras) after two years for standing up in defence of protected water sources in danger by a mining project. The Attorney General Office requested the Supreme Court the extension of this preventive measure last 29 July 2021, despite the UN Working Group on Arbitrary Detention declaring their detention as arbitrary and asking for their immediate release. We urge authorities to review the preventive detention of all eight defenders and take all necessary measures to immediately release them.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Mr. Oscar Fernando Chinchilla
Attorney General

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Dear Attorney General,

I'm writing to express my deepest concern for the life and integrity of José Daniel Márquez Márquez, Kelvin Alejandro Romero Martínez, José Abelino Cedillo, Porfirio Sorto Cedillo, Orbín Nahúm Hernández, Arnold Javier Alemán, Ewer Alexander Cedillo Cruz and Jeremías Martínez Díaz, members of Municipal Committee for the Defence of Common and Public Assets (CMDBCP in Spanish) and defenders of the Guapinol river in Northern Honduras, who have been deprived of their liberty for two years.

On 9 February 2021, the UN Working Group on Arbitrary Detention declared that the detention of the eight imprisoned defenders is arbitrary and asked for their immediate release. Previously, United Nations human rights experts recommended all states to consider alternatives to imprisonment, to reduce risks of spreading COVID-19, particularly for persons in pretrial detention or detained without legal basis.

Despite these demands, the Attorney General Office of Honduras requested the Criminal Chamber of the Supreme Court of Honduras to extend the pre-trial detention of the eight Guapinol defenders for six months, since the legal duration of this preventive measure is two years, and the trial has not been yet scheduled.

I urge you to immediately review the situation of the eight defenders who continue to be unfairly imprisoned after two years, and to take all necessary measures to immediately release them, in compliance with the recommendations of the UN Working Group on Arbitrary Detention, in order to guarantee their right to life, health, liberty, freedom of expression and right to defend human rights.

Yours sincerely,

ADDITIONAL INFORMATION

The Municipal Committee for the Defence of Common and Public Assets (*Comité Municipal por la Defensa de los Bienes Comunes y Públicos, CMDBCP*) from Tocoa, in Northern Honduras, gathers several organisations defending land and environmental rights. They oppose the operating license issued to the mining company Inversiones Los Pinares in the Carlos Escalera National Park, formerly known as Montaña de Botaderos, in the municipality of Tocoa. On 1 August 2018, local residents set up the “Guapinol camp” to peacefully protest against the license and mining exploitation in the core zone of a protected area of the water sources on which they depend for their survival. They filled several criminal complaints before local courts which are still pending.

Members of the CMDBCP have faced at least two criminal proceedings since 2018 for defending the Guapinol and San Pedro Rivers. In March 2019, a judge dismissed the charges against 12 of them accused of “aggravated arson” and “unjust deprivation of liberty”, but the public prosecutor filled an appeal. On 13 August 2020 the Court of Appeals of Francisco Morazán revoked the dismissal ordered in March for five of the 12 defenders, which means they could face a new trial and be sent to pre-trial detention once again.

On 26 August 2019, authorities detained José Daniel Márquez Márquez, Kelvin Alejandro Romero Martínez, José Abelino Cedillo, Porfirio Sorto Cedillo, Orbín Nahúm Hernández, Arnold Javier Alemán, and Ewer Alexander Cedillo Cruz. A week later, on 1 September, a court charged them, and a judge ordered their pre-trial detention. After more than two months in a high security jail, authorities transferred them, on 29 November 2019, to the Olanchito detention centre, Yoro department (North), [where they remain since](#). Jeremías Martínez Díaz is being held in La Ceiba Penal Center, Atlántida department (North), since 5 December 2018. To date, several appeals against their detention and habeas corpus petition requesting an alternative measure for both the illegality of the detention and the risk of Covid-19 were declared inadmissible or are yet to be resolved.

Following a visit on 16 April 2020 to the Olachito Penal Centre, the National Mechanism and Committee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment (MNP-CONAPREV) requested a review of the preventive detention of the seven Guapinol defenders (see [Urgent Action](#)). In its [opinion number 85/2020](#) at its 89th session, 23-27 November 2020, the UN Working Group on Arbitrary Detention stressed that there is no legal reason for the use of pre-trial detention in the case of defenders José Daniel Márquez Márquez, Kelvin Alejandro Romero Martínez, José Abelino Cedillo, Porfirio Sorto Cedillo, Orbín Nahúm Hernández, Arnold Javier Alemán, Ewer Alexander Cedillo Cruz and Jeremías Martínez Díaz and emphasize the current risk they are facing in the context of COVID-19. The Working Group asked for the immediate release and redress of the eight defenders, and to investigate those suspected of criminal responsibility for their illegal detention. On 12 March 2021, local organizations confirmed that José Daniel Márquez Márquez, tested positive for COVID-19. He was isolated and now is back in the Olanchito prison.

Honduras faces a serious problem of overcrowded jails for years. According to the [2020 MNP-CONAPREV report](#) prisons in Honduras are overcrowded to 166% of their installed capacity with only 45% of the population having a final decision on the merits of their case. The Inter-American Commission on Human Rights [regularly expresses concern](#) about the conditions of detention in Honduras, which present a risk to the life and integrity of persons deprived of their liberty due to poor infrastructure, lack of hygiene, lack of sanitary facilities and decent places to sleep, negligent medical care, insufficient food with little nutritional value, and poor and inadequate access to water. In September 2020, Honduran prison authorities reported that a total of [1,749 detainees tested positive to COVID-19](#); in 2021, there are [108 cases reported](#). Over the last five years, Amnesty International has continuously alerted on numerous killings and other attacks against activists in Honduras, which is one of the deadliest countries in the world to be a human rights defender.

PREFERRED LANGUAGE TO ADDRESS TARGET: Spanish

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 12 October 2021

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Members of The Municipal Committee for the Defence of Common and Public Assets (They/them/their).

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/amr37/4108/2021/en/>