

# URGENT ACTION

## PRISONERS OF CONSCIENCE CONTINUE IN JAIL

Only two of the eight members of the Municipal Committee for the Defence of Common and Public Assets (CMDBCP), have been so far acquitted and released. Six of them were found guilty of the crimes of illegal deprivation of liberty and aggravated damages against the contractor of the company Inversiones Los Pinares (ILP), and simple and aggravated damages against ILP on 9 February 2022. The six prisoners of conscience continue in detention in Yoro (North Honduras), despite the Constitutional Chamber of the Supreme Court of Justice having issued two resolutions in favour of them. Their arbitrary detention is solely for standing up in defence of protected water sources in danger by a mining project. The charges against them must be dropped so that they are and released immediately and unconditionally.

**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 that only two of the eight prisoners of conscience were acquitted and released on 9 February. Amnesty International continues to be seriously concerned for the life and integrity of the other six. José Daniel Márquez, Kelvin Alejandro Romero, José Abelino Cedillo, Porfirio Sorto Cedillo, Ewer Alexander Cedillo and Orbin Nahún Hernández, members of the Municipal Committee for the Defence of Common and Public Assets (CMDBCP in Spanish) and defenders of the Guapinol river in Northern Honduras, have been wrongfully deprived of their liberty for more than 29 months.

On 10 February 2022, one day after they were found guilty, the Constitutional Chamber of the Supreme Court of Justice (SCJ) of Honduras informed of two resolutions issued in favor of the eight defenders, in relation to two amparos writs filed in 2020 and 2021 for violations of due process of law and their pre-trial detention.

**In view of these two recent resolutions by the Constitutional Chamber of the Supreme Court of Honduras, I urge you to drop the charges against the six human rights defenders who continue to be unfairly imprisoned after more than two years, so that they are immediately and unconditionally released 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 (CMDBCP), composed of several organisations defending land and environmental rights, has mobilized since 2015 against two concessions granted by the Honduran Institute of Geology and Mines (INHGEOMIN) to the mining company Inversiones Los Pinares (ILP) in Carlos Escaleras National Park (formerly known as Botaderos Mountain), located in the municipality of Tocoa, northern Honduras. The CMDBCP filed criminal complaints against officials from INHGEOMIN, the Honduran Forest Conservation Institute, the Ministry of Environment and the municipal mayor of Tocoa, for abuse of authority and environmental crime due to the exploitation of the core zone of the protected area, where the water sources on which the communities' water supply depends are located.

Given the lack of progress in the CMDBCP's demands, on August 1, 2018, it established the "Guapinol camp" as a form of peaceful protest on a public road. It remained for almost three months until a violent eviction carried out by Honduran authorities on 27 and 28 October. The prosecution case against the eight defenders relates to a dispute that took place on 7 September near to the protest encampment, in which a ILP security staff reportedly shot one of the protesters and in response, protesters retained a contractor before handing him over to police. The shooting of the protester was never investigated, but the ILP reported the retention of the contractor and the burning of a rented car and two ILP shipping containers during the disturbances. Members of the CMDBCP have faced two criminal proceedings since 2018. In March 2019, a judge dismissed the charges against 12 of them accused of aggravated arson and unlawful deprivation of liberty, and illicit association and usurpation and damages in a first warrant. However, the public prosecutor filled an appeal. On August 13, 2020, a court overturned the dismissal in favor of 5 of the 12 defenders, so these men could face a new trial and be sent back to pre-trial detention. The first accusation included 18 people. Fourteen of them are in the second indictment involving 31 people.

José Daniel Márquez, Kelvin Alejandro Romero, José Abelino Cedillo, Porfirio Sorto Cedillo, Ewer Alexander Cedillo, Orbin Nahún Hernández and Arnol Javier Alemán, voluntarily presented themselves at the San Pedro Sula court on August 21, 2019. They were not received but sent to Tegucigalpa. On August 26, the hearing of the accused took place in Tegucigalpa, where the judge decreed the judicial detention. On September 1, the court charged them with unlawful deprivation of liberty and aggravated arson and ordered their preventive detention but acquitted them of the crimes of illicit association and aggravated robbery. On November 29, after having spent more than two months in a high security prison, the authorities transferred them to the Olanchito Penal Center. Jeremías Martínez Díaz was imprisoned at La Ceiba Prison on December 5, 2018. He was arrested on November 29, 2018, by police officers providing him with protection granted by the National Protection Mechanism for human rights defenders. He was taken to court in San Pedro Sula, as his name appeared on the first arrest warrant, of which he was acquitted in March 2021. He was then held on charges of the second arrest warrant.

[Amnesty International declared the eight defenders prisoners of conscience](#) and sent a [letter to the General Attorney](#). After 2 months of trial, which started on 1st December 2021, [the sentencing court in Trujillo found](#) José Daniel Márquez, Kelvin Alejandro Romero, José Abelino Cedillo, Porfirio Sorto Cedillo, Ewer Alexander Cedillo, Orbin Nahún Hernández, guilty of the crimes of illegal deprivation of liberty and aggravated damages against the contractor of the company ILP, and simple and aggravated damages against ILP. The sentences will be determined on 21 February. Arnol Javier Alemán and Jeremías Martínez Díaz were acquitted and released immediately.

The National Mechanism and Committee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment [requested a review of the preventive detention of the seven Guapinol defenders in 2020](#). The same year, [the UN Working Group on Arbitrary Detention concluded](#) that there is no legal reason for the use of pre-trial detention in the case of the eight defenders. The Working Group asked for their immediate release and redress, and to investigate those suspected of criminal responsibility for their illegal detention. Previously, UN human rights experts recommended all states to consider alternatives to imprisonment to reduce risks of spreading COVID-19. On 12 March 2021, local organizations confirmed that José Daniel Márquez tested positive for COVID-19. The Inter-American Commission on Human Rights [regularly expresses concern](#) about the conditions of detention in Honduras.

### **PREFERRED LANGUAGE TO ADDRESS TARGET:** Spanish

You can also write in your own language.

### **PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL:** 15 April 2022.

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/amr37/5165/2022/en/>