

More Background on the Guapinól 13

The Montaña de los Botaderos Carlos Escaleras National Park protects the drinking water of hundreds of communities in the departments of Colon and Olancho in the Bajo Aguan Region of Honduras. Between 2010 and 2014 a series of mining exploration concessions were granted by the Honduran National Institute of Geology and Minerals (INGEOMIN) in the National Park without consulting local communities as required by law. These licenses and the proposed iron ore mine present devastating risks for thousands who depend on water from the the Montaña de los Botaderos mountain range, protected by the Carlos Escaleras National Park.

In 2010 and 2011 EMCO Mining Company, which later changed its name to Inversiones Los Pinares, requested two concessions from INGEOMIN to exploit iron oxide deposits in sites named ASP and ASP2. Both are located within the core of the Carlos Escaleras National Park, where it is illegal to construct roads and mines due to impacts on water sources. The Institute for Forest Conservation later recommended that the Ministry of Natural Resources (SERNA) reject the requests. On December 24, 2013 outgoing president Porfirio Lobo Sosa ratified a bill that reduced the area of the “nuclear zone” of the Carlos Escalera National Park, legislation that misrepresented its purpose, which was clearly intended to accommodate the mining concession. On January 28, 2014 EMCO was granted the concession of ASP and ASPII. Consultation, as required in the Protected Areas Law, had not taken place.

At the same time, EMCO, owned by Lenir Perez and Ana Facusse, was attempting to exploit a mine in the community of Nueva Esperanza in the neighboring department of Atlantida. There, beginning in 2012, neighbors complained that EMCO was using threats and intimidation to force them to sell their land. According to townspeople and parish priests, the company had established an encampment of armed, masked men on the outskirts of town. In response, in 2013 the Inter-American Commission on Human Rights instructed the government of Honduras to provide protective measures to guarantee the lives of two local priests and 16 residents of Nueva Esperanza.

On July 25, 2013, Swiss and a French international human rights observers were visiting a family in Nueva Esperanza who was being pressured to sell land by threats. Seven heavily armed men entered the house and kidnapped the observers from the home. Outside they were held by 25 to 30 more armed men, who released them 2.5 hours later. Despite an international outcry, only one local man was prosecuted for his participation in the crime. EMCO's - and Lenir Perez and Ana Facusse - roles were apparently never investigated.

Los Pinares began initial development of the ASP and ASPII sites in Tocoa, Colon in 2018, contaminating the drinking water for 14 communities. In August 2018 families concerned about the loss of potable water established a “Camp of Dignity,” in the community of Guapinol, to protest the illegal concession and the mine, in an effort to protect their water. Soon after, a

“Security and Vigilance Committee” was created, made up of a few area residents who supported the mine. They began a campaign in the media targeting human rights organizations who defended the Guapinol River, Esly Banegas, the General Coordinator of COPA, Leonel George of COPA, Juana Esquivel and Juan Lopez of the Catholic Church affiliated San Alonso Foundation, and the local parish.

At the same time, neighbors report the Security and Vigilance Committee patrolled at night with guns, and even more concerning, that they operated jointly with a band of organized crime hitmen who had supported earlier efforts for mining exploration in that area, endeavors backed by Javier Rivera Maradiaga. This armed band, identified with the Rivera Maradiaga family, secured control of areas of the National Park and cleared them for cattle ranching. They had long enacted violence against neighbors who complained they were contaminating the river, or who they pressured to sell land. Violent intimidation of protesters began, a community leader’s home was burned, another escaped a kidnapping, threats were constant.

In the Bajo Aguán region of Honduras, communities have no reasonable access to even the most basic protection of their fundamental rights. State agencies have long been plagued with extreme levels of corruption, particularly the justice system. Extreme violence and other crimes such as environmental crimes, frequently occur with impunity.

The Carlos Escaleras National Park, where the mine project is illegally proceeding, was named to honor Carlos Escaleras, the first General Coordinator of COPA, a body of local unions and agrarian reform cooperatives, who was murdered in 1997. Escaleras was killed as he sought to protect the Guapinol River from contamination by a proposed palm oil processing plant that the Cressida Corporation, which later became Dinant Corporation, intended to build. Though a convicted material author of Escaleras murder testified that Cressida/ Dinant Corporation founder Miguel Facusse had ordered the murder, prosecutions ended with the gunman. EMCO owner Ana Facusse is Miguel Facusse’s daughter.

More recently, between 2010 and 2014, well over 100 agrarian reform cooperative leaders and members were killed as they demanded return of stolen land, illegally held by palm oil corporations, including land held by Dinant. Only a handful of hitmen have been fully prosecuted and sanctioned for the murders. Communities report that irregular armed groups operate in collaboration with the military, police and politicians connected to economically powerful sectors in the region. The groups establish presence in communities who demand respect for their land or natural resource rights. They then proceed to threaten neighbors and carry out violent and criminal actions with the intent of killing, terrifying and stigmatizing the communities, while generating confusion for the national and international community.

On September 7, 2018, a group of approximately 300 police, mine security guards and irregular armed groups attempted to carry out an eviction of the “Guapinol Dignity Camp.” Hundreds of townspeople converged to protect the camp. The armed men accompanying a mine employee

opened fire and injured a community member. A mining company car was then burned and a mine security chief claims he was detained by the protesters.

In keeping with the pattern of targeting human rights defenders, staff from COPA, the Catholic church affiliated San Alonso Foundation, and the Tocoa Parish were the focus of a disinformation campaign in the press and the social media blaming local leaders and human rights defenders for the violence.

A second eviction occurred on October 27, involving between 1,200 and 1,500 military and police officers. Security forces used excessive amounts of tear gas, live ammunition and beat protesters. The following morning protesters returned to the camp, and the security forces used the same methods to break up protests, this time following protesters home, where excessive use of tear gas and gunfire continued. At this time, on October 28, two military officers were killed and a member of the criminal assassin band that had been intimidating community members opposed to the mine was gravely injured, which led many to believe the armed band backing the mine had opened fire on the military to delegitimize and criminalize the protests.

After learning they were subject to arrest warrants, accused of blocking the road during the attempted eviction on September 7, thirteen community leaders and human rights defenders voluntarily presented themselves to clarify the charges on Friday, February 25 in the Court of National Jurisdiction in La Ceiba. Upon arrival at the court, they were informed that a second indictment had been filed against them, including charges of arson, illegal detention, and illicit association. Twelve of the thirteen were sent to prison to await trial. The initial hearing is scheduled for Thursday, February 28. If this court orders preventative detention, they are likely to remain in detention until the trial occurs, which can take up to two and a half years.

This follows a growing pattern in the region, when extreme abuses trigger widespread indignation and protests, legitimate human rights defenders and community leaders are targeted not because they participated in a criminal action but because of their notoriety resulting from their legitimate defense of fundamental rights. They are prosecuted and stigmatized for actions carried out by protestors or provocateurs in which they played no role.

The Honduran justice system notoriously serves political agendas. The water defenders are victims of political persecution. Judges must rule according to the law and uphold due process.