

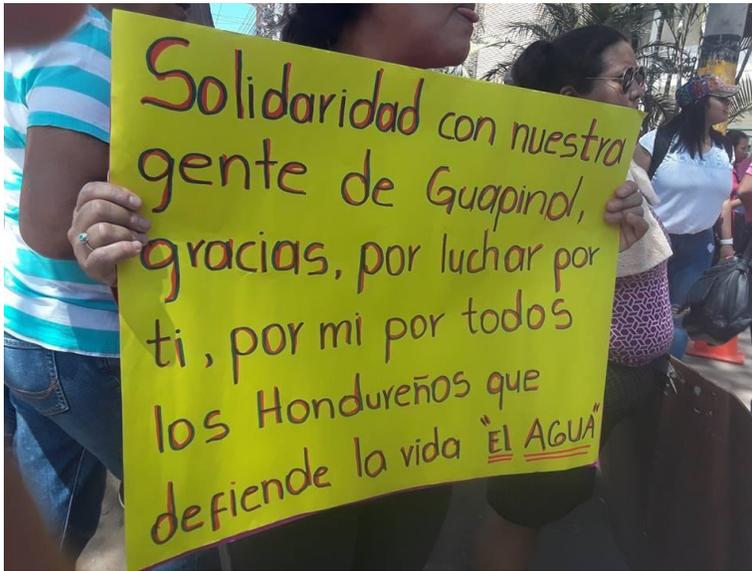
**Witness to the struggle of the Guapinol, Honduras Environmental Defenders:
Criminalization of Protest, Grass Roots Victory, Challenges of Solidarity**



Juan Vasquez reuniting with his daughter Julia who said, “the police wouldn’t let us in, but we got all you out!” together with Jesuit Father “Goyo” (Gregorio Vasquez)



Environmental defenders entering the courthouse (in the school bus), day 1 of 4 of the hearing



“Solidarity with our people in Guapinol, thank you for fighting for you, for me, for all Hondurans who defend life, ‘THE WATER’”

I have been enormously privileged to witness, to accompany, and to enter into a sense of deep mutual solidarity with the defenders of land and water from the remote village of Guapinol, municipality of Tocoa, Honduras, as they confronted the combined Goliath of big business with their allied politicians who, instead of supporting their just cause, sought to criminalize their protest and thus to silence them. Their sacrifice, their tenacity, the way that so many people and organizations (including from other countries, including four of us from the SHARE Foundation) came together resulted in an amazing victory for the people of Honduras and for all of us. At the same time, this result was a tremendous relief because of the fear establishing of a precedent of the charge of organized crime being applied to acts of protest.

Back in August of 2012 the Honduran Congress established a national park in the lush tropical Botaderos Mountains, where seven rivers have their source, including the Guapinol River. In December of 2013, Congress modified the park’s extension, removing 537 acres from its core. Inversiones Pinares, a company linked to Facusse family, one of the wealthiest in Honduras, developed plans to strip-mine iron oxide at this same acreage, and did so without the input Honduran law requires from affected communities. By early 2018 the company had bulldozed a broad dirt road deep into the mountains and had removed all vegetation from the mine site. As a result, the formerly pure water of the Guapinol and San Pedro Rivers became contaminated and unusable by the people living downstream.

Petitions of the communities to Government authorities went unheard, and the people of Guapinol entered a more active phase of protest. They built an encampment along the road to the mine to block access to it. A scuffle between the company’s private security contingent and the environmental defenders on September 7th, 2018 resulted in one community member shot (wounded) and a vehicle being burned. On October 27th, the 87th day of the road occupation, a massive contingent of over 1,000 soldiers and police arrived to violently evict the 50 or so occupants of the encampment.



Soldiers and police marching to evict encampment 10/27/18 - photos by Criteria.HN - Eviction of encampment

Fast forward to February 22, 2019, when twelve people from Guapinol voluntarily present themselves to the regional court in the city of La Ceiba to answer to charges of destruction of property in relation to the vehicle that was burned on September 7, and, on the same day of illegal deprivation of liberty, of the head of private security of Inversiones Pinares, who had been taken by the community and turned over to the police, under suspicion of having fired upon the protesters.

To their surprise, they find themselves being accused of more serious crimes, including usurpation (taking over) of private property (even though they were occupying a public road) and of organized crime(!). They were then arrested and driven nearly 300 miles across the country, to be held in a huge federal penitentiary and the neighboring women’s prison, from which they were taken handcuffed to Tegucigalpa to attend hearings on the merits of the accusations. Under the more serious crimes they were accused of, they faced the prospect of about 2½ years in preventive detention before the case even went to trial, and between 46 and 71 years in prison if they were found guilty on all counts.



Guapinol Defendants voluntarily appearing at court in La Ceiba 2/22/19



Defendants (in white) first day of hearing, 2/28

Thus, began the 12-day ordeal before finally, perhaps miraculously, they were released, with all charges against them dropped.

The grueling process began by changing, without even informing the lawyers, the court in which the hearings would be held to being that of the “Court of National Jurisdiction,” which specializes in cases of organized crime. People and organizations in support of the Guapinol defenders marched to the court and kept up a vigil outside the court for the next 4 days, with the hearing going on, every day, into the night, up until as late as 3 a.m.



Marching past the U.S. Embassy in Tegucigalpa on the way to the court building the first day of the hearing. The United States is named, over and over again by Hondurans, as a major force in promoting and maintaining an unjust system in their country.

The team of about six defense attorneys first tried, unsuccessfully, to get the judge declared as incompetent in the subject matter and, from there, seemed to try to guide him as to how to carry out his job. The prosecuting attorneys, from the Justice Ministry, presented accusation after accusation that was backed up only by declarations substantiated by, at best, circumstantial evidence that never quite provided any proven relationship with the accused. The defendants, taken aback by the affront of the indignity of nights and days in prison and the unfounded accusations against them sought to provide moral support to one another. They declared, “Guapinol is wounded, but not defeated.”



Claire White and Rev. Kathleen McTigue, effective representatives of U.S. solidarity, together with Julian Gomez (father of Lourdes Gomez, defendant) and Nora Miselem Rivera, torture survivor and compassionate eternal activist

Except for the last day, I spent most of the time with the people in the vigil on the sidewalk outside the court. I was privileged to meet, and converse with, religious leaders and members of their communities, human rights' activists with decades of experience, family members of the accused, survivors (and sometimes victors) of other land/water rights prosecutions, valiant journalists in a country where many such have been murdered in recent years, and other representatives of international solidarity.

I was struck by the expressions of faith-based solidarity among the Hondurans, who, for me, from the lay people to the religious leaders, spoke with prophetic clarity. Jesuit/indigenous Honduran priest Father "Melo" (Ismael Moreno), for example, pronounced, "They are victims of the Law of the Strong. They continue in the struggle and the love of Berta Caceres. They are my brothers and sister. I know them and attest to their honesty and to their faith. Let us protect them!" The very dear Sister "Ludi" (whose name, Luz Divina, means "divine light, and light she is!) spoke out against the system of judicial repression. I was taken by surprise at the lively, earnest prayer for release of the captives by members of the "Sun of Justice Evangelical Church." Also present was an entire bus full of Garifuna (Afro-Caribbean) people, who came from the same general part of the country as Guapinol, but whose communities are not affected by this specific mining project. Their ceremonies livened up the gathering. I do not provide a photo of them as it would be disrespectful of their culture.



Sun of Justice Evangelical Church



Sister Ludi



In the back of a pickup with Father Melo; he could easily have ridden up front.



Outside on the 2nd night, when the hearing went until 3 a.m.

Finally, on the fourth day, which was a Sunday that stretched into the wee hours of Monday, the hearings concluded. The judge called up a series of witnesses, mostly for the prosecution, to the stand. A large man accused the more diminutive defendants of beating him up, but no evidence is provided. The head of the private security detail for the mining company accuses the defendants of attacking him, burning his vehicle, stealing from him but, again, no supporting evidence is provided. Upon cross examination by the defendants' attorneys, it is revealed that violence did take place on that day (September 7th, 2018), but this same witness named one of his security guards as the one who shot and wounded one of the protesters. Upon the charge of illegal deprivation of freedom, it was shown that community members did detain this witness, under suspicion of having shot a protestor, and turned him over to the police within a matter of hours, a procedure that is fully within the law. The strange thing was, that very same day, he filed a police complaint against those persons, who later became defendants in these hearings, and was able to provide their complete names, even though he barely knew them. A police forensics investigator, supposedly with 11 years' experience, was unable to provide a positive match of the license plate number with that of vehicle purported to having been burned, nor could he provide a vehicle identification number.

When the representative for the National Council for Protection, a crime victims' protection agency under the Justice Ministry, was on the stand, I was struck by how many times she responded, to the prosecuting attorneys, who work for the same Justice Ministry, saying "I cannot answer that question," and how many times she mentioned the police, soldiers, and private security agents in response to questions regarding requests for protection she had received from the Guapinol environmental defenders. The impression I got was that, not only could Government agents not guarantee the security of its citizens, but that they were actively participating in their persecution.

Finally, after midnight, the prosecution presented its final comments in the form of narration of purported events and a series of accusations regarding supposed events, but without associating these with any evidence linking them with the accused. Each defending attorney then presented his or her concluding arguments in clear, impassioned terms. As I watched respective legal teams, for the prosecution and the defense, I witnessed an increasing confidence on the part of the defense and a heightened sense of weariness on the part of the prosecutors. At one point the lead attorney for the prosecution, turned around to hide her face, was holding her head, and pulling her hair, apparently crying and beginning to have a breakdown. The defense attorney, who was speaking at that point stopped, and asked if she was okay. She then regained her composure and the hearing continued.

As I sat near the front of the courtroom, watching the judge as he presented his summary of the concluding arguments, I prayed, asking he make the right decision. He then proceeded to repeat the main arguments of the defense, said there was no evidence to support the charges, and he pronounced all charges dismissed. He stated, "they who protest to defend water commit no crime." Victory!

Outside the court, in middle of the jubilant crowd, one attorney says, "We did it! We did it! I can't describe how happy I feel."



"We did it!"



"I feel ashamed for the institutions of my country"

Another expressed, deep concern over the process, saying "how dare the Justice Ministry present all these accusations, ones with such grave consequence, such as illicit association, that are applied only in

cases of organized crime and carry a sentence of 20 to 30 years in prison! Not only that, they added on various accusations, all of which they were unable to prove, even in the most minimal way, the participation of the accused. It's that not only do they need to prove that a crime took place, but they have to prove that the accused took part in it..." "I am happy now, on the one hand, that these brothers and sister will be freed, but, on the other hand, as a citizen of this country and a practitioner of law, I feel ashamed for the institutions of this country..."



2 a.m. Monday March 4, outside the courthouse, celebrating the news

But it was not yet over. In the morning we, about 100 community and family members, plus human rights observers, journalists, and international solidarity, went to the federal penitentiary, out just past the suburbs of Tegucigalpa, to await the release of the Guapinol defenders. It was a long, slow, hot and dusty day as we awaited the release letters from the court. The court secretary finally left the court with the letters at about 1 p.m. However, even though it was only about a 45-minute drive to the penitentiary, he did not arrive until 4:07 p.m. Since the office staff there, including those who process releases, leave at 4:00 p.m., it was too late. We were told they would be released between about 10 a.m. and noon the following day. This delay struck us as an act of intentional harassment. Money had to be found to pay for another day of bus rental for the community and family members, and for another day's food, and they had to spend another day away from work, and the children another day away from school.



A few of us resting outside the prison

The next day? Another surprise. We arrived to find that over 500 police and soldiers had arrived at 2 a.m. to search the jail for contraband, and were told that there could be no movement of any prisoners until the search was complete. They finally left at 3:30 p.m. Another act of harassment?



In the meantime, Lourdes Gomez was released from the nearby women's prison, and was enthusiastically received by awaiting crowd.



Lourdes Gomez (in white)



Lourdes Gomez with her sister (left) and her sister-in-law

By 4:30 most of the remaining defenders were released, but a secretarial error led to incorrect paperwork for the final two men, and it necessitated putting pressure on the court and the jail officials and a rushed trip to obtain the corrections. Then, shortly before sunset, all had been released.

There is so much more to this story, and there are other similar ones unfolding right now, that will also cry out for this amazing combination of selfless community and national organization, skilled legal support, heightened visibility through the alternative media, such as through Radio Progreso, international solidarity, and a faith and determination that, in going against the current, real gains can be achieved.

It is vital to recognize that our solidarity with these vibrant, joyful, suffered yet determined people, who only want to defend their water, their land, and their future, is an essential ingredient in their fight to have a voice, and be able to triumph in the face of an increasingly authoritarian system. Our accompaniment with them, our attempts to influence public opinion in our own lands, and our personal and collective commitment to walk with them, and make their cause our own, form an important channel towards this end.

Paul Fitch

San Salvador, March 12, 2019



Leonard George, triumphant



Juan Lopez



Eugenil Esquivel, with niece



Jose Sanchez Hernandez



Juventino Cruz, with Lourdes Gomez



Ali Magdeleno Dominguez



Marco Tulio Ramos, with ?

At last, back on the bus heading home!

Postscript:

I see significance in that this all took place around the third anniversary of the murder of beloved Honduran water/land/indigenous/human rights/women's rights activist Berta Cáceres, whose was killed on March 2, 2016, and whose birthday is March 4th.



There is no greater act of rebelliousness than to remain joyful – Berta Cáceres. We demand justice and punishment!