HOLISTIC SUPPORT TO COMMUNITIES DEMANDING ACCOUNTABILITY FOR HUMAN RIGHTS VIOLATIONS

SUMMARY

Large scale land-based businesses and extractive companies are threatening the livelihoods and the environment of vulnerable rural families who rely on natural resources to make a living. Communities in areas of strategic interest to powerful elites are being disregarded, dispossessed and displaced. Those who speak up to defend resource rights suffer reprisal and retaliation, including murder and criminalisation. The Latin American Region hosts some of the most dangerous places in the world to be a land and environmental defender, such as Honduras. Trócaire partners with organisations that support individuals and communities claiming their resource rights and taking on big corporations and state agents acting in collusion. In the past, Trocaire’s efforts have focused on legal strategies aiming to free criminalised HRDs held in pretrial detention. With time, Trócaire has learned that support to HRDs needs to be holistic (including logistical, economic, medical and psychosocial supports) and that legal, policy, advocacy, campaigning and communications strategies must be complementary. To avoid the individualistic “hero narrative”, Trócaire works with the wider community whilst seeking to free HRDs, strengthening the social fabric to pursue land and environmental rights and improving collective capacities to respond to attacks and threats.

BACKGROUND

In the Aguán Valley in Honduras, land conflicts have been ongoing for decades. After the 1970s agrarian reform, land in the lower valley was distributed to families organised into cooperatives and brought from western and southern Honduras. Left without any other assistance (credit, technical, marketing), families struggled to survive. In the 1990s, the Honduran Government began legislating for agro-industrial development. Through collusion with corrupt state actors, large extensions of land were illegally purchased, mainly by three powerful Honduran businessmen. In response, farming families reorganised in the “Movimiento Campesino del Aguán” (Aguán Peasant Movement) to recover land. However, by 2014 the Human Rights Observatory of the Bajo Aguán registered 129 murders of farmers, related to the land conflict.

Unknown to the communities, the State granted mining licenses to one of the largest landowners in Honduras in an area including the “nucleus”
zone of a protected area in the “Carlos Escaleras National Park”. This endangered the freshwater sources which local families have relied on for generations. River flows were disrupted by mud, with drinking water systems discharging thick muddy brown water. Although currently limited to the Guapinol and San Pedro rivers, contamination impacts from the mining project have the potential to affect 42,000 people from 7 municipalities who depend on the park’s freshwater.

In 2015, the “Comité Municipal de Defensa de los Bienes Comunes y Públicos” (CMDTCP) was founded as a network of environmental rights groups including community environmental committees, local NGOs (among them Trócaire’s partner Fundación San Alonso Rodríguez - FSAR), peasant organisations and the Catholic Church. The CMDTCP became the main social and political actor to denounce illegalities in the licensing process, the lack of prior consultation with the affected communities and the contamination of rivers. The State responded with militarisation and violent repression of the campesinos’ protest.

THE CHALLENGE

Members of the CMDTCP opposing the mining project were targeted by the company and state agents (including within the Justice sector) acting in collusion. False accusations, criminalisation and imprisonment of the campaign leaders was used to weaken and silence the social movement. A group of 8 HRDs from Guapinol and Sector San Pedro, all members of the CMDTCP, voluntarily appeared before the Court to clarify their legal position. They were sent to pretrial detention under false charges of stealing land, arson, illicit association, and deprivation of liberty. Held for two and a half years in unlawful pretrial detention, their legal process was constantly delayed without good cause.

OVERCOMING THE CHALLENGE

Trócaire has been supporting communities in the Lower Aguán since the 1990s and has been working with Fundación San Alonso Rodríguez (FSAR) since 2002 to develop and implement security plans and train staff on security management and risk analysis. In 2019, Trócaire and FSAR developed a case study to contribute to the Country report by the UN Working Group on Business and Human Rights (BHR). The report concluded that Honduras was not respecting the UN Guiding Principles on BHR.

Trócaire has been a supporter of the CMDTCP since its establishment. This has included the design and implementation of the Committee’s strategy to mobilise citizens to campaign against the mining operation and to provide strategic litigation for the liberation of the “Guapinol 8”. Trócaire has also contributed to strengthening capacities in technical, political, security, emotional wellbeing and women’s empowerment strategies, especially for women and youth activists. With Trócaire’s support, an external expert was hired to support the development of collective protection plans for the CMDTCP, including psycho-social support and holistic security as part of the package of protection measures.

When the 8 HRDs were detained, a multidisciplinary strategic litigation team was assembled including the CMDTCP, Irish Aid programme partners, other CSOs, private lawyers, Trócaire and other INGOs. The community-driven strategic litigation focused not only on proving the innocence of the HRDs and challenging their unlawful detention, but also on a complementary public communication strategy. Information was publicly disseminated regarding the origins of the land conflict, the illegalities and corruption around the process of granting the mining concessions and the systematic persecution of land and environmental defenders by State and corporate agents.

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1. Daniel Márquez, Kelvin Romero, Arnol Aleman, Abelino Cedillo, Ewer Cedillo, Porfirio Sorto, Orbin Hernández and Jeremias Martínez
Trócaire observed the trial hearings, facilitated financial support to the families of the 8 imprisoned defenders, lobbied the EU and member states to prioritise the case in their advocacy with the Honduran State and worked closely with the EU LAT Network on advocacy towards the EU and MEPs. As a result of these efforts, a group of MEPs wrote to the State of Honduras requesting the release of the “Guapinol 8.” The 8 HRDs were also amongst the three finalists for the 2020 EU Sakharov Prize for Freedom of Thought.

In early February 2022, 6 of the 8 criminalised Guapinol water defenders were found guilty, while 2 of them were acquitted. The following day, the Supreme Court recognised irregularities in the trial process and ordered the immediate release of the water defenders. The HRDs were finally freed in late February 2022 after 30 months of unlawful detention. Despite the unfavourable sentence, the strategic litigation case demonstrated that the Lower Aguan communities had a valid claim to protect their natural resources. It also exposed to a national and international audience the malicious use of criminal law by state and corporate actors to silence legitimate social protest.

GOOD PRACTICE

LEGAL SUPPORT
Trócaire provided significant funding to cover the various legal strategies: the legal defence of the 8 HRDs; the request for precautionary measures of the Inter American Human Rights Commission; the work to obtain access to previously undisclosed administrative technical files to determine the real area of influence of the mining project; and the preparation of applications to access relevant reports, including environmental impact assessment and technical reports on environmental damages. To support wider learning, Trócaire also commissioned two key pieces of research: Research on Strategic Litigation in Guatemala and Honduras 2019-2020 and The Gendered Impacts of Large-Scale Land Based Investments and Women’s Responses. Since the release of the Guapinol 8, Trócaire has continued funding legal work. This includes litigation to obtain reparations for the unjust detention of the 8 HRDs and to clear their criminal records, to support further investigations into the illegalities and acts of corruption related to the granting of the mining licences, to obtain reparations for the environmental damages inflicted upon the affected communities and to revoke the illegally granted mining licences.

LOGISTICAL SUPPORT
Trócaire financed the fees and travel costs of the team of lawyers, as well as costs to support the families of the 8 HRDs to attend hearings, to visit their family members in prison and to participate in communication and advocacy activities at local and national levels. Logistical support was also provided to members of the wider community to attend the trial, applying pressure and demonstrating popular support for the HRDs, and to campaign against illegalities and corruption in the mining license granting process, through protests and meetings with environmental institutions of the State.

Juana Zuñiga, the wife of one of the criminalised Guapinol HRDs held in arbitrary pretrial detention, speaking at a public event to raise awareness about the case. Photo: Giulia Vuillermoz

ADVOCACY AND CAMPAIGNING SUPPORT
Trócaire took a tactical decision to develop joint advocacy and campaigning actions with the peasant organisations, UN agencies, national CSOs and networks and other INGOs. Communication campaigns and advocacy initiatives were directly undertaken by Trócaire and allies to raise the profile of the case both nationally (within Espacio ACI- the Honduran Network of INGOs established to carry out advocacy on democratisation processes) and internationally (with the EU and MEPs). High level advocacy engagement was also sought with the UN Special Rapporteur on Human Rights Defenders and the UN Working Group on Arbitrary Detention.
Trócaire covered the costs of a bilingual English-Spanish advocacy expert to develop an advocacy strategy and to run the communication campaign (webpage and social media). Several pieces of research were undertaken and used to support evidence-based advocacy regarding the case.

**PSYCHOSOCIAL SUPPORT**
Trócaire sought to protect the well-being of CMDBCP members as risks increased during the protests against the mining project. This included providing psychosocial support as part of the holistic protection measures within the collective protection plan developed with Protection International. During the trial, psychosocial support was provided to the families of the 8 HRDs by local organisation “Red de Defensoras”, with Trócaire providing logistical support to the families ensuring their access to PSS.

**ALLIANCES AND COORDINATION WITH OTHER KEY STAKEHOLDERS**
Trócaire worked in close collaboration with several key national and international stakeholders. This included the local office of the UN High Commissioner for Human Rights (UNHCHR), Protection International, the National Coalition Against Impunity, private lawyers, Red de Defensoras, Peace Brigades International, Peace Watch, Breaking the silence, International Platform against Impunity and Diakonia.

The allocation of roles to Trócaire’s team in Honduras and partners based on their respective areas of expertise proved effective: the Permanent Human Rights Observatory of the Aguan (political, logistical and communication support); FSAR and CMDBCP (strategic litigation support); ERIC/Radio Progreso (legal, communication, advocacy, political and spiritual support through the celebration of masses outside the prison and sending messages and letters of hope to the 8 HRDs); and C-Libre (development of legal, security and communication strategies). The Trócaire team kept in close contact with the 8 Guapinol Defenders, their families, FSAR and the CMDBCP for updates on the situation and to provide extra support as needed.

**KEY FACTORS FOR SUCCESS FOR REPLICABILITY AND ADAPTABILITY**

- **Long term commitment and investment is necessary to carry out effective strategic litigation.** The robust legal strategy and complementary high-level policy, advocacy, campaigning and communication strategies required a long-term commitment from Trócaire.

- **Complementary public communications and advocacy strategies bolster litigation.** The case was litigated in a multistakeholder and multidisciplinary environment and approached from an enhanced legal framework of “defending human rights and constitutional freedoms”, drawing on international legal instruments and mechanisms. The complementary community mobilisation, public communication and advocacy strategies enhanced the visibility of the case which proved crucial to the final outcome.

- **Strategic litigation can be used to serve a dual purpose.** The case simultaneously raised the profile of the collective struggle for the protection of natural resources and highlighted the judicialisation (as part of the criminalisation) of the defence of human rights.

**LESSONS LEARNT**

- **Trócaire’s well established partnership with FSAR and relationships with national organisations and international actors in Honduras proved crucial to the success of the strategy.** Mutual trust supported information flows between the communities, FSAR and Trócaire, whilst Trócaire’s commitment to partner capacity strengthening ultimately strengthened FSAR’s response. Trócaire played a pivotal role in convening national organisations and international actors with diverse expertise to support and enhance the visibility of the case. Stakeholders included national NGOs, INGOs, universities, and the National Human Rights Commission (the only allied state actor during the trial).
The “Guapinol 8” believed that the most useful support from Trócaire was national and international advocacy. They also appreciated the solidarity from Trócaire staff accompanying the trial and visiting their families.

Agility and adaptability to the evolving context of the case and the community's needs was crucial. As the criminalisation case progressed, Trócaire and partners engaged in a process of continuous learning on how to better provide integrated support. Currently, Trócaire is working on a strategy of sustained support to the Aguan communities to obtain the cancellation of the mining licences and to obtain reparation for the unjust detention of the criminalised HRDs.

Security risks for peasant leaders and Resource Rights Defenders in the area remain extremely high. Trócaire has committed to maintain the advocacy and communication campaign and to strengthen psychosocial and security supports to CMDBCP and FSAR.

MORE INFORMATION / REFERENCES

- Freedom for Guapinol- Political prisoners for defending the rivers in Honduras campaign webpage
- “One year on and Honduran Environmental Defenders still in jail without trial” Trócaire News (trocaire.org), 01 September 2020
- “When will justice be done for the Guapinol 8? Two years of arbitrary detention in Honduran Prison for opposing dangerous mining Project,” Trócaire News (trocaire.org), 10 September 2020
- Research on Strategic Litigation in Guatemala and Honduras 2019-2020, Trócaire
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