



MiningWatch Canada

Mines Alerte

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Jorge Alberto Rivera Avilés, President
Supreme Court of Justice, Honduras

Luis Alberto Rubí
Attorney General, Honduras

Talanga Courthouse

Public Prosecutor of Talanga

Ambassador Cameron MacKay
Canadian Embassy in Costa Rica

Chargé d'Affaires Simon Henshaw
U.S. Embassy in Tegucigalpa, Honduras

July 14th 2011

Dear Representatives of the Honduran Justice System and the Canadian and US
Diplomatic Corp in Honduras,

RE: Halt criminalization against environmental defenders in Honduras

The below-signed international civil society organizations write to express our deep concern about the criminalization of environmental defenders in the case of eighteen members of the Siria Valley Environmental Committee of Honduras.

On July 5th 2011, we learned that three members of this committee, including Carlos Danilo Amador, Marlon Hernández and Juan Ángel Reconca, were temporarily detained and that warrants were out for the arrest of fifteen others. All face serious charges for allegedly having obstructed a forestry management plan, which could lead to possible jail sentences of four to six years. On July 5th and July 8th, the other fifteen members of the committee with warrants out for their arrest voluntarily presented themselves to the judge in Talanga, with legal support from the Committee of Family Members of the Detained and Disappeared of Honduras (COFADEH). They were released with precautionary measures until their preliminary hearing on August 2nd.

The Siria Valley Environmental Committee is internationally recognized for its role in the defense of the right to a healthy environment for local communities. They actively oppose the expansion of Goldcorp's San Martín mine (operated by Goldcorp's subsidiary Entre Mares Honduras), which after only nine years in operation, and now in the process of closure, has left a legacy of acid mine drainage as confirmed by highly regarded researchers from Newcastle University.¹ Following a visit near the site in 2008, Professor Paul Younger found indications “that the mining operation has unfortunately created uncontrolled legacies which have the potential to continue damaging the environment – and thus agricultural production and people's health – for centuries to come, unless the closure plan is amended to ensure the company install treatment measures with sufficient bond funding to ensure they can be maintained in perpetuity.” Since the mine went into operation, local community members have reported dead cattle, dried up rivers, miscarriages, as well as respiratory, skin and gastro-intestinal diseases.²

According to the Committee of Family Members of the Detained and Disappeared of Honduras (COFADEH), current criminal charges against committee members are related to their efforts to protect a mini-watershed in the Municipality of El Porvenir from logging as part of a forestry management plan that the Honduran State granted to Hayde Urrutia Mejía. COFADEH indicates that this watershed supplies water for human consumption to six communities in the municipality, directly affecting 10,000 residents who have been protecting this forest for years. They also state that local residents achieved formal protection of this area in 2007 through an agreement with the State Forestry Administration of Honduras. The Siria Valley Environmental Committee consider that Urrutia Mejía's forestry management plan is illegal due to irregularities in land holdings and for allegedly failing to carry out an appropriate Environmental Impact Assessment with adequate local participation.

Rights Action reports that the Committee is further concerned that this area falls within mining concessions previously granted to Goldcorp, such that degradation of the area through logging could make it easier for the land to be sold to the company and licenses obtained to facilitate mining in the future. A member of the Honduran Centre for the Promotion of Community Development (CEHPRODEC) has echoed this same concern, saying the case represents a “new strategic alliance between mining and logging interests.”

The conflict came to a head on April 7, 2010 when around 600 community members opposed efforts to advance logging on this property. This latter event is believed to have led to the charges that Committee members now face.

¹ Younger, Paul, “Report on a visit to San Martín mine of Minerales Entremares S.A., Honduras on Sunday 16th November 2008,” December 16, 2008; and Dr. Jarvis, Adam and Dr. Jaime Amezaga, “Technical review of mine closure plan and mine closure implementation at Minerales Entre Mares San Martín mine, Honduras,” June 2009.

² The Guardian, “Gold giant faces Honduras inquiry into alleged heavy metal pollution,” December 31st 2009, <http://www.guardian.co.uk/environment/2009/dec/31/goldcorp-honduras-pollution-allegations> and Latin American Water Tribunal, Public Hearing in Guadalajara, Mexico, October 11 2007, http://www.rightsaction.org/Alerts/Goldcorp_LAWater_092307.html

Honduran organizations involved express concern that the justice system is continuing to lend itself to the criminalization of human rights defenders, as well as the interests of national and foreign capital.

As international civil society organizations, we are concerned about the criminalization of these environmental defenders. The charges against the members of the committee are further exacerbated by tough conditions placed on them as part of their provisional release from detention, which impede them from carrying out monitoring and defense of the watershed. As a result, we ask that:

1. The Honduran State take all necessary measures to guarantee the personal freedom, due process, and the right to defend human rights of Carlos Danilo Amador, Marlon Hernández, Juan Ángel Reconco and all other members of the Siria Valley Environmental Committee;
2. Acts of retaliation against them cease; and
3. Their right to defend universally recognized human rights as established in the United Nations Universal Declaration on Human Rights Defenders, approved in 1998, and similar OAS Resolutions emitted in 1999 and 2000, be protected.

Several international organizations will continue to observe this case closely, with concern that due process be adhered to and the law applied effectively, while ensuring protection for human rights defenders and their right to defend human rights.

Sincerely,

Alliance for Global Justice (USA)

Atlantic Regional Solidarity Network (Canada)

BC CASA/Café Justicia (Canada)

Cambridge - El Salvador Sister City Project (MA, USA)

Campaign for Labor Rights (USA)

Canadians against Mining in El Salvador (CAMES)

Canada Philippines Solidarity for Human Rights

Canada Tibet Committee (CTC)

CEIBA (Guatemala)

Center for Alternative Mining Development Policy (Wisconsin, USA)

Center for International Environmental Law (Washington D.C., USA)

Chicago-Cinquera Sister Cities of Chicago (USA)

Chicago Religious Leadership Network on Latin America (CRLN) (Chicago, IL, USA)

CoDevelopment Canada

Comite de Apoyo para el Desarrollo Social en El Salvador (CODESES) (BC, Canada)

Colectivo Voces Ecológicas COVEC (Panamá)

Comité pour les droits humains en Amérique latine (CDHAL) (QC, Canada)

Comite Solidario Graciela Garcia (Los Angeles, CA, USA)

Committee in Solidarity with the People of El Salvador (CISPES) (USA)

Consejo Indigena MONEXICO (Nicaragua)

Council of Canadians

The Democracy Center (Bolivia and USA)

FNRP Collective – Vancouver (BC, Canada)

Friends of Chilama of Crystal Lake (IL, USA)

Friendship Office of the Americas (USA)

Global Economy Project, Institute for Policy Studies (USA)

Hondurans for Democracy

Jamie Moffett Media Design & Production, Staff (USA)

Just Foreign Policy (USA)

Latin America Solidarity Committee - Milwaukee (USA)

La Voz de los de Abajo, Chicago (USA)

Lawrence-El Papaturro Friendship Committee of Lawrence, Kansas (USA)

Madison Arcatao Sister City Project (MASCP) (USA)

Maquila Solidarity Network (Canada)

Marin Interfaith Task Force on the Americas (CA, USA)

Maritimes-Guatemala Breaking the Silence Solidarity Network (Canada)

Maryknoll Office for Global Concerns (USA)

Midwest Coalition Against Lethal Mining (MCALM) (USA)

Mining Justice Alliance – Vancouver (BC, Canada)

Mining Justice – Ottawa (ON, Canada)

MiningWatch Canada

Nicaragua Network (USA)

Oberlin in Solidarity with El Salvador (OSES) (OH, USA)

The Polaris Institute (Canada)

Portland Central America Solidarity Committee (PCASC) (USA)

Public Service Alliance of Canada (PSAC)

Red Mexicana de Afectados por la Minería (REMA) (México)

Rights Action (USA & Canada)

The Social Justice Committee of Montreal (Canada)

UNBC Guatemala Research Group (Canada)

U.S.-El Salvador Sister Cities

cc:

Antonio Maldonado Paredes

Human Rights Advisor

United Nations Office, Teucigalpa, Honduras

Committee of Relatives of the Detained and Disappeared in Honduras (COFADEH)