

January 25, 2020

Human Rights Clinics and Scores of NGOs File Amicus Brief over the Continued Illegal Detention of Environmental Defenders in Honduras

Charlottesville, VA – The International Human Rights Clinic at the University of Virginia School of Law, along with 11 international human rights organizations,¹ today filed an amicus curiae brief over the continued detention of the human right activists known as the “Guapinol Water Defenders” who have spent more than 500 days in pre-trial detention for events related to a [peaceful protest to protect a water source](#) in the Carlos Escaleras National Park. The COVID-19 pandemic has only compounded concerns over the defender’s health and well-being in prison.

Honduran courts have repeatedly rejected attempts to secure the release of the Guapinol Water Defenders. The most recent rejection came from Court of Appeals of Tocoa on December 19, 2020. The issue is currently on appeal before the Court of Appeals of La Ceiba.

The amici stress to the La Ceiba court that the pretrial detention violates Honduras’s obligations under the American Convention of Human Rights (“the Convention”). The amici demonstrate how the Inter-American Court, as the upholder of the Convention, has emphasized the exceptional nature of pre-trial detention and the responsibility of judicial authorities to impose less intrusive measures when possible to achieve the same purpose. Defense counsel had proposed release on either a monetary bond or a “swearing bond,” which is provided by Honduran law. However, the Tocoa court judge arbitrarily ignored such alternatives. The amici also emphasize that national authorities have not carried their burden in assessing the basis for pre-trial detention.

International actors have expressed disapproval over the continued detention of the Guapinol Water Defenders. Members of the [European Parliament](#) wrote to the President of Honduras calling for the dismissal of all charges against the defenders and their subsequent release. Likewise, Representatives of the [U.S. Congress](#) sent a letter to then Secretary of State Michael Pompeo urging the State Department to act on behalf of the Water Defenders and other human rights defenders in the country.

¹ These organizations include the Due Process of Law Foundation (DPLF) (USA), Robert F. Kennedy Human Rights (RFKHR) (USA), Human Rights Clinic of the Human Rights and Education Centre of the University of Ottawa (Canada), the International Commission of Jurists (Guatemala), Dejusticia (Colombia), Equipo Jurídico por los Derechos Humanos (Honduras), Colectivo de Abogados José Alvear Restrepo (CAJAR) (Colombia), Latin America Working Group Education Fund (LAWGEF) (USA), Odhikar (Bangladesh), World Alliance for Citizen Participation- CIVICUS (South Africa), and MARUAH (Singapore).

The La Ceiba court is expected to respond to the appeal on Thursday, January 28, although past decisions suggest the court may delay. The court set to hear the case has cancelled all preliminary hearings until the appeal over pre-trial detention is resolved, potentially further prolongating the detention.

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