



International Statement

(translation of the Spanish Original)

17 July 2012

International organizations point out:

The State of Honduras must guarantee judicial independence and impartiality

We, the international organizations signing below, would like to express our severe indignation **regarding the three most recent murders of peasants in the context of the agrarian conflict in Bajo Aguán.**

The small-scale food producer Gregorio Chávez Arando, 69 years old, active member of the Catholic Church, disappeared from his parcel on July 2. On July 6, his body was found buried in the Paso Aguán estate, which is under the control of the businessman and palm oil producer Miguel Facussé.

On July 7, Jacobo Erazo López, member of MUCA (Movimiento Unificado Campesino de Aguán) and ex-director of the Tranvía business, of the La Confianza settlement, was captured and shot to death by unknown persons as he was going to work in the Quebrada de Arena community. José Luis Dubón Díaz, also a member of MUCA, was murdered in la Ceibita close to the Lempira settlement on Sunday, July 8.

Including these most recent murders, 51 people related to or affiliated with the peasant organizations, and a journalist and his partner, have been murdered since 2009 within the context of the agrarian conflict afflicting this region. Furthermore, a peasant man has been missing since May 15, 2011.

During recent years, international organizations have been constantly monitoring the situation in Bajo Aguán, *inter alia*, through an international fact finding mission on human rights in Bajo Aguán, conducted in March 2011¹ and the international public hearing on the human rights situation in Bajo Aguán, held on May 28 in Tocoá, Colón.²

Our organizations also denounce the **judicial abuse of power certain people, of great influence in this area and in the country, are committing with the goal of reversing the ruling pronounced in accordance with the law and which are favorable to the peasants in the area.**

On June 29, after the Civil Trial Court of Francisco Morazán and the District Trial Court of Trujillo decided in favor of the peasants, the public security forces in Honduras turned over the estates San Isidro, La Trinidad and El Despertar, to the members of the Authentic Peasant Reclamation Movement of Aguán (MARCA). After 18 years of litigation, these verdicts are definitive as the businessman involved did not present any recourse against them within the time period stipulated by Honduran law and finally reconstitute the MARCA peasants' right to land.

This ruling confirms that the acquisition of these three estates, totaling 1,776 hectares, by businessmen Miguel Facussé and René Morales was illegal.

Nevertheless, the businessmen filed an *amparo* petition to reverse the land restitution, abusing the legal recourses provided by the Honduran system to render the judicial protection of the peasants inefficient. Moreover, said *amparo* petitions were arbitrarily granted clearly

¹ See Mission Report: Honduras: Human Rights Violations in Bajo Aguán", July 2011, available at: www.fian.org/resources/documents/others/honduras-human-rights-violations-in-bajo-aguan.

² Convened by: APRODEV (Association of World Council of Churches related Development Organizations), headquarters in Brussels; CIFCA (Copenhagen Initiative for Central America and Mexico), headquarters in Brussels; FIAN International (International Right to Food Organization), headquarters in Heidelberg; FIDH (International Human Rights Federation), with headquarters in Paris; (LAWG) Latin America Working Group, with headquarters in Washington DC; (PIDHDD) Inter-American Platform of Human Rights, Democracy and Development, with headquarters in Quito; Rel-UITA (Latin American regional branch of the International Food, Agricultural, Hotel, Restaurant, Tobacco and Allied Workers' Association), with headquarters in Montevideo; TROCAIRE, with headquarters in Dublin; and Vía Campesina Internacional, with headquarters in Jakarta.. See the Declaration on the International Public Hearing at: <http://www.cifca.org/spip.php?article161>

contradicting the legal requirements³ in force that indicate that no *amparo* petition can be interposed against a ruling that has not been appealed, as is the case of the rulings herein. The protection granted reversed the restitution of land and ordered the eviction of the peasants from these estates, to be executed starting on July 11, 2012.

The unjustified delay of 18 years in the judicial administration and the abuse of power committed by these same judicial powers to reverse this decision along with the threats received by the cooperatives' lawyer demonstrate the defenseless situation of the peasants in Honduras, where rulings are blocked by the actual judicial powers.

Our organizations emphasize that all the entities of the Honduran State, including the judicial powers, have an obligation, according to international human rights law, to guarantee the effective fulfillment of human rights at all times and in all circumstances. Said obligations include ensuring access to justice and the effective judicial protection of citizens, as well as the firm implementation of judicial rulings pronounced according to the law.

In this sense, our organizations urge the Honduran authorities to guarantee the independence and impartiality of their judicial system, and we also reiterate the recommendations included in the declaration of the public hearing on the human rights situation of the peasant communities in Bajo Aguán, held on May 28, 2012 in Tocoa, Honduras.

To the Honduran State:

- a. Investigate and sanction seriously and expeditiously all the crimes and other severe human rights violations committed in Bajo Aguán, including the prosecution of the physical and intellectual authors of these actions.
- b. Immediately suspend the repression, harassment and violence committed against the peasant movement.
- c. Adopt effective measures to provide protection to those persons at risk.
- d. Not carry out any forceful evictions.

³ **LAW ABOUT CONSTITUTIONAL JUSTICE, ARTICLE 46.- ON THE ADMISSIBILITY OF THE ACTION (taken from the Spanish original):** "Es inadmisibile el recurso de amparo: 1) Cuando se aleguen violaciones de mera legalidad; 2) Contra resoluciones dictadas en los juicios de amparo; 3) Cuando los actos hayan sido consentidos por el agraviado. Se entenderá que han sido consentidos por el agraviado, cuando no se hubieren ejercitado, dentro de los términos legales, los recursos o acciones, salvo los casos de probada imposibilidad para la interposición de los recursos correspondientes; 4) Cuando no se hubiese ejercitado la acción de amparo dentro del plazo establecido en el Artículo 48; 5) Contra los actos consumados de modo irreparable; 6) Cuando han cesado los efectos del acto reclamado; 7) En los asuntos judiciales puramente civiles, con respecto a las partes que intervengan o hubieren intervenido en ellos y a los terceros que tuvieren expeditos recursos o acciones legales en el mismo juicio, y contra las sentencias definitivas, ejecutoriadas, en causa criminal; 8) Cuando se tuvieren expeditos recursos o acciones legales en la vía Contencioso Administrativa; y, 9) Cuando examinados que sean los antecedentes, se constate en forma manifiesta que la acción tiene por objeto la dilación del proceso. El Órgano Jurisdiccional rechazará de plano la demanda de amparo que fuese inadmisibile. Dentro del trámite sobreseerá las diligencias tan luego como consten en autos la causal de inadmisibilidat."

e. Look for a comprehensive, fair, peaceful and sustainable solution to the peasants' demands, by fulfilling the legal dispositions and the political promises agreed upon with the peasants.

f. Duly control the functioning of the private security forces to guarantee the complete respect for human rights.

h. Invite the Inter-American Human Rights Commission to conduct an *in loco* visit.

To the international community:

- Ensure that the bilateral and multilateral cooperation with the Honduran State and private companies does not contribute to human rights violations, and that this cooperation is based on unconditional respect for human rights.
- International cooperators and multilateral banks review all their financial cooperation agreements with the public security forces and with the private companies allegedly involved in acts of violence, harassment and human rights violations in the region.
- Promote, within the cooperation framework, specifically of the European Union and the United States, the concept of security based on the promotion of justice and a complete respect for human rights.
- Suspend international cooperation that promotes militarization or that aggravates the human rights situation, in particular the case of the United States' military assistance.

We are making an urgent call for all the actors involved, and in particular the State institutions, to prevent any act of violence and guarantee complete respect for human rights.

We, the international organizations, will continue to attentively monitor the situation in Bajo Aguán, considering this agrarian conflict to be the most severe in terms of the degree of violence committed against peasants in Central America over the past 15 years.