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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 55/2023**

Precautionary Measure No. 137-23

Identified members of the *Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa et al.* regarding Honduras

October 5, 2023

Original: Spanish

**I. INTRODUCTION**

1. On February 20, 2023, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures filed by *Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa* (Municipal Committee for the Defense of the Common and Public Goods of Tocoa), the law firm *Justicia para los Pueblos* (Justice for People), Robert F. Kennedy Human Rights, Center for Justice and International Law (CEJIL), *Equipo de Reflexión, Investigación y Comunicación* the *Reflexión, Investigación y Comunicación* (Reflection, Research and Communication Team, ERIC), el Comité Internacional del Gremio Nacional de Abogados (International Committee of the *National Lawyers Guild*), and the International Human Rights Law Clinic of the University of Virginia (hereinafter “the applicant” or “the applicants”) urging the Commission to require that the State of Honduras (“the State” or “Honduras”) adopt the necessary measures to protect the rights to life and personal integrity of members of the *Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa* (Municipal Committee for the Defense of the Common and Public Goods of Tocoa), the criminalized defenders of the Committee and legal professionals of the law firm *Justicia para los Pueblos* (“the proposed beneficiaries”). According to the request, the proposed beneficiaries are at risk of being subjected to threats, harassment, intimidation, and other acts of violence in the context of their work in the defense of environmental rights in Honduras.

2. Under the terms of Article 25.5 of its Rules of Procedure, the Commission requested additional information from the applicant on April 5, May 8, and July 21, 2023, and received information on April 15 and 27,<sup>1</sup> May 18 and 30, June 16, July 31, and August 22, 2023.<sup>2</sup> Additionally, within the framework of the on-site visit to Honduras in April 2023, the Commission held a meeting with members of *Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa*. The Commission requested information from the State on June 12, 2023 and received information on June 26 and September 18, 2023.

3. Upon analyzing the submissions of fact and law furnished by the parties, the Commission considers that the information presented shows *prima facie* that the proposed beneficiaries are in a serious and urgent situation, given that their rights to life and personal integrity are at risk of irreparable harm. Therefore, Honduras is requested to: a) adopt the necessary measures to protect the rights to life and personal integrity of the identified members of the *Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa* and members of the law firm *Justicia para los Pueblos*; b) adopt the necessary protection measures to ensure that the beneficiaries can continue carrying out their activities in defense of human rights without being subjected to threats, intimidation, harassment, and acts of violence; c) consult and agree upon the measures to be adopted with the beneficiaries and their representation; and d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

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<sup>1</sup> The information was received by the applicants during the Commission's on-site visit to Honduras.

<sup>2</sup> Given the broad universe of proposed beneficiaries and in order to have additional elements of assessment, the IACHR requested additional information from the parties at various times during the processing of this matter.

## II. SUMMARY OF FACTS AND ARGUMENTS

### A. Information provided by the applicants

4. According to the applicants the proposed beneficiaries are members of the *Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa* (“the Committee”),<sup>3</sup> the criminalized defenders of the Committee,<sup>4</sup> and legal professionals of the law firm *Justicia para los Pueblos* (“the law firm”).<sup>5</sup> In this regard, it was stated that they are at risk as a result of the exercise of their work in the defense of environmental rights. In the case of the members of the Committee, they were allegedly victims of campaigns of defamation, harassment, threats, and intimidation after making public and legal complaints in order to hold national officials accountable for the alleged illegalities and environmental transgressions of the mining megaproject in the Montaña de Botaderos “Carlos Escaleras Mejía” National Park.

5. Regarding the Committee’s criminalized defenders, they allege that they are victims of acts of persecution and criminalization for their role in the defense of human rights, and due to the exercise of the right to protest and freedom of association in relation to the constructions of the open-pit iron oxide mine during 2018 and 2019. In addition, it was alleged that there were legal proceedings against these defenders, as well as ongoing harassment, threats, and attacks against them as a result of their active work in denouncing the irregularities of extractive and mining megaprojects in the area given that these are harmful to the environment.

6. The members of the law firm, who reportedly represent the Committee and the various groups of environmental defenders in Honduras, allege that they themselves are victims of acts of violence, persecution, and criminalization.

7. By way of context, the request indicated that the municipality of Tocoa, Bajo Aguán sector, is allegedly seriously affected by a large number of extractive projects, hydroelectric projects, and other projects related to mining exploration and exploitation that operate in the region. In response to this situation, several grassroots communities and environmental organizations formed the *Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa* to defend and protect the environment from the impacts of the concessioned projects and to demand the suspension of extractive activities.<sup>6</sup> The Committee has been active since 2014, and appealed to government authorities to demand answers about the contamination of the Guapinol River as a result of the construction of a road within the “Carlos Escaleras Mejía” National Park by the mining company Inversiones “Los Pinares”. Consequently, a rising context of violence against the proposed beneficiaries started.

8. According to the information provided the criminalization of members of the Committee began in 2019 due to their participation in a protest against the mining company, resulting in the alleged arbitrary detention of “the eight defenders of Río Guapinol”. Among them were the proposed beneficiaries and members of the Committee (José Daniel Márquez, José Abelino Cedrillo, Jeremías Martínez, A.A., Kelvin Romero, Porfirio Soto Cedillo, and O.H.). Based on the development of the criminal proceeding, the applicant alleged that

<sup>3</sup> (1). Juana Ramona Zúñiga Martínez, (2). Gabriela Ofelia Sorto Cruz, (3). David Lemus, (4). J.M., (5). D.M., (6). Olayo Méndez, (7). Juana Esquivel, (8). A.C. (9) D.S., (10) Esly Emperatriz Banegas Ávila, (11). Lucidia Isela Juárez, (12). Raúl Ramírez, (13). Rita Isabel Romero, (14). Aida Rodríguez, (15). Mario López, (16). Gregorio Vásquez, (17). Ernesto López, and (18). Dinora Castro. The persons whose identities are not disclosed are fully identified in the file and are known to the parties.

<sup>4</sup> (1). A.A., (2). José Abelino Cedillo, (3). Reynaldo Domínguez, (4). Eugenio Esquivel, (5). Leonel George, (6). J.S.H., (7). O.H., (8). Juan Antonio López, (9). Jeremías Martínez, (10). José Daniel Márquez, (11). Marco Tulio Ramos, (12). Kelvin Romero, and (13). Porfirio Sorto. The persons whose identities are not disclosed are fully identified in the file and are known to the parties.

<sup>5</sup> (1). Edy Alexander Tábora Gonzales, (2). Kenya Oliva and (3). Carlo Jiménez.

<sup>6</sup> According to information available in the file, the Committee is composed of the Environmental Committees of the San Pedro Sector (13 communities), and the Abyssinian Sector Committee (14 communities); the Environmental Committee of the Community of Guapinol, farming groups and the Coordinating Organizations of Popular Water Organization (COPA); the San Alonso Rodríguez Foundation (FSAR), the San Isidro de Tocoa Parish, the Municipal Committee, among others.

there was an increase in attacks against the proposed beneficiaries particularly between January and February 2022.

9. In August 2022, an inter-institutional inspection was carried out by the National Environmental Impact Assessment System (*Sistema Nacional de Evaluación de Impacto Ambiental, SINAIEIA*), along with members of the Committee, to identify the environmental impacts of the mining project. During the inspection, members of the Committee were subjected to intimidation, harassment, and threats at the hands of company officials and military agents. After the inspection, there was a significant rise of the risk that the proposed beneficiaries faced. This included death threats, surveillance, and patrols by armed people in vehicles without license plates who had alleged links to the mining company. These individuals also allegedly threatened the members of the Committee by saying that they would be “*eliminated one by one since they are not letting them work in peace.*” By December 2022, the Committee had publicly denounced another increase the risk that the proposed beneficiaries faced. Overall, the applicants indicated that between January 2022 and January 2023, a total of 36 safety concerns against the proposed beneficiaries was reported. Regarding the members of the law firm *Justicia para los Pueblos*, due to their role as legal representatives of the Committee, they have reportedly been subject to reprisals for their work and have expressed fear and difficulty in exercising their representation duties due to the reported threats, as well as other claims still pending.

10. Within the framework of the aforementioned context, the applicants promptly referred to the following facts that put the proposed beneficiaries at risk:

- *Members of Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa*
  - i. **Juana Zúñiga:** In January 2022, a patrol allegedly visited her house twice. In February 2022, individuals who were on a motorcycle and individuals in a vehicle engaged in shooting at the street corner of her home. That same month, two unknown cars without license plates were parked in front of her house. These vehicles were reportedly also seen at the facilities of the Los Pinares Company. Furthermore, an identified person warned her to stop giving interviews and to lower her exposure if she wanted to avoid “a fright where it hurts the most”. In June 2022, a worker at the mining company allegedly threatened her while holding a gun. He allegedly told her to “be careful, because you don’t know who you are messing with”. In August 2022, she reported direct death threats from an unknown person while picking up her daughter from school. She was also allegedly subjected to direct intimidation by the armed forces and the mining company during the inter-institutional inspection during that same month. In September 2022, three groups linked to organized crime reportedly intimidated her and broke into her residence. Moreover, an individual reportedly told her that “if we mess with them, none of us will be left alive.” In November 2022, she was allegedly threatened by a neighbor who warned her that there was a bounty of 30,000 lempiras to murder her and her partner, proposed beneficiary José Abelino Cedillo. On March 9, 2023, an armed young man entered the store in her home, stared at the security cameras, and surveilled the premises for some time. Subsequently, on March 15, 2023, an unknown young man on a motorcycle entered her store and surveilled the premises. On June 16, 2023, an unidentified vehicle allegedly passed in front of her house repeatedly, and even slowed down as going by. On August 10, 2023, the proposed beneficiary reported the presence of a vehicle near her home and community. On August 12, 2023, police officers were reportedly watching her family and taking photographs near her home. Recently, she was informed that she was on an alleged list of people to be killed for her advocacy work in Guapinol.

- ii. **D.S:** From December 2022 to date, they have allegedly been the victim of repeated acts of surveillance and harassment by unknown individuals, police, and military agents in their private home.
  - iii. **J.M:** On January 21, 2023, they allegedly received threats on the road to the San Pedro sector by a person with alleged links to the mayor of Tocoa and the Los Pinares Company. They were also the victim of threats by individuals who allegedly had links with State representation and businessmen with an interest in the area.
  - iv. **Juan Antonio López:** He is the reported victim of numerous defamation campaigns, which have recently intensified. In June 2023, after the murder of Oscar Oqueli Domínguez, he reportedly received threats. He alleged that a person linked to the mining company had told him that “if any of his family members were hurt, he would kill whoever was in the family”. Moreover, a businessman from Tocoa reportedly told him “you have the boards on your back”, suggesting that “he is carrying his own coffin”. On June 26, 2023, he reportedly received a death threat from a member of a criminal gang. Since then, it has been reported that two men on a motorcycle have been near his house.
  - v. **Gabriela Sorto:** She allegedly reported that a drone has frequently flown over her house. In addition, on July 24, 2023, when she was walking with Mr. Leonel George during a meeting with leaders of the *Coordinadora de Organizaciones Populares del Aguán* (Coordinating Committee of Popular Organizations of Aguán, COPA) and *Plataforma Agraria*, someone was seen waiting outside for a known armed hitman. Upon being alerted, she did not leave until this individual had left.
  - vi. **Esly Emperatriz Banegas:** She was allegedly the victim of acts of persecution, harassment, and surveillance which took place both in her private home and within the framework of public activities. In November 2022 she was allegedly followed by a vehicle and, in December 2022, a van harassed her by parking in front of her house with the engine and lights on. In January 2023, drones reportedly flew over her house. She was also allegedly subjected to smear campaigns, surveillance, and monitoring.
- Criminalized defenders of the Committee
- vii. **José Abelino Cedillo:** In March 2023, he was allegedly the victim of surveillance and harassment in his private business and his family home. On August 14, 2023, he was subjected to acts of intimidation by the National Police, whose agents were reportedly outside his house recording everything and taking photographs.
  - viii. **Eugenio Esquivel:** He was forcibly displaced from his community “La Ceibita” due to the threats received for his participation in the Committee and he currently lives in another community.
  - ix. **Reynaldo Domínguez:** In June 2022, he was allegedly harassed by a black motorcycle for two consecutive days in the community of Guapinol. On January 7, 2023, his brother and environmental defender Aly Domínguez was killed along with another defender Jairo Bonilla. Two days before the incident, the proposed beneficiary was allegedly subjected to a stigmatization campaign from unidentified Facebook accounts. On January 9 and 10, 2023, a vehicle posing as authorities from the Human Rights Secretariat arrived in the community of Guapinol and asked for the proposed beneficiary. On January 12, 2023, a vehicle without license plates harassed him and his family. The vehicles were allegedly identified as belonging to the Los Pinares company. On January 15, 2023, he and his family

received death threats on their phones. The threats referred to the murder of his brother. On April 5, 2023, an unknown car parked outside his home and the individual in it surveilled his house for approximately 30 to 45 minutes. The next day, a drone flew very low over his house, and then headed towards the mining company's facilities. On April 13, 2023, several people on motorcycles drove by his house various times. On June 15, 2023, his brother Oscar Oqueli Domínguez was killed by several unknown individuals on a motorcycle. These individuals fired at him and wounded his mother with a bullet to her leg. Currently, the proposed beneficiary allegedly has to constantly move between different family members' homes due to constant surveillance by unknown vehicles which drive by and park in front of his house.

- x. **José Daniel Marquez:** On April 10, 2023, he reportedly received two letters at his residence door. These allegedly read "we already killed two, you are, next". In addition, an employee of the company Los Pinares reportedly drove by his house making rounds during the day and night.
  - xi. **A.A.:** On August 15, 2023, they were allegedly illegally detained by the National Police within the framework of a police checkpoint in the city of Tela. At the time, they were told that they had two active prosecutorial charging documents against them, despite having two acquittals in their favor. The proposed beneficiary is reportedly facing a new judicial process before two different courts in different jurisdictions. They were released after 27 hours.
- Members of the law firm *Justicia para los Pueblos*
- xii. **Carlo Jiménez:** As a member of the law firm and legal representative of the Committee, on June 22, 2023, he was allegedly followed by a vehicle without license plates while driving on the road from Tocoa to La Ceiba. The incident occurred after a meeting with the Regional Prosecutor's Office of Bajo Aguán, in relation to the case of the murder of human rights defender Oscar Oqueli Domínguez.
  - xiii. **Edy Alexander Tabora:** As a member of the law firm and legal representative of the Committee, he was allegedly attacked on social networks by unknown accounts. These accounts blamed him for revealing the identity of a protected witness who was killed in a case. This suggests that these individuals have access to information that only State agents should have access to.

11. The applicants reported that, in the midst of the wave of violence in March and April 2023 in the Aguán area, the two suspects responsible for the murders, Jairo Bonilla and Aly Domínguez, were killed. After these events, the relatives of the suspects allegedly repeatedly and publicly made threats against the lives of the proposed beneficiaries Reynaldo Domínguez and Jeremías Martínez, as well as their immediate families. These relatives reportedly declared that "there will be a vendetta as a consequence". Subsequently, Mr. Oscar Oqueli Domínguez, the proposed beneficiary's other brother, Reynaldo Domínguez, was murdered.

12. On the other hand, the applicant mentioned a prolonged smear campaign through publications against the proposed beneficiaries that allegedly increased over time, and that were preceded by events related to them.<sup>7</sup> In this regard, the applicant pointed out that between 2020 and 2021, numerous publications were reported from Twitter referring to the members of the Committee as "frauds", "gangsters",

<sup>7</sup> For example, according to the applicants: a) filed during the main stages of the judicial process against the eight defenders of the Guapinol River; b) filed in opposition to legal victories achieved by the proposed beneficiaries; c) filed when the Committee was publicly denouncing the environmental contamination of mining in the national park and the unlawful actions of the State in granting the necessary licenses for its operation; and d) filed after the murders of Ali Domínguez and Jairo Bonilla.



“radicals of Guapinol”, “vivid environmentalists”, “criminals”. They also allegedly accused them of having murdered several environmental defenders in the area. In 2022, publications reportedly increased in January and February following the judicial hearing of the “eight defenders”. In 2023, 190 tweets were recorded referring to the “false environmentalists of Guapinol” and on the Facebook platform they are accused of “killing innocent people” and called “assailants and murderers”. After the murder of Oscar Oqueli Domínguez in June 2023, there was an increase in smear and defamation campaigns on social networks from unknown accounts.

13. Regarding the security measures implemented in favor of the proposed beneficiaries, the applicants stated that the Committee allegedly requested protection measures, through the National Protection Mechanism, as of 2019. In this regard, the applicants submitted the following information:

- *2019:* In September, the National Protection Mechanism received the request to establish a protection plan and recommended protection measures in favor of Reynaldo Domínguez, Juana Zúñiga, and Gabriela Sorto. These measures included providing them with a police liaison and a contact telephone number with the General Directorate of the Protection System.
- *2020:* In April, a risk assessment was carried out and the results established a serious risk. On July 31, an ordinary session of the Technical Committee was held to determine protection measures. The Mechanism organized the installation of an audible alarm with a solar panel and outdoor lighting in the home of the proposed beneficiary Juana Zúñiga.<sup>8</sup>
- *2021:* In December, a second risk assessment was carried out by the Risk Analysis Unit.
- *2022:* Until the beginning of this year, all of the above measures had not yet been implemented. On February 11, a second ordinary session of the Technical Committee was held. The Mechanism updated the list of beneficiaries of the measures, limiting its scope to the proposed beneficiaries Reynaldo Domínguez, Gabriela Sorto, Juana Zúñiga, David Lemus, Juan Antonio López, A.D., and D.M.<sup>9</sup> It also ordered new commitments for measures related to installing doors in the house where the proposed beneficiary Juana Zúñiga lives, granting of an identity card, having a police liaison, police patrols in the area of Guapinol, and the request to speed up the process to release the eight detained defenders. In May, the Mechanism incorporated Kenia Oliva, José Daniel Márquez, O.H., Kelvin Romero, A.A., Porfirio Sorto, José Abelino Cedillo and Jeremías Martínez Díaz as beneficiaries. These individuals only received access to the telephone contact.<sup>10</sup> Regarding the other proposed beneficiaries, they do not have a comprehensive protection plan.
- *Currently:* the proposed beneficiaries Juana Zúñiga and José Abelino Cedillo reportedly have security measures carried out by a Tocoa police officer, who allegedly goes by their houses every day. However, they did not report the alleged incidents directly to him “due to lack of trust, since the police of Tocoa itself has been responsible for the criminalization of the defender José Abelino Cedillo”. They also explained that they did not have direct communication with the Protection Mechanism, since there has not been any proximity with the institution since late 2022.
- The proposed beneficiary Kenia Oliva reportedly has security cameras in her house as a personal measure.

<sup>8</sup> It also extended the security measures in favor of other members of the Committee, including Jairo Bonilla and Aly Domínguez, ordering them to be granted an identification card of the Mechanism for a period of six months, to take a self-protection course, to request the promotion of the complaints filed by the members of the Committee and to request the National Commissioner of Human Rights (CONADEH) to investigate the process of granting the mining concession.

<sup>9</sup> Other members of the Committee were included in the list.

<sup>10</sup> Other members of the Committee were also added to the list.

- According to the National Protection Mechanism, only two police liaisons in favor of the members of the Committee and a patrol plan in the Guapinol area are reportedly in force. However, to date there is no assigned police liaison because as the agent who was designated was transferred to another location.

14. According to the applicant, despite the fact that the measures were granted in 2019, there is allegedly not an adequate response for a collective implementation of these measures. The Committee considered that the State's reaction has not been providing a comprehensive protection plan. It also considered that the State had failed to identify and adopt appropriate measures in response to the situations of risk against them. In addition, since the murders of Aly Domínguez and Jairo Bonilla, the National Protection Mechanism of Honduras has not had direct communication with the beneficiaries of the measures taken, or with their representation since January 7, 2023. Nor did the National Protection System follow up on the investigation into the murders of the aforementioned defenders.

15. Regarding the opportunities for consultation with the State authorities, the applicant reported that on January 22, 2023, a meeting was held with the Human Rights Secretariat. Commitments were made by the State, among them, to install a regional office of the Human Rights Secretariat in Tocoa and to return to the region at the end of January with the director of the Protection Mechanism. This commitment was not fulfilled. The applicant emphasizes that, since the beginning of the intervention of the Mechanism, the State has assumed commitments, all of which have been constantly breached. In February 2023, the proposed beneficiary Reynaldo Domínguez, along with other members of the Committee, held a meeting with the Secretary of State in the Security Office, with the presence of the Office of the United Nations High Commissioner for Human Rights in Honduras (OHCHR). At that meeting, the names of two people were provided as the material authors of the murders of defenders Jairo Bonilla and Aly Domínguez, and their intervention was requested in order to achieve detain this individual.

16. On June 15 and 24, 2023, the Committee reportedly requested the Protection Mechanism and the Human Rights Secretariat to hold an inter-institutional meeting to address threats and violence against the proposed beneficiaries. However, no response was obtained. Given this situation, the Committee requested a meeting with the Secretary of the Presidency, which took place on July 5, 2023. A high-level meeting was also requested to address the situation related to the mining megaproject that operates in the "Carlos Escaleras Mejía" National Park, as well as the risk that the proposed beneficiaries face. On July 15, 2023, a meeting was held between several state authorities<sup>11</sup> with the aim of "solving the urgent needs of the communities". However, no member of the Committee was present at that meeting and there has been no follow-up in this regard.

17. On August 19, 2023, a meeting of the Technical Committee was requested before the Protection Mechanism in order to address the reported incidents and agree upon protection measures in favor of the proposed beneficiaries. However, to date, there has been no official response from the Mechanism authorities. In this regard, they mentioned that the Technical Committee of the National Protection System has not held ordinary sessions for at least the last year and a half. On the other hand, the applicant reported that on June 19, 2023, a visit was made by a technical team of the General Directorate of the Protection System (*Dirección General del Sistema de Protección*, DGSP) to the Guapinol area. However, it had not been possible to receive adequate and effective implementation of the protection measures.

18. Regarding the complaints filed by the alleged facts, the applicants reported the following:

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<sup>11</sup> The Secretariat of the Presidency, the Secretariat of Security, the National Police, the Secretariat of National Resources, and the Forest Conservation Institute.

- Since 2016, the Committee has filed 14 criminal complaints with three prosecutors' offices related to environmental pollution, contractual illegality, violence, and threats related to the mine. In this regard, it was indicated that adequate investigations have not been carried out and those responsible have not been prosecuted.
- In August 2022, members of the Committee filed a complaint against members of the Armed Forces after the inter-institutional inspection for intimidation and threats during the visit to the mining site. The complaint has not been investigated and no charges have been filed. On January 18, 2023, the Integrated Inter-institutional Justice Center (*Centro Interinstitucional Integrado de Justicia*, CEIN) forwarded the complaint to the Police Directorate of Investigations (*Dirección Policial de Investigaciones*, DPI) of Tocoa. Despite a first communication from the Public Prosecutor's Office of Tocoa, there was reportedly no follow-up.
- On January 18, 2023, a complaint was filed for defamation campaigns on social networks against Juan López, Leonel George, and Reynaldo Domínguez for "the crime of incitement to discrimination" before the Special Prosecutor for Human Rights Defenders. On February 16, 2023, after filing the complaint, the Prosecutor's Office called Juan López to provide more information but, to date, there has been no subsequent communication.
- On January 19, 2023, the proposed beneficiary Reynaldo Domínguez filed a complaint with the Specialized Prosecutor's Office on Crimes Against Life requesting its intervention in the investigation of the murder of his brother Aly Domínguez, as well as the support of the Technical Criminal Investigation Agency (*Agencia Técnica de Investigación Criminal*, ATIC). This is due to the fact that the proposed beneficiary does not trust the police or the prosecutor's office in Tocoa, since they were involved in the judicial harassment of the Committee members. Despite the request, the investigation remains under the authorities of Tocoa. According to the applicant, on January 12, 2023, the investigation report was sent to the Public Prosecutor's Office, in which the material authors of the homicide are identified. However, the Public Prosecutor's Office has not yet filed the respective indictment.
- On June 17, 2023, the Public Prosecutor's Office received the investigation report from the National Police in which the perpetrators of the murder of Oscar Oqueli Domínguez were identified, but there is no prosecutorial charging document to date.

19. The applicants alleged that despite the complaints and actions filed, they have not received a response from the competent authorities. Nor did the State investigate the recent death threats against the proposed beneficiaries. Notwithstanding, the proposed beneficiaries allegedly continue to publicly denounce the reported situations.

20. Regarding the criminal proceedings against the members of the Committee, the applicants informed about a prosecutor's request filed in 2019 against "the eight defenders of Rio Guapinol". Among them are the proposed beneficiaries José Daniel Márquez, José Abelino Cedillo, and Jeremías Martínez, allegedly for the crimes of aggravated arson and unjust deprivation of liberty in the context of a peaceful protest against the activities of the mining company. After being imprisoned for two and a half years, they were released in February 2022, without a final dismissal of the case. On February 7, 2023, the procedural representation was notified of the admission of an appeal filed by the Public Prosecutor's Office against the final dismissal of the case. The defense filed the response to the claims and appeal before the Second Court of Appeals of La Ceiba and on February 16 they were notified of their admission.

## **B. Response from the State**



21. Through the General Directorate of the Protection System of the Human Rights Secretariat (*Dirección General del Sistema de Protección de la Secretaría de Derechos Humanos, DGSP*), the State informed that the proposed beneficiaries Esly Emperatriz Banegas, Juana Zúñiga, Gabriela Sorto, David Lemus, D.M., A.C., A.A., José Abelino Cedillo, Reynaldo Domínguez, O.H, Kelvin Romero, Porfirio Soto, and José Daniel Márquez allegedly have protection measures in their favor through the internal procedure of the Protection Mechanism.

22. Regarding the actions taken by the State authorities in the matter at hand, it was reported that from January 19 to 24, 2023, the Secretary of State, the Undersecretary of State and the Legal Advisor of the Protection System carried out an on-site visit to Tocoa and the community of Guapinol to verify the human rights violations and to show their solidarity with the family of Aly Domínguez and Jairo Bonilla, who was murdered in January. Moreover, they went to the regional Public Prosecutor's Office in order to request information regarding the investigations and ensure their progress. It clarified that, at the time Mr. Domínguez and Mr. Bonilla were killed, they were not beneficiaries of protection measures. On June 15, Oscar Oqueli Domínguez, the older brother of human rights defender Reynaldo Domínguez and Ali Domínguez, was violently murdered in the community of Guapinol. Following the incident, the Mechanism urged the corresponding entities to carry out an exhaustive investigation into the death of Mr. Domínguez and sent communications to the Security Secretariat, the Public Prosecutor's Office, and the Police Investigation Directorate (*Dirección Policial de Investigación, DPI*). From the attached communication addressed to the Ministry of Security, a request is made to "reinforce routine patrols in the area" and "urge the rapid action of the officers assigned to aid the beneficiaries of the Community of Guapinol."

23. According to the state report, on June 19, 2023, a technical team from the Protection Mechanism went to the Guapinol area to collect information on the latest events with the aim of updating the risk assessment and have a better understand of the context of the area. They also reportedly aimed to propose suitable protection measures based on the needs of the beneficiaries in the area. The visit allegedly reached the San Pedro sector, an area that had never been visited by risk assessors, in order to have a broader context to determine better protection plans.

24. Regarding the protection measures in favor of the Committee, it reported that follow-up and monitoring of this matter was incorporated into the Protection Mechanism as of September 2019, under an extraordinary procedure. In addition, the 24/7 hotline was provided, as well as other preventive measures. On February 7, 2022, the Mechanism requested the Ministry of Security to adopt urgent measures in favor of members of the collective of the Committee consisting of liaison and police patrols.

25. On July 12, 2022, the Technical Committee updated the list of beneficiaries of the collective protection measure, which reportedly include the proposed beneficiaries Reynaldo Domínguez, Gabriela Sorto, Juana Zúñiga, David Lemus, A.C., and D.M. Furthermore, the following protection measures were agreed upon:

"1. To arrange for the installation of two doors with their respective security interlocks, which will be installed at the main entrance and at the back of the residence of Ms. Juana Zúñiga (...). Installed.

2. To grant for a period of six months a card that identifies the members of the *Comité Sectorial Ambiental de Guapinol - Junta Directiva del Comité Municipal de Defensa de los Bienes Comunes y Públicos de Guapinol* (Guapinol Environmental Sector Committee - Board of Directors of the Municipal Committee for the Defense of Common and Public Assets of Guapinol), including three members of *Comité Sectorial de San Pedro* (Sector Committee of San Pedro) with names as beneficiaries of protection measures. Awarded to five beneficiaries.

3. To follow up on the actions taken so that, through the Prevention and Context Analysis Unit, a self-protection course is offered to all the members of the Guapinol Municipal *Comité Municipal de Defensa de los Bienes Comunes y Públicos Guapinol* (Committee for the Defense of Common and Public Goods).

4. The Human Rights Department of the Secretariat of Security will ensure that the police liaison is maintained in favor of the visible members of the collective of defenders of the commons of the Guapinol community. This measure was processed as an urgent measure by the General Directorate of the Protection System on February 7, 2022. (...).

5. The Department of Human Rights of the Secretariat of Security will ensure that the measure of police patrols in the community of Guapinol is maintained. This measure was managed as an urgent measure by the General Directorate of the Protection System on February 7, 2022.

6. To send an official communication to the National Commissioner of Human Rights, Central East Office, requesting that, within its institutional competencies, it verify the celerity and due process regarding the process of liberation of eight of the defenders of the Guapinol community, according to the resolution that was publicly notified by the Constitutional Chamber of the Judiciary”.

26. In this session, it was also agreed to request that the Case Reception and Immediate Response Unit (*Unidad de Recepción de Casos y Respuesta Inmediata*) determine which members of the collective, who have experienced risk, meet the requirements established by law<sup>12</sup> to be included in this collective file. It was also noted that the Prevention and Context Analysis Unit (*Unidad de Prevención y Análisis de Contexto*) confirmed the Conflict Prevention and Context Diagnosis Plan for the communities of Guapinol and San Pedro in the Municipality of Tocoa, and that it will be sent via e-mail in order for the beneficiaries to promote its implementation. Lastly, it was pointed out that the current protection measures will reportedly be in force until the risk assessment is prepared and presented once again before the Technical Committee of the Protection Mechanism.

27. By official communication of June 21, 2023, the Department of Human Rights of the Ministry of Security is recorded as ensuring police liaison in favor of the collective of defenders of the Committee and to maintain police patrols in the community of Guapinol. It was indicated that among the beneficiaries of these measures are the proposed beneficiaries Gabriela Sorto, Juana Zúñiga, David Lemus, Juan Antonio Lopez, A.C. and D.M. It was noted that, according to the minutes of the Technical Committee of February 11, 2023, to date the police liaison has not received any calls from the beneficiaries requesting police assistance. The police liaison allegedly remains active 24 hours a day and a police team is prepared for prompt action if required. Moreover, patrols in the community of Guapinol were reportedly reinforced in relation to the alleged drones that flew over Ms. Juana Zúñiga’s residence. The following was also informed: Mr. Jeremías Martínez Díaz reportedly has police liaison, police patrols at his residence and occasional police escort; Ms. Kenia Oliva allegedly has police liaison, police patrols at her residence, and occasional police escort; and Ms. Elsy Emperatriz Banegas reportedly has a police escort of four policemen and a motorcycle.

28. In the report received on September 18, 2023, it stated that, regarding the facts related to the inter-institutional inspection of August 2022, relevant investigations and interviews with the personnel were carried out. These reportedly determined that the statements made by the members of the Committee and its representation of the law firm are false, since the military personnel acted “in strict compliance with human rights”. It also clarified that the members of the Armed Forces were in charge of providing security. Therefore, there was no direct participation of the personnel at any time. To date, there have been no criminal proceedings against any member of the Armed Forces who has undertaken such a mission.

29. Regarding the investigative actions carried out in the matter of Mr. Oscar Oqueli Domínguez, a report was received from the Police Directorate of Investigations where two suspects were identified, and different investigative actions were carried out by the police. In addition, preliminary proceedings were requested before the court of first instance of the Judicial Section of Tocoa, such as the taking witness

<sup>12</sup> Law for the Protection of Human Rights Defenders, Journalists, Social Communicators, and Justice Operators.

statements in the Gesell Chamber, photographic examination, exhuming a deceased body, physical evaluation of Mr. Domínguez's mother, call detail records surveys, planimetry, visual inspection, and forensic photography. The State also indicated that, regarding the investigations into the different facts referred to by the applicant, the corresponding steps have been taken with the investigative body and that the information is being forwarded.

#### **IV. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY, AND IRREPARABLE HARM**

30. The precautionary measures mechanism is part of the Commission's function of overseeing compliance with the human rights obligations set forth in Article 106 of the Charter of the Organization of American States. These general oversight functions are established in Article 18(b) of the Statute of the IACHR, and the precautionary measures mechanism is described in Article 25 of the Commission's Rules of Procedure. In accordance with this Article, the IACHR grants precautionary measures in urgent and serious situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

31. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.<sup>13</sup> Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>14</sup> To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted.<sup>15</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. They aim to safeguard the rights at risk until the request pending before the inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.<sup>16</sup> In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

<sup>13</sup> See in this regard: I/A Court H.R. Matter of the Yare I and Yare II Capital Region Penitentiary Center. Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Order of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. Case of Carpio Nicolle et al. v. Guatemala. Provisional Measures. Order of July 6, 2009, considerandum 16.

<sup>14</sup> See in this regard: I/A Court H.R. Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. Case of Bámaca Velásquez. Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. Matter of Fernández Ortega et al. Provisional Measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. Matter of Milagro Sala. Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

<sup>15</sup> See in this regard: I/A Court H.R. Matter of Milagro Sala. Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish]; I/A Court H.R. Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 9; I/A Court H.R. Matter of the Criminal Institute of Plácido de Sá Carvalho. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

<sup>16</sup> See in this regard: I/A Court H.R. Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center. Provisional Measures regarding Venezuela. Order of the Court of February 8, 2008, considerandum 7; I/A Court H.R. Matter of "El Nacional" and "Así es la Noticia" newspapers. Provisional Measures regarding Venezuela. Order of the Court of November 25, 2008, considerandum 23; I/A Court H.R. Matter of Luis Uzcátegui. Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual effect of a pending decision in a case or petition before the organs of the inter-American system;
- b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

32. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; The information provided should be assessed from a *prima facie*<sup>17</sup> standard of review to determine whether a serious and urgent situation exists. Similarly, the Commission recalls that, by its own mandate, it is not called upon to determine any criminal liabilities for the facts alleged. Moreover, in this proceeding, it is not called upon to make statements on violations of rights enshrined in the American Convention or other applicable instruments,<sup>18</sup> nor to determine whether the criminal sentences imposed on the proposed beneficiaries violate these international instruments. The following analysis relates exclusively to the requirements set forth in Article 25 of the Rules of Procedure, which can be resolved without making any determinations on the merits.<sup>19</sup>

33. When analyzing compliance with the procedural requirements of a request for precautionary measures, Article 25 (6) of its Rules of Procedure establishes that the Commission shall take into account the context of the request. In this sense, the Commission proceeds to analyze the elements reported by the parties in the light of the context in which they are framed. The foregoing is relevant, considering that the proposed beneficiaries are defenders of environmental rights in Honduras.

34. In its 2021 Annual Report, the Commission expressed its concern regarding acts of violence against human rights defenders in Honduras, “particularly against those who defend the environment”, and noted that these acts have continued during the year 2021.<sup>20</sup> Furthermore, on May 25, 2022, the IACHR expressed its concern regarding the violence, intimidation, and criminalization of defenders in the region. It particularly noted that six human rights defenders were reportedly murdered in Honduras between January and March 2022.<sup>21</sup> The IACHR subsequently condemned the murders of at least five defenders in Honduras between January and February 2023 and called the State to diligently and effectively investigate these events, as well as to protect those who defend human rights in the country. According to public information, the IACHR

<sup>17</sup> See in this regard: I/A Court H.R. *Matter of Members of the Miskitu Indigenous Peoples of the North Caribbean Coast regarding Nicaragua*. Extension of Provisional Measures. Order of the Inter-American Court of Human Rights of August 23, 2018, considerandum 13 [only in Spanish]; I/A Court H.R. *Matter of the children and adolescents deprived of their liberty in the “Complexo do Tatuapé” of the Fundação CASA*. Request for extension of provisional measures. Provisional Measures regarding Brazil. Order of the Inter-American Court of Human Rights of July 4, 2006, considerandum 23.

<sup>18</sup> IACHR. *Resolution 2/2015*. Precautionary Measure No. 455-13. *Matter of Nestora Salgado regarding Mexico*. January 28, 2015, para. 14; IACHR. *Resolution 37/2021*. Precautionary Measure No. 96-21. *Gustavo Adolfo Mendoza Beteta and family regarding Nicaragua*. April 30, 2021, para. 33.

<sup>19</sup> In this regard, the Court has indicated that “[it] cannot, in a provisional measure, consider the merits of any arguments pertaining to issues other than those which relate strictly to the extreme gravity and urgency and the necessity to avoid irreparable damage to persons.” See in this regard: I/A Court H.R. *Matter of James et al. regarding Trinidad and Tobago*. Provisional Measures. Resolution of the Inter-American Court of Human Rights of August 29, 1998, Considerandum 6; I/A Court H.R., *Case of the Barrios Family v. Venezuela*. *Matter of Barrios Family v. Venezuela*. Provisional Measures. Order of the Inter-American Court of Human Rights of April 22, 2021, considerandum 2 [only in Spanish].

<sup>20</sup> IACHR. 2021 Annual Report. Chapter V. Follow-up to recommendations made by the IACHR in its country or thematic reports. Honduras. Para. 95.

<sup>21</sup> IACHR. Press Release No 114/22. *IACHR: high level of violence against defenders in the first quarter of 2022, it is urgent that States protect life and work*. May 25, 2022.

identified that the five murdered defenders were engaged in activities in defense of land, territory and/or the environment.<sup>22</sup>

35. The IACHR has been continuously monitoring the context of Bajo Aguan for several years through its various mechanisms, as there is a long-standing land conflict between the farmers and businesspersons. There have been deaths, threats, harassment, intimidation, and even disappearances of farm workers claiming their territories, as well as acts of violence against human rights defenders for their opposition to touristic, agrarian, mining, or hydroelectric projects in the area.<sup>23</sup> Following its recent on-site visit to Honduras in April 2023, the Commission received information on increased violence and criminalization against farming communities in Bajo Aguán. In particular, it referred to extrajudicial evictions, threats, intimidation, and stigmatization against members of the cooperatives, to the point that eight farming leaders were murdered in recent months. In addition, there is an alleged perception that state authorities are linked to armed groups, which results in obstacles when reporting acts of violence. Moreover, the investigations are not being carried out and impunity therefore prevails in the area.<sup>24</sup>

36. In addition, the IACHR was informed about the challenges in the performance of the National Protection System for Human Rights Defenders, Journalists, Social Communicators, and Justice Operators (*Sistema Nacional de Protección para Defensores de Derechos Humanos, Periodistas, Comunicadores Sociales y Operadores de Justicia*). In 2022, civil society organizations expressed their disagreement with the new operations of the National Protection Mechanism. Since July of that year, the National Protection Council (integrated by journalists, social communicators, justice operators, and representatives of civil society), determined a temporary withdrawal from the National Protection System.<sup>25</sup> Following its recent on-site visit to Honduras in April 2023, the IACHR received concerning information about the intensification of technical, administrative, and financial problems of the Mechanism for the Protection of Human Rights Defenders, Journalists, Communicators and Justice Operators that undermine its ability to respond promptly and effectively to applicants and beneficiaries.<sup>26</sup> Regarding the implementation of protection measures, the Commission observed shortcomings in the risk analysis and assessment, and the lack of coordination of the state response, and called on the responsible entities to work in a coordinated and articulated manner.<sup>27</sup>

37. Based on the aforementioned context, the IACHR proceeds to analyze the procedural requirements in relation to the identified members of the *Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa* and the law firm *Justicia para los Pueblos*. As a preliminary matter and upon confirming the information provided in the matter at hand, the Commission recalls that Jeremías Martínez, Lucidia Isela Juárez, Raúl Ramírez, and Leonel George are beneficiaries of precautionary measures (PM-50-14, granted by resolution No. PM-50-14, granted by resolution No. 50/12 of May 8,<sup>28</sup> 2014, and with resolution to extend No. 60/2016 of December 6, 2016).<sup>29</sup> The Commission continues to monitor their situation within the framework of the precautionary measures currently in force.

38. Regarding the other proposed beneficiaries, the Commission decides to analyze their situation as members of the following two groups identified in the request: identified members of *Comité Municipal de*

<sup>22</sup> IACHR, Press Release No.022/23. [IACHR condemns murders of human rights defenders in Honduras](#). February 14, 2023.

<sup>23</sup> IACHR, Country Report, Situation of Human Rights in Honduras. OAS/Ser.L/V/II. Doc 146. August 27, 2019, para. 150. 175-178.

<sup>24</sup> IACHR, Preliminary Observations: On-site visit to Honduras, April 24 to 28, 2023. Para. 16.

<sup>25</sup> IACHR, 2022 Annual Report. OEA/Ser.L/V/II/ Doc.50 rev.1. April 1, 2023. Chapter IV.A. Parr. 510

<sup>26</sup> Ibidem

<sup>27</sup> IACHR, Preliminary Observations: On-site visit to Honduras, April 24 to 28, 2023. Para. 45-46.

<sup>28</sup> Available at: <https://www.oas.org/es/cidh/decisiones/pdf/2014/mc50-14-en.pdf>

<sup>29</sup> Available at: <https://www.oas.org/es/cidh/decisiones/pdf/2016/mc50-14-es-ampliacion.pdf>



*Defensa de los Bienes Comunes y Públicos de Tocoa*<sup>30</sup> and the identified members of the law firm *Justicia para los Pueblos*. The Commission understands that its members have been subject to various events that reflect risk factors common to its members in the context of their actions in defense of human rights in Honduras. In this regard, the Commission understands that, although some people have been subject to greater events than others, the information available reflects the continuity of situations that have been materializing in certain members of both groups, either due to the activities they carry out or because of their level of exposure, which reflects a situation common to the people who are part of the groups in Honduras.

39. With respect to the requirement of *seriousness*, the Commission considers that it has been met. The Commission observes that the proposed beneficiaries carry out their activities in the framework of the defense of environmental rights by issuing complaints about extractive projects and mining exploitation. It also notes that all the proposed beneficiaries have common factors that put them at risk and expose them to several incidents against their rights, including threats, surveillance, surveillance, and other risk events while carrying out the duties of both the Committee and their legal representation from the law firm.

40. In this regard, the Commission observes the following events that have placed the proposed beneficiaries at risk that have been submitted to date, as reported by the applicants:

- Death threats by mining company officials, unknown persons, military agents, and members of organized crime (see *supra* para. 10);
- Death threats and surveillance of the proposed beneficiaries' relatives (see *supra* para. 10 and 11);
- Surveillance and harassment by unknown persons in near the proposed beneficiaries' residences in vehicles without license plates and motorcycles (see *supra* para. 10);
- Being followed by vehicles without license plates (see *supra* para. 10);
- Acts of intimidation by officials of the mining company and by agents of the armed forces even during environmental defense activities (see *supra* para. 10);
- Acts of surveillance and intimidation by police officers reportedly take photos of the proposed beneficiaries' residences (see *supra* para. 10);
- Alleged plans to threaten the lives of the proposed beneficiaries (see *supra* para. 10);
- Forced displacement of the proposed beneficiaries after threats (see *supra* para. 10);
- Murder of the proposed beneficiaries' relatives (see *supra* para. 11);
- Surveillance by drones in the proposed beneficiaries' residences (see *supra* para. 10).

41. The Commission observes with particular concern that the alleged facts have been maintained over time and that an increase in the pattern of incidents has been perceived in recent months. Moreover, that the facts have been presented in the framework of an alleged context of stigmatization and defamation campaigns through social networks (see *supra* para. 12). The events are also considered particularly serious to

<sup>30</sup> The IACHR understands that the group identified as "criminalized defenders" is part of the collective of the *Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa*. When the Commission refers to the Committee, it is understood to include this group of defenders.

the extent that a link has been alleged between the events and the environmental defense activities being carried out by the proposed beneficiaries. In this regard, the IACHR understands that the reported events occurred when the proposed beneficiaries were at their residences or carrying out activities in the framework of their work as environmental defenders and legal representatives of the Committee. These incidents, in turn, allegedly seek to intimidate them in the exercise of reporting activities and discourage their efforts to achieve justice and environmental defense.

42. Upon requesting information from the State in accordance with Article 25 of the Rules of Procedure, the Commission will now assess the information provided on the protection measures implemented in favor of the proposed beneficiaries, as well as the inter-institutional steps taken to provide the corresponding information on the measures granted.

43. Regarding the implementation of protection measures, the Commission observes that the General Directorate of the Protection System of the Ministry of Human Rights granted security measures in favor of Esly Emperatriz Banegas, Juana Zúñiga, David Lemus, A.C., D.M., Gabriela Sorto, José Abelino Cedillo, Reynaldo Domínguez, José Daniel Márquez, Kenya Oliva, O.H., Juan Antonio Lopez, Kelvin Romero, A.A., and Porfirio Sorto, through the National Protection Mechanism. From the information provided by the State, the Commission also notes that the Technical Committee, in its minutes dated February 11, 2023, indicated that the police liaison has not received any communication from the beneficiaries for police assistance; and that patrols in the community of Guapinol were reinforced.

44. In this regard, the Commission notes that in 2020 it was established that the proposed beneficiaries were at a “serious” level of risk and the installation of an audible alarm and outdoor lighting at the residence was included in Juana Zúñiga’s security detail. Subsequently, after a second risk assessment in December 2021, the Technical Committee agreed, in July 2022, on the following protection measures: a) granting identification cards as beneficiaries of protection measures; b) a self-protection course; c) a police liaison; d) police patrols in the community of Guapinol; and e) as an individual measure in favor of Juana Zúñiga, the installation of two doors with security interlocks in her residence was established (see *above* para. 13 and 25). Furthermore, as individual measures, the proposed beneficiaries Juana Zúñiga and José Abelino Cedillo are currently escorted by a police officer from Tocoa; the proposed beneficiary Kenia Oliva allegedly has security cameras and police liaison, police patrols at her residence, and occasional escorts; and Ms. Esly Emperatriz Banegas has a police escort of four policemen and a motorcycle (see *supra* para. 13 and 27).

45. However, the Commission notes that, according to the applicants, these measures are not being adequately implemented and are allegedly insufficient to protect the proposed beneficiaries, in accordance with their situation and level of risk. They also alleged that the police liaison is allegedly not active and that they have not had direct communication with the Protection Mechanism since January 2023.

46. In this regard, the Commission observes from the information available that, to date, the Technical Committee has not been held since February 2023 to continue evaluating the situation of the proposed beneficiaries, considering the events that have occurred recently and after that date. In this regard, the Commission notes that, in June and August 2023, the proposed beneficiaries submitted requests to the Protection Mechanism and the Human Rights Secretariat to address the events and incidents alleged against them and agree upon protection measures in their favor. However, they have not received any response. Therefore, the Commission warns that to date there is no updated assessment of the risk that the proposed beneficiaries face and they are still waiting for a response from the Protection Mechanism. In addition, the Commission observes that the applicants have indicated that the risk events have continued to occur, and that certain proposed beneficiaries still do not have any protection measures in place.

47. Regarding the complaints filed and the investigation processes related to the alleged risk that the proposed beneficiaries face, the Commission observes that the proposed beneficiaries have been informing

several authorities about the reported incidents, including the Public Prosecutor's Office through its different prosecutors' offices. It is noted that the last incident was reported in June 2023.

48. The Commission acknowledges the information provided by the state authorities regarding the efforts aimed at promoting the investigations regarding the murder of the relatives of the proposed beneficiary Reynaldo Domínguez. Notwithstanding the foregoing, the Commission notes that the state report does not contain specific information on the status of the investigation processes related to the risk reported by the proposed beneficiaries in this request. In this regard, the Commission recalls the importance of conducting relevant research in order to mitigate the reported risk factors and prevent their recurrence over time.<sup>31</sup> It also warns that the lack of progress in the investigative procedures causes context of impunity that allows the persistence of the situation that placed them at risk which, in turn, places the proposed beneficiaries in a situation of greater vulnerability. Along the same lines, the Court has determined that the State's obligation to investigate must be diligently fulfilled in order to avoid impunity and the recurrence of the facts.<sup>32</sup> In this sense, the Court also recalls that once the State authorities have knowledge of the fact, they must initiate ex officio and without delay, a serious, impartial and effective investigation by all available legal means and aimed at determining the truth and the pursuit, capture, prosecution and eventual punishment of all perpetrators of the facts, especially when State agents are or may be involved.<sup>33</sup>

49. Considering the foregoing, the Commission observes that, according to the information available, the proposed beneficiaries have been experiencing an ongoing risk over time and the risk has even increased during this year. Given the continuity and persistence the situations that place the proposed beneficiaries at risk over time, the lack of implementation of adequate and sufficient protection measures, and the need to continue with the investigation of the reported risk events, in light of the indicated context of human rights and environmental defenders in the country, the IACHR considers that the proposed beneficiaries' situations allows it to identify that their rights to life and integrity are *prima facie* in a serious situation.

50. Regarding the requirement of *urgency*, the Commission observes that the proposed beneficiaries have been subject to death threats, monitoring, surveillance, harassment, and other acts of violence over the last few years, which indicates that it is expected that they continue to occur and materialize, particularly in the scope of their work as environmental rights defenders and as the Committee's legal representation. In view of the above, given the risk events reported, along with the alleged lack of implementation of protection measures, and the lack of an updated risk assessment of the proposed beneficiaries's situation, the Commission considers that it is urgent to adopt immediate measures to safeguard the life and personal integrity of the proposed beneficiaries.

51. Regarding the requirement of *irreparable harm*, the Commission considers that it has been met, insofar as the potential impact on the rights to life, personal integrity, and health, by their very nature, constitutes the maximum situation of irreparability.

## **V. BENEFICIARIES**

52. The IACHR considers as beneficiaries of these precautionary measures:

i. Members of the *Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa*, including the group of the so-called "criminalized" defenders: (1) Juana Ramona Zúniga Martínez, (2) Gabriela Ofelia Sorto Cruz, (3) David Lemus, (4). J.M., (5). D.M. (6) Olayo Méndez, (7) Juana Esquivel, (8).

<sup>31</sup> The IACHR has pointed out that "impunity encourages the repetition of human rights violations." I/A Court H.R. Matter of Valle Jaramillo et al. v. Colombia. Merits, Reparations and Costs. Judgment of November 27, 2008. Series C No. 192, para. 100.

<sup>32</sup> Corte IDH, Case of González et al. ("Campo Algodonero") Vs México, Preliminary Exceptions, Merits, Reparations and Costs. Order of November 16, 2009. Series C No. 205. para. 289.

<sup>33</sup> I/A Court H.R., Case of González et al. ("Campo Algodonero") v. Mexico, Preliminary Objections, Merits, Reparations and Costs. Judgment of November 16, 2009. Series C No. 205. para. 290.

A.C.(9) D.S., (10) Esly Emperatriz Banegas Ávila, (11) Rita Isabel Romero, (12) Aida Rodríguez, (13) Mario López, (14) Gregorio Vásquez, (15) Ernesto López, (16) Dinora Castro; (17) A.A., (18) José Abelino Cedillo, (19) Reynaldo Domínguez, (20) Eugenio Esquivel, (21) J.S.H., (22) O.H., (23) Juan Antonio López, (24) José Daniel Márquez, (25) Marco Tulio Ramos, (26) Kelvin Romero, and (27) Porfirio Sorto; and

ii. Members of the law firm *Justicia para los Pueblos*: (28) Edy Alexander Tábor Gonzales, (29) Kenia Oliva, and (30) Carlo Jiménez.

53. All these persons are duly identified in this procedure.

## **VI. DECISION**

54. The Inter-American Commission considers that this matter meets, *prima facie*, the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of its Rules of Procedure. Accordingly, Honduras is requested to:

- a) adopt the necessary measures to protect the rights to life and personal integrity of the identified members of the *Comité Municipal de Defensa de los Bienes Comunes y Públicos de Tocoa* and members of the law firm *Justicia para los Pueblos*;
- b) adopt the necessary protection measures to ensure that the beneficiaries can continue carrying out their activities in defense of human rights without being subjected to threats, intimidation, harassment, and acts of violence;
- c) consult and agree upon the measures to be adopted with the beneficiaries and their representation; and
- d) report on the actions taken to investigate the alleged facts that gave rise to the adoption of this resolution, so as to prevent such events from reoccurring.

55. The Commission also requests that the State of Honduras report, within 15 days as from the day after this resolution, on the adoption of the required precautionary measures and to update that information periodically.

56. The Commission emphasizes that, in accordance with Article 25(8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute a prejudgment on any violation of the rights protected under the applicable instruments.

57. The Commission instructs its Executive Secretariat to notify this resolution to the State of Honduras and the applicant.

58. Approved on October 5, 2023 by Margarette May Macaulay, President; Esmeralda Arosemena de Troitiño, First Vice-President; Roberta Clarke, Second Vice-President; Julissa Mantilla Falcón; Edgar Stuardo Ralón Orellana; Carlos Bernal Pulido; and José Luis Caballero Ochoa, members of the IACHR.

María Claudia Pulido  
Assistant Executive Secretary