
**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION 47/2023**

Precautionary Measure No. 404-23
Members of Honduran Alternative for Community and Environmental Vindication (ARCAH)
regarding Honduras
August 20, 2023
Original: Spanish

I. INTRODUCTION

1. On May 24, 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 the Honduran Alternative for Community and Environmental Vindication (*Alternativa de Reivindicación Comunitaria y Ambientalista de Honduras*, ARCAH) (“the applicant”) 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 eleven identified members¹ of ARCAH. According to the request, the members of ARCAH allegedly face risk due to the attacks they have experienced in the framework of their work as environmental rights defenders.

2. Under the terms of Article 25 of its Rules of Procedure, the IACHR requested information from the applicants on May 25, 2023 and June 15, 2023, and the applicant submitted information on May 25, June 5, 6, and 20, and July 6, 17, 31, and August 4, 2023. Moreover, information was requested from the State on June 15, 2023. The State submitted its report on June 23 and 30 and July 6, 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 eleven members of ARCAH; b) adopt the necessary measures so that the beneficiaries can continue to carry out their activities as environmental rights defenders, without being subjected to threats, harassment and other acts of violence in the exercise of their work; c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and d) report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent them from reoccurring.

II. SUMMARY OF FACTS AND ARGUMENTS

A. Information provided by the applicant

¹ 1. Christopher Joshua Castillo Sánchez, 2. Ana Patricia Godoy Valladares, 3. Jeffrey Alexander Suazo Girón, 4. Maria Teresa Valladares Canales, 5. Gloria Marcela Licon Banegas, 6. Donald España Matute, 7. Misael Martínez Flores, 8. Michael Josué Aguilar Espinal, 9. Martha Teresa Espinal Valladares, 10. Mayra Lesty Banegas Ruiz, and 11. Carlos Fernando Lopez Godoy.

4. The proposed beneficiaries are members of the Honduran Alternative for Community and Environmental Vindication (ARCAH). ARCAH is an organization that provides a space for the joint development of communities, it defines itself as an anti-capitalist, anti-racist, anti-patriarchal, anti-colonialist, and anti-classist social movement. Its mission is to protect the territories and nature's common goods from any project of exploitation that threatens the peace and worldview of the communities and the Honduran people in general. Given its work in the defense of environmental rights, ARCAH has denounced different extractive and industrial projects in Honduras² and has protested against structural injustices, eventually becoming a critical voice of authorities and capital. The organization is allegedly made up of the general coordinator Christopher Joshua Castillo Sanchez, the Advisory Council integrated by Jeffrey Alexander Suazo Giron, Misael Martinez Flores, Donaldo España Matute and Gloria Marcela Licon Banegas, and the militant members Michael Josue Aguilar Espinal, Carlos Fernando Lopez Godoy, Ana Patricia Godoy Valladares, Maria Teresa Valladares Canales, Martha Teresa Espinal Valladares, and Mayra Lesty Banegas Ruiz.

5. The applicants considered that the proposed beneficiaries have seen an exponential increase in the situations of risk they face. It was alleged that they are at a crucial moment where ARCAH will increase its complaints, thereby exposing people involved in serious cases such as the Employment and Economic Development Zones (ZEDE), and that these actions that have brought constant reprisals against them. Nevertheless, in view of the total lack of protection and the hostile environment that exists for environmental rights defenders, ARCAH has been forced to slow down some of its procedures to defend these rights.

6. Regarding the proposed beneficiary Christopher Joshua Castillo Sánchez, the following was reported:

- In 2017, after a tour of San Pedro Sula, a man with a knife intercepted him and the proposed beneficiary received a death threat.
- In early 2018, four members of the Honduran National Police made death threats against him and physically assaulted him, while holding a gun to his forehead, as a warning if he continued his defense work. After this event, state authorities approved security measures in favor of Mr. Castillo.
- In 2018, he was allegedly subjected to hate campaigns by National Party militants, as well as physical attacks by the National Police.
- In February 2019, two members of the National Police filed a complaint against the proposed beneficiary and other persons before the Public Prosecutor's Office "for unknown crimes".
- During 2019, the threats allegedly continued, and it was reported that the Chairman of the Joint Chiefs of Staff (*Jefe del Estado Mayor Conjunto*) had indicated that he was "preparing reprisals" against those who oppose the project of agricultural militarization. The foregoing took place a few hours after the proposed beneficiary publicly filed a document before the National Congress in which he requested that the Army not be provided a budget.
- In mid-2019, photos and a video were published in which the proposed beneficiary was presented as the "New star of national politics and the most corrupt of all" and he even appeared in paid propaganda through social networks.
- In 2019, Army soldiers allegedly made death threats against him through social networks, in which one of them was allegedly identified as a sniper.

² According to the request, it refers to the case of the El Cortijo Poultry Company for contaminating the Choluteca River; the case of the ZEDE Employment and Economic Development Zones "for selling sovereignty", and the case of the Privatization of Water in Honduras.

- In October 2021, an unidentified man assaulted and threatened Mr. Castillo by telling him to “stop fucking around” after he directly confronted the owner of ZEDE Morazán and the legal representative of ZEDE Prospera.
- In November 2022, he was allegedly the victim of police persecution, having been intercepted by the National Police. They reportedly told him that “if they wanted to, they could arrest him, without being part of any operation, and without any justification”.
- On March 2, 2023, he endured smear campaigns after denouncing the San José and Jacaleapa Dam project, where ARCAH met with the Board of Directors of the National Congress to discuss these issues.
- On May 8, 2023, a man allegedly followed him one block from his home. The man reportedly openly took photographs of him, and then disappeared. This incident occurred on the same day that Mr. Castillo held a meeting with the Executive Branch on the ZEDE case.
- On June 4, 2023, Christopher Castillo’s uncle was approached by a former national police officer who was told the following: “Stop this little asshole, I know where he lives and we will settle accounts” to which the uncle replied: “Don’t mess with family” and the former police officer responded that “Christopher was warned about that”. This person allegedly worked for people related to organized crime in San Marcos de Colon, the area where ZEDE Orquídea is located.
- It was recently reportedly that people were lurking near the proposed beneficiary’s house during the times he enters and exits his residence, and they reportedly disappear when he is away. In addition, they have observed vehicles and motorcycles without license plates around his house, at least twice a week. They allege that the proposed beneficiary has been subject to surveillance during the last six months.

7. Regarding the rest of the members of ARCAH, the applicants reported the following:

- It was noted that the Honduran National Police has followed the members of ARCAH on different occasions, one of the most highlighted being on May 1, 2021.
- He referred to a complaint filed on March 29, 2021 against Christopher Castillo, Jeffry Suazo, Michael Aguilar, Patricia Godoy, María Teresa Valladares, and two other environmentalists by the General Manager of the Poultry Company for the crime of “forced displacement”. It was reported that the complaint arose from their participation in a peaceful protest in front of the company’s facilities, during which they were detained by police officers, which they considered arbitrary. Subsequently, on March 30, 2022, the Criminal Court of the Judicial Section of Tegucigalpa, Department of Francisco Morazán decided to issue a final dismissal in favor of the proposed beneficiaries.
- Regarding Mayra Lesty Banegas Ruiz, it was indicated that in January 2023 an employee from the Public Prosecutor’s Office, who was allegedly close to the El Cortijo Poultry Company, made a death threat against her. In addition, cameras were placed in front of her house. This person allegedly constantly insults her since they live two houses away from her. The request also noted that she has been subject to surveillance, harassment, and criminalization. It was reported that she faces an allegedly arbitrary judicial process filed by a security employee of the Criminal Courts who is reportedly close to the El Cortijo Poultry Company.
- On February 9, 2023, Misael Martinez Flores was reportedly the victim of an attempted kidnapping near his home when he was on his way to the National Autonomous University of Honduras. A man allegedly tried to persuade him to get into the vehicle. Faced with this

situation, Mr. Martinez ran down another street and entered a market. The vehicle reportedly followed him until it found him, and then allegedly left since they were in a crowded place. It was also alleged that in July 2020, the proposed beneficiary's home was entered into while he was alone. The computer that he used to work for ARCAH, which held information about the cases they were carrying out, was reportedly stolen at that time. The door latch was raised and obstructed. Despite the complaint being filed, it was never investigated. In addition, it was alleged that he has been subjected to street surveillance, hate campaigns and persecution.

- Regarding Jeffry Alexander Suazo Girón, the applicant alleged that on May 19, 2023, two men on a motorcycle followed the proposed beneficiary at night when he was dropped off near his home. In addition, it was reported that he was subject to criminalization, and was also a victim of persecution, hate campaigns, and surveillance near his house and on the street.
- Regarding Ana Patricia Godoy Valladares, María Teresa Valladares Canales, and Michael Josué Aguilar Espinal, it is alleged that they were subject to surveillance, criminalization, harassment, and persecution. Similarly, the proposed beneficiaries Gloria Marcela Licon Banegas, Donaldo España Matute, Carlos Fernando López Godoy, and Martha Teresa Espinal Valladares allegedly experienced acts of surveillance. In this regard, it was reported that, on several and repeated occasions, vehicles without license plates followed the vehicles transporting the ARCAH Advisory Council and unidentified persons have photographed the vehicle, some of them allegedly identified as employees of Poultry Company El Cortijo.
- Recently, it was reported that on June 7, 2023, a vehicle was observed parked next to a ARCAH vehicle and then another vehicle appeared behind the ARCAH vehicle and remained there for 10 minutes for no apparent reason. This event occurred when the ARCAH vehicle was on its way to the house of the proposed beneficiary, Christopher Joshua Castillo Sanchez. Upon leaving the house, the vehicles allegedly left. Similar situations have been occurring intermittently for the past six months.
- Also in 2023, it was reported that several posts on social networks showed photographs of imprisoned ARCAH members, referring to them as "chamberos" [someone who lives off the government], "delinquents" and even one user reportedly said "if you go around bothering armed people, it's only a matter of time before something serious happens to you", allegedly referring to the organization.
- On July 13, 2023, the National Protection Mechanism was informed of the presence of an unidentified person that was reportedly following and taking photographs of Gloria Marcela Licon Banegas and Donaldo España Matute since July 7, 2023. Furthermore, on July 31, 2023, the proposed beneficiary Donaldo España reported an attack in which an unidentified person reportedly attempted to slash the front left tire of his vehicle with a knife. The organization allegedly uses this vehicle to carry out most of its joint activities. Regarding this fact, it alleges that it will be communicated to the National Protection Mechanism.

8. As for the complaints filed, according to the information available, the proposed beneficiaries have reportedly turned to the following bodies:

- Public Prosecutor's Office: it was indicated that several complaints were filed. In this regard, on June 5, 2023, a complaint was filed with the Special Prosecutor for Human Rights regarding the series of systematic attacks suffered by ARCAH members, including threats, intimidation, and harassment. It also denounced the National Protection Mechanism's negligence in not carrying out all the protection protocols and processes in due time and form, thereby leaving its members

vulnerable. It was also pointed out in the complaint that other complaints have been filed with the Public Prosecutor's Office, but they were "shelved".

- Secretariat of Human Rights: on May 31, 2023, a letter rogatory was sent to this Secretariat as a member of the Committee for the Protection of Human Rights Defenders and Human Rights Defenders, referring to the "negligent administration" of the aforementioned entity. They regretted that the aforementioned Committee is still not operational, given the protection measures provided by this Mechanism are reportedly "fictitious" and "are not reflected in the reality" experienced by ARCAH members.
- National Protection Mechanism: it was alleged that it has been made aware of the situation of ARCAH. However, this entity allegedly only "included in the report" all the communications sent. During 2023, the Mechanism was reportedly addressed multiple times. In this regard, a letter rogatory was sent on May 31, 2023, given the persistence of acts of intimidation against ARCAH members. Gloria Marcela Licon Banegas and Donaldo España Matute were informed of the acts on July 13, 2023, as well as the lack of communication from that entity. It was noted that, in the communication with the Mechanism official, the latter reportedly indicated that "(...) the MP [Public Prosecutor's Office, for its acronym in Spanish] has not been investigating the matter for a long time, in that sense there are several complaints from beneficiaries, but we are working so that they submit their cooperation".
- National Human Rights Commissioner of Honduras (CONADEH): On June 15, 2023, it sent a letter denouncing several social media posts that included photographs of imprisoned ARCAH members along with pejorative comments.

9. Regarding the protection measures implemented in favor of the proposed beneficiaries, the applicants informed that Christopher Castillo has been a beneficiary of the National Protection Mechanism since 2018. In session of April 22, 2021, the Technical Committee of the Protection Mechanism qualified Mr. Castillo's risk level as "moderate" and recommended the following measures:

- Maintain police liaison in favor of the beneficiary.
- Provide for a period of six months a card that identifies him as a beneficiary of protection measures.
- The beneficiary is recommended to report the risk situations mentioned during the preparation of the risk assessment to the Prosecutor's Office for the Protection of Human Rights Defenders, Journalists, Social Communicators and Justice Operators (*Fiscalía para la Protección de Defensores de Derechos Humanos, Periodistas, Comunicadores Sociales y Operadores de Justicia*) and, upon receiving the number of these situations, to forward them to the Protection Mechanism in order to request the corresponding investigations.
- Follow up on the steps taken so that the Prevention and Context Assessment Unit (*Unidad de Prevención y Análisis de Contexto*) can provide the beneficiary with a self-protection course.
- The Human Rights Department of the Secretariat of Security will reportedly send a letter to the authorities of Metropolitan Unit Number One, notifying that Christopher Joshua Castillo Sanchez is the beneficiary of protection measures and requesting that the work he performs as a human rights defender, especially the right to a healthy environment, be guaranteed and respected.

10. Regarding the measures implemented in favor of the remaining proposed beneficiaries, the applicants indicated that they have been beneficiaries before the National Protection Mechanism since 2020 and currently have a pass that accredits them as beneficiaries of this Mechanism, as well as a military liaison for any emergency. They considered that the implementation of the protection plans has not been adequate. In this regard, they indicate that the protection measures have not been implemented for about one year and six months, and that seven months have gone by without the Technical Committee's participation. From the information available, it is clear that incidents have been reported to the emergency line, but there has been no response. They even state that the last time the emergency line was answered was on December 21, 2022.

11. Lastly, it was pointed out that the Secretariat of Human Rights had not been able to implement protection measures given that they were told that "the new government administration is doing things correctly, pausing the processes of all the beneficiaries" and that "the procedure was in process" but seven months had elapsed without a response. In this regard, they provided a certificate dated December 8, 2022 issued by the Director of the General Directorate of the Protection System (DGSP), in which it is stated that the members³ of ARCAH went to that institution and that, to date, their risk assessment "is being prepared". The applicant alleged that, in recent months, the events they have faced have been alerted through their digital platforms and to the various environmental organizations so as not feel like they are not receiving any type of support.

B. Information provided by the State

12. The State alleged that the requirements for granting the precautionary measures requested by the applicants have not been met. The State indicated that it had provided extraordinary protection measures to protect their life and personal integrity.

13. The General Directorate of the Protection System of the Secretariat of State in the Office of Human Rights (*Dirección General del Sistema de Protección de la Secretaría de Estado en el despacho de Derechos Humanos*, DGSP) stated that on March 17, 2022, a session of the Technical Committee was held. In it, it allegedly referred to the agreements reached regarding the protection measures, of an individual nature, in favor of Mr. Christopher Castillo by the Protection Mechanism. The State reportedly oversaw and complied with the following agreements:

- The Department of the Secretariat of Security was able to keep the protection measure consisting of police liaison, indicating that the beneficiary withdrew the measure;
- Provided for a period of six months a pass that identifies them as a beneficiary of protection measures.
- Sent an official letter to the Regional Office of CONADEH requesting that the investigative process of complaint No. 5748 filed with the Police Investigation Directorate (DPI) on October 16⁴ for the crime of theft with violence and intimidation, and subsequently informing the Protection Mechanism of its progress;

³ Christopher Joshua Castillo Sánchez, Gloria Marcela Licon Banegas, Donaldo España Matute, Maria Teresa Valladares Canales, Jeffrey Alexander Suazo Girón, Mayra Lesty Banegas Ruiz, Martha Teresa Espinal Valladares, Ana Patricia Godoy Valladares, Luis Fernando Ávila, Víctor Alfonso Hernandez, Carlos Fernando Lopez Godoy, Michael Josué Aguilar Espinal, Jonás Isaías Aguilar, Luz Marina Espinal, Maria de los Angeles Canales, Carla Patricia Valladares, Iris Amparo Valladares, Julián Andrés Valladares, Misael Martínez Flores, Luis Antonio Sandoval Saucedo, Reinaldo Argueta, Mariela Baquedano, and Rochely Chavarría.

⁴ The document provided does not show the year of the complaint.

- Sent an official letter to the Secretary of State in the State of Security, notifying that Mr. Castillo is a beneficiary of protection measures and that it guarantee the work he carries out as a defender of human rights, especially environmental law;

14. Regarding the ARCAH collective, the state report stated that on January 16, 2023, the risk assessment report of this organization was submitted to the Head of the Risk Assessment Unit in order to implement prevention and protection measures to safeguard the life and integrity of its members. However, it stressed that, to date, the Technical Committee has not been carried out. The State also clarified that “the protection plans will be set out in the collective risk assessment” in accordance with the technical criteria of suitability, timeliness, and temporality. Therefore, the protection measures will allegedly be implemented after the meeting of the Technical Committee.

15. In relation to the above, the State, through the DGSP, issued a statement on December 8, 2022 indicating that all members of⁵ the ARCAH are beneficiaries of the Protection Mechanism and that the collective risk assessment is being prepared. It also referred to the DGSP-299-2022 official letter dated December 9, 2022, through which provisional protection measures of an “extraordinary” nature were granted by the Risk Assessment Unit in order to mitigate the risk situation faced by members of the ARCAH collective. The measures that were established are the following:

- Military liaison in favor of ARCAH members in order to provide timely support if necessary;
- The same liaison shall provide specific accompaniment for the collective at the request of their coordinator and in situations related to its work in the defense of human rights, in order to provide the necessary support to the members of the collective for the protection of their lives and integrity;

16. The State indicated that the aforementioned measures “were granted under the technical criteria of effectiveness and suitability of the fulfillment of the functions of the assigned military liaison.” Therefore, in the event of a risk situation, the national defense official would make the corresponding arrangements to assist the beneficiaries, as well as provide aid in the event of a request for specific accompaniment by the Secretariat of National Defense (SEDENA). This is a result of the beneficiaries having stated themselves that they do not trust the National Police.

17. Regarding the coordination of the protection measures, the DGSP report indicated that the Head of the Risk Assessment Unit communicated and agreed upon the measures with the ARCAH representative and coordinator, in order to be implemented as of December 9, 2022 by means of official letter DGSP-299-2022. In addition, the State indicated that the Technical Committee meetings would reportedly be resumed soon.

18. The Secretariat of Security indicated that Christopher Castillo has alleged police protection measures. The police liaison measure was implemented under the responsibility of a police sub-inspector. Regarding the proposed beneficiaries Ana Patricia Godoy Valladares, Jeffry Alexander Suazo Girón, María Teresa Valladares Canales, Gloria Marcela Licon Banegas, Donaldo España Matute, Misael Martínez Flores,

⁵ Christopher Joshua Castillo Sánchez, Gloria Marcela Licon Banegas, Donaldo España Matute, María Teresa Valladares Canales, Jeffry Alexander Suazo Girón, Mayra Lesty Banegas Ruiz, Martha Teresa Espinal Valladares, Ana Patricia Godoy Valladares, Luis Fernando Ávila, Víctor Alfonso Hernández, Carlos Fernando López Godoy, Michael Josué Aguilar Espinal, Jonás Isaías Aguilar, Luz Marina Espinal, María de los Ángeles Canales, Carla Patricia Valladares, Iris Amparo Valladares, Julián Andrés Valladares, Misael Martínez Flores, Luis Antonio Sandoval Saucedo, Reinaldo Argueta, Mariela Baquedano and Rochely Chavarría,

Michael Josué Aguilar Espinal, Martha Teresa Espinal Valladares, Mayra Lesty Banegas Ruiz, and Carlos Fernando López Godoy, no record of request or implementation of police protection measures was found.

19. Regarding the complaints filed against the proposed beneficiaries, the State reported that, in the context of an alleged peaceful march for the preservation of the Choluteca River while denouncing the contamination due to the industrial activity of the El Cortijo Company, the proposed beneficiaries Christopher Castillo, Jeffrey Suazo, Michael Aguilar, Patricia Godoy, María Valladares, and two other persons were arrested and subsequently charged before the Special Prosecutor's Office against Common Crimes for the crime of "forced displacement" to the detriment of the El Cortijo Poultry Company.⁶ These individuals were released in December 2021 following a final dismissal by the Court of Appeal. In addition, the State pointed out that, during this current year, a security employee of the criminal courts was reportedly filing a lawsuit against the proposed beneficiary Mayra Lesty Banegas Ruiz. On this matter, the State indicated that ARCAH had warned that it would seek to cause division in the communities affected by the contamination of the Choluteca River.

20. Regarding the complaints filed by the proposed beneficiaries, the state report indicated that on November 21, 2022, ARCAH filed a complaint for treason against the technical secretaries of the ZEDE Prospero, Orquídea, and Morazán. In addition, information was provided on a complaint filed against the members of ARCAH with administrative closure ordered in April 2022 on the grounds that no crime had been committed. This complaint is allegedly related to the events that occurred in March 2021 in the framework of the protest against the El Cortijo Poultry Company, where it was alleged that they were beat by the police. They also referred to a complaint filed in June 2021 before the Special Environmental Prosecutor's Office by ARCAH against Poultry Company El Cortijo for the crime of water pollution.

III. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY, AND IRREPARABLE HARM

21. 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 functions are set forth in Article 41(b) of the American Convention on Human Rights, as well as in Article 18(b) of the Statute of the IACHR. Moreover, the precautionary measures mechanism is enshrined in Article 25 of the 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.

22. 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.⁷ Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights.⁸ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to

⁶ According to the information available, it was indicated that the protesters were obstructing the interior passage to the El Cortijo Poultry Company, with wooden sticks, rubber tires, and a cross loop at the gate, preventing access to trucks and personnel to the facilities, which is why police officers were present at the location.

⁷ 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.

⁸ 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].

which the persons proposed as beneficiaries would be exposed if the measures are not adopted.⁹ 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.¹⁰ In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- 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.

23. 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* standard of review to determine whether a serious and urgent situation exists.¹¹ Similarly, the Commission recalls that, by its own mandate, it is not called upon to make any determination on any individual criminal liabilities for the facts alleged. Moreover, in this proceeding, it is not appropriate to rule on violations of rights enshrined in the American Convention or other applicable instruments.¹² This is better suited to be addressed by the Petition and Case system. 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.¹³

⁹ 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].

¹⁰ 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.

¹¹ 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 Children Deprived of 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.

¹² 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.

¹³ 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. Order of the Inter-American Court of Human Rights of August 29, 1998, considerandum 6; I/A Court H.R. [Case 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].

24. 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.

25. 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 2021.¹⁴ 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 2022.¹⁵ The IACHR subsequently condemned the murders of at least five defenders in Honduras between January and February 2023 and called the State to investigate these events diligently and effectively, as well as to protect those who defend human rights in the country. According to public information, the IACHR identified that the five murdered defenders were engaged in activities in defense of land, territory and/or the environment.¹⁶

26. The IACHR was informed about the challenges in the operation of the National Protection System for Human Rights Defenders, Journalists, Social Communicators, and Justice Operators. 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.¹⁷ 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.¹⁸ 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.¹⁹

27. In this context, the IACHR proceeds to analyze the procedural requirements in relation to the identified members of the organization of Honduran Alternative for Community and Environmental Vindication (ARCAH).

28. With regard to the requirement of *seriousness*, the Commission considers that it has been met, with respect to the proposed beneficiaries. In this regard, the Commission observes that the proposed beneficiaries are active in the defense of environmental rights as they denounce industrial and extractive projects. The Commission notes that all the proposed beneficiaries share risk factors that expose them to different events that go against their rights, both in the context of advocacy work and public denunciations in environmental matters in the country. According to the information available, they are being subjected to threats, monitoring, surveillance, and other events that place them at risk.

¹⁴ IACHR. 2021 Annual Report. Chapter V. Follow-up on recommendations made by the IACHR in its country or thematic reports. Honduras. Para. 95.

¹⁵ 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.

¹⁶ IACHR, Press Release No.022/23. [IACHR condemns murders of human rights defenders in Honduras](#). February 14, 2023.

¹⁷ IACHR, Annual Report. OEA/Ser.L/V/II, Doc. 50 see. April 1, 2023 Chapter IV.A. Para. 510.

¹⁸ IACHR, Preliminary Observations: On-site Visit to Honduras, April 24-28, 2023. paras. 45-46

¹⁹ Ibidem.

29. In this sense, the Commission understands the seriousness of the matter at hand in view of the following elements that have been presented with respect to the eleven members of ARCAH to date:

- Death threats by state agents and by unidentified persons, including through social networks (see *supra* para. 6 and 7).
- Acts of intimidation and persecution attributed, according to the applicants, to state agents (see *supra* para. 6 and 7).
- Persecution and follow-up of the vehicle in which ARCAH Advisory Committee travels by unidentified vehicles that are allegedly photographing them (see *supra* para. 7).
- Acts of surveillance by unidentified persons near the proposed beneficiary's residences via vehicles and motorcycles without license plates (see *supra* para. 6 and 7).
- Near their residences, the proposed beneficiaries are being reportedly followed by motorized persons who take alleged photos of them (see *supra* para. 6 and 7).
- Physical assaults attributed, according to the applicants, to police officers and unidentified persons (see *supra* para. 6).
- Smear campaigns within the framework of public reporting activities (see *supra* para. 6 and 7).
- Attempt to slash the tires of one of the ARCAH member's vehicles with a knife (see *supra* para. 7).
- Attempted kidnapping of one of the ARCAH members on public roads by an unidentified person (see *supra* para. 7).

30. The Commission is particularly concerned that the alleged events have been sustained over time and have reportedly seen a recent increase. The events are also particularly serious due to the alleged relation between these acts and the human rights and environmental defense activities that ARCAH members have been carrying out. In this regard, the IACHR notes that the reported events have occurred when the proposed beneficiaries were in their homes, in the street or in the context of their activities as environmental defenders, and allegedly seek to intimidate them in their denunciation activities. The Commission warns that, given the continuity of the events against the members of ARCAH, they have been forced not to continue with the defense of certain processes.

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

32. Regarding the implementation of the protection measures, the Commission observes that the General Directorate of the Protection System of the Secretariat of State (*Dirección General del Sistema de Protección de la Secretaría de Estado*) granted individual protection measures to Christopher Castillo after a moderate risk rating in 2021. Regarding the ARCAH collective, they were reportedly provided protection measures in 2020 and December 2022, as provisional protection measures of an "extraordinary" nature in their favor, consisting of a military liaison with occasional accompaniment by the Secretariat of National Defense

(SEDENA). However, the Commission notes that, according to the applicants, these measures are not being implemented to date.

33. In line with the foregoing, the Commission observes that it is has been unchallenged among the parties that, to date, the Technical Committee, which has the responsibility of defining the corresponding protection measures following the risk assessment of January 2023, has not been held. Therefore, to date, approximately eight months have passed since the last update on the status of the risk assessment process, and the applicants are still awaiting a response from the National Mechanism. In addition, the Commission notes that the applicants have indicated that the risk events have continued to occur, and that they have tried to contact the hotline and there has been no response since December 2022.

34. Regarding the complaints filed and the investigation processes related to the situation that placed the proposed beneficiaries at risk, the Commission notes that they have been informing the various authorities, including the Public Prosecutor's Office, the Human Rights Secretariat and its National Protection Mechanism, about the alleged incidents. It is even noted that the last one was reported in July 2023. The Commission acknowledges the information provided by the State authorities regarding the investigation procedures filed by ARCAH against the "ZEDE" as well as against Empresa el Cortijo for the crime of water contamination. Notwithstanding the foregoing, the Commission notes that the State report does not provide specific information on the status of the investigation processes related to the facts of risk denounced by the proposed beneficiaries in this request. In this regard, the Commission recalls the importance of conducting the relevant investigations in order to mitigate the reported risk factors and prevent their repetition over time. It is also noted that the lack of progress in the investigative procedures causes a situation of impunity that allows the persistence of the situation of risk, placing the proposed beneficiaries in a situation of greater vulnerability.

35. Considering the above, the Commission notes that, according to the information available, the risk situation of the proposed beneficiaries has been maintained over time and may even have increased during 2023. In light of the information provided by both parties in this matter, given the visibility of the proposed beneficiaries as well as the continuity and permanence of situations of risk over time in light of the lack of implementation of adequate protection measures and the need to continue with the investigation of the situations reported, seen in light of the context indicated for human rights and environmental defenders in the country, the IACHR considers that the situation of the proposed beneficiaries allows it to consider that their rights to life and integrity are *prima facie* in a serious situation.

36. Regarding the requirement of *urgency*, the Commission observes that the proposed beneficiaries have been subject to death threats, monitoring, surveillance, physical aggressions, and other acts of violence over the last few years, which indicates that it is expected that they continue to happen and materialize, particularly in the scope of their work as environmental rights defenders. In view of the above, given the reported risk events, along with the alleged lack of implementation of adequate protection measures, and the lack of a concrete date for the Technical Committee meeting to define the protection measures, the Commission considers that it is urgent to adopt immediate measures to safeguard the life and personal integrity of the proposed beneficiaries.

37. 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.

IV. BENEFICIARIES

38. The Commission declares as beneficiaries of the precautionary measures: (1) Christopher Joshua Castillo Sánchez, (2) Ana Patricia Godoy Valladares, (3) Jeffrey Alexander Suazo Girón, (4) Maria Teresa

Valladares Canales, (5) Gloria Marcela Licon Banegas, (6) Donaldo España Matute, (7) Misael Martinez Flores, (8) Michael Josué Aguilar Espinal, (9) Martha Teresa Espinal Valladares, (10) Mayra Lesty Banegas Ruiz, and (11) Carlos Fernando Lopez Godoy, who are duly identified in these proceedings.

V. DECISION

39. 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 eleven members of the ARCAH;
- b) adopt the necessary measures so that the beneficiaries can continue to carry out their activities as environmental rights defenders, without being subjected to threats, harassment, and other acts of violence in the exercise of their work
- c) consult and agree upon the measures to be adopted with the beneficiaries and their representatives; and
- d) report on the actions taken to investigate the alleged facts that led to the adoption of this precautionary measure, so as to prevent them from reoccurring

40. 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.

41. 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.

42. The Commission requests that the Secretariat of the IACHR notify the State of Honduras and the applicants of this Resolution.

43. Approved on August 20, 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; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi
Executive Secretary