

**WHY GOOD LAWYERS ARE BEING ASSASSINATED IN HONDURAS:
Small Farmer Cooperatives, that Assassinated Lawyer Antonio Trejos
Defended, Are Under Increased Threat**

By Annie Bird, Oct. 2, 2012

On September 24, Rights Action reported on the assassination of lawyer Antonio Trejos: <http://rightsaction.org/action-content/another-assassination-honduras-lawyer-antonio-trejo-gunned-down>.

This targeted killing adds to the list of lawyers killed in Honduras since the June 2009 military coup. Earlier this year, the Office of the High Commissioner of Human Rights of United Nations decried the killing of at least 74 lawyers, since the coup:

<http://www.un.org/apps/news/story.asp?NewsID=41745&Cr=latin+america&Cr1>.

The kill list grows.

On Saturday, September 22, Honduran lawyer Antonio Trejo, also a pastor, was marrying a couple in a church in the Colonia America neighborhood of Tegucigalpa. At approximately 8:30pm he went to the church parking lot to retrieve the marriage certificate, and was shot five times. He died in a hospital slightly after midnight early Sunday morning. He left a widow, an 11 year old son and a 16 year old daughter.

Mr. Trejo was a very well recognized lawyer. For years he had been subject to death threats related to his defense of the land rights of four campesino cooperatives over four farms, San Isidro, San Esteban, La Trinidad, and El Despertar which together form the Authentic Revindicative Campesino Movement of the Aguan, MARCA.

Due to his legal defense, on June 29, 2012 cooperatives recovered possession of three of the four farms from African palm oil corporations. They are now threatened with violence and eviction by State security forces.

KILLING SPURS INCREASED REPRESSION IN THE AGUAN

Shortly after Mr. Trejo was killed in Tegucigalpa, several hundred kilometers away in the Aguan, his clients, MARCA campesino members, heard palm oil corporation security guards from Orion security company shout and fire off their guns in an apparent celebration of the killing. The murder ushered in heightened tension in the Aguan in general, as the armed security guards in the region appear to consider the murder a triumph.

On Sunday, September 25, military presence from the 15th Battalion and the Xatruch III operation was intensified near the entrance to the El Despertar farm. Cooperative members recognized many of the palm oil security guards participating in the military road block operations but they were dressed in military uniforms and carrying military issue weapons.

The Orion private security company employed by both Dinant and Agropalma is believed to be a local subsidiary of US based Orion security company.

On the morning of Tuesday, September 25, it was reported that eight commandos of approximately 500 soldiers were circulating in the area of El Despertar and La Trinidad. The communities live in constant fear of a violent eviction. They were transported on several vehicles including green Ford 350s, which arrived in the Aguan shortly after a shipment of green Ford F350s were presented to the Honduran army by Southcom representative General Ken Keene in June 2010.

Several farms have recently been occupied by newer campesino movements. Mr. Trejo did not represent the new campesino movements, but the climate of intimidation and shock produced by his murder has affected all the movements in the Aguan. The day after Mr. Trejos murder, on September 23, near the Los Laureles Farm, a farm which from which campesinos were violently evicted on September 9, 2012, three campesinos were shot and wounded by Dinant security guards firing from Los Laureles.

Also on September 23, approximately 150 soldiers from the 15th Battalion reportedly entered the Panama community, accompanied by a chief of security for the Dinant Palm company. This evoked fear of an eviction from the lands

they hold legal title to. On September 24 campesinos reported a military build-up near the back entrance to the Panama farm near the town of Rigores. On September 25 approximately 150 soldiers again entered the community of Panama in the company of a Dinant security chief.

THREATS INCREASE AFTER LEGAL VICTORY

After 18 years of legal battles, on June 29, 2012, as a result of Antonio Trejo's legal work, police evicted the palm oil planters' security guards from the San Isidro, San Esteban and La Trinidad farms, after cooperatives had recovered full legal title. An intense round of death threats began after this victory, and he and MARCA leaders were also subject to surveillance.

Antonio Trejo and cooperative leaders denounced the threats frequently to Honduran press, and Mr. Trejo purchased a paid advertisement in the La Tribuna newspaper, in which he indicated that those responsible for the threats were palm oil businessmen Miguel Facusse, Rene Morales, owners of DINANT and Agropalma/ Oleopalma corporations respectively, also naming the general manager of Dinant Roger Pineda.

KILLED AFTER LEGALLY CHALLENGING "CHARTER CITIES"

Earlier in the day of his murder, Mr. Trejo had appeared in a Honduran news program discussing charges of treason he and other lawyers had filed against congressional representatives who had signed a law that cedes portions of national territory to be autonomously governed for indefinite amounts of time by foreign governments or corporations, the Charter Cities proposal. Much of the land proposed to form Charter Cities is controlled by the same palm oil corporations in conflict with MARCA.

INTIMIDATION OF MUCA AND MARCA MEMBERS

Antonio Trejo had been planning a trip with MARCA leaders to Washington in October to hold an audience with the Inter American Commission for Human Rights. In the weeks prior to the trip he planned to submit petitions and protective measures requests. He had been coordinating in this effort with members of MUCA who have also been under intense threat, particularly since mid-August, when the Xatruch III force moved into the Aguan on August 16 and the general disarmament law was put into place. Campesinos and human rights defenders in the region have experienced an intensification of repression, death

threats, surveillance, and harassment by military, police and security guards. The so-called disarmament law allows private security guards consistently implicated in death squad style killings to carry arms.

Since Xatruch III, campesinos have particularly denounced signs of electronic surveillance they had not previously been subject to, along with an intensification of harassment by the police. It has been reported that officers trained to form part of the proposed elite TIGRES security force were sent to participate in Xatruch III. TIGRES job description includes management of surveillance technology, regional priority in the U.S. security assistance to Central America, CARSI.

CONCERN ABOUT MANIPULATED INVESTIGATION

Colleagues of Mr. Trejo have already expressed concern about the investigation. Though his family and colleagues are very clear as to who they believe to be first the source of threats and then intellectual authors of the murder, palm oil businessmen, when investigative police visited the family the day after the shooting, they began questioning Mr. Trejo's widow about an urban land conflict in which he had represented a party eight years before. Family and colleagues were distressed that this seemed indicate the police were raising red herrings to derail the investigation.

The State Department in public statements explained that they would be assisting the Honduran Special Task Force investigating the murder. On Monday after the funeral, a special investigative police unit came to speak with the family, including a U.S. police detective.

Concern regarding the investigation remains given that a U.S. detective also assisted in the investigation of the May 11, 2012 killings in Ahuas, Gracias a Dios during a DEA led operation, yet the investigation has been extremely flawed.

RECENT ATTACKS AGAINST MARCA

The sounds of celebration the night of Mr. Trejos murder were heard mostly on a swath of the La Trinidad farm that is illegally controlled by palm oil security guards, where on July 18, 2012 cooperative member Dina Lili Orellana was kidnapped and tortured by Orion Security company guards.

As part of her torture guards showed her pictures of cooperative leaders and asked questions about them. The kidnapping occurred on the La Trinidad farm at the same time an attempt was made to carry out an illegal eviction at the San Isidro farm.

On July 28, five members of the San Isidro cooperative were wounded when the pickup truck they were driving pulled up to their office. The street was blocked off on both ends by cars carrying gunmen, who opened fire on the cooperative members. One cooperative member had a registered weapon and returned fire, which was believed to have saved the lives of those attacked.

Campeños report that later that day the sister of a security guard denounced on the local radio that her brother had been killed explaining the death was the responsibility of palm oil businessman Miguel Facusse. The attack occurred the day before Rafael Bautista, President of the San Isidro cooperative and Secretary of MARCA, traveled to Washington as part of a delegation the Honduran government had arranged to demonstrate they were resolving the land rights conflicts in the Aguan.

THE LEGAL BATTLE CONTINUES WITHOUT THE LAWYER

The farms claimed by MARCA had been stolen from the cooperatives through a series of illegal and fraudulent title transfers in 1994. Cooperative leaders were threatened, had their homes shot up, some leaders were disappeared, and a general climate of coercion existed, but even under those circumstances many did not sign over land title.

Palm oil planters resorted to signing purchase agreements with people who were not legal directors of the cooperatives, fraudulent contracts.

In 1996, 28 cooperatives came together to initiate legal challenges to the fraudulent title transfers. The cooperatives had extreme difficulty in pursuing the legal actions, they explain that a series of lawyers represented them but were always either bribed or intimidated. One lawyer led them to believe he had initiated legal actions which had not actually been submitted and the time

limit for the civil process expired. Only the cooperatives represented by Mr. Trejo were able to continue the legal challenges.

The military coup on June 28, 2009 ended a negotiation process that then president Manuel Zelaya had initiated just two weeks before the coup, a negotiation that campesinos hoped would finally resolve the longstanding conflict. In December 2009, the campesinos claiming the 28 farms, organized in the Unified Campesino Movement of the Aguan (MUCA), then decided to take back possession of the farms they had lost. On April 19, 2010 MUCA signed an agreement in which the National Agrarian Institute committed to purchasing 11,000 hectares of land for 24 of the 28 cooperatives. The El Despertar, La Trinidad, San Isidro and San Esteban cooperatives decided not to sign the agreement as they preferred to continue their legal challenges. They separated from MUCA and formed MARCA.

Pressured by forced disappearances and brutal murders, the cooperatives agreed to purchase the San Esteban farm on May 25, 2011, and dropped the legal case.

However, soon after, due to Mr. Trejos' legal work, in a series of rulings in 2011 and early 2012 courts found in favor of the cooperatives, annulled the title transfers and reverted full title and ownership of the San Isidro, La Trinidad and El Despertar farms to the cooperatives. By June 2012, the time limits for appeals expired. On June 29, 2012 police evicted the palm oil planters' security guards from the farms.

The palm oil businessmen are currently attempting to appeal the rulings, outside of the time frame permitted by law. On July 18, 2012 an eviction was attempted against the San Isidro cooperative, and evictions were planned in El Despertar and La Trinidad, using eviction orders based on appeals accepted by judges with no jurisdiction, in flagrant violation of due process, a typical corruption scenario.

Trejo had filed abuse of authority charges, which have not been acted upon.

However palm oil corporations continued to attempt to appeal the annulment of the fraudulent titles, and Mr. Trejo was defending the cooperatives against these appeals which he considered illegal and an abuse of power.

The cooperatives were already living in fear of evictions which in this region have generally been extremely violent. Cooperative members explain that military and police representatives have announced their intention to evict the farms over the radio. Without their lawyer, the MARCA cooperative members now feel extremely vulnerable, both to illegal, violent evictions and acts of violence like that suffered by their lawyer.

HISTORY OF VIOLENCE AGAINST MARCA

Though more intense over the past three months, death threats and acts of violence have been constant over the past three years. On August 20, 2011 the President of MARCA, Secundino Ruiz, was shot and killed by an assassin on a motorcycle as he drove in his truck just a few blocks from the police station in Tocoa, however it took the police over an hour to arrive at the scene.

His surviving family reported surveillance by trucks associated with palm oil corporations in the weeks following the murder. Virtually no investigation has taken place.

This murder followed months of intense threats and violence, apparently with the objective of pressuring the cooperatives to drop legal suits following an agreement to purchase 622 hectares of the 734 hectare San Esteban farm signed May 25, 2011, and pressuring the cooperatives to accept unfavorable purchase terms for the San Esteban farm.

On June 5, 2011 three MARCA members - Joel Santamaria, Genaro Cuesta, and Jose Recinos Aguilar - were murdered in a drive by shooting from a police patrol car just a few meters from the San Esteban cooperative. On May 7, 2011 Roney Diaz was shot and killed in the San Esteban farm when private Orion security guards, Tocoa police and soldiers from the 15th Battalion entered the farm where the cooperatives were resettled by the Honduran government National Agrarian Institute.

On May 21, 2011 Olvin Gallegos and Segundo Gomez, members of the San Esteban cooperative, were kidnapped on the road leading out of San Esteban, where neighbors moments before had seen Agropalma security guards. The cooperative members went to the palm processing plant and demanded the release of the two men, but the plant was under heavy guard by police and military, and the guards refused entry. The two remain disappeared and their family members who continue to search for them have been subject to intense threats and assassination or kidnapping attempts, including young children.

On November 1, security guards employed by Agropalma owned by Rene Morales pursued and then fired upon a group of MARCA members who had visited the cemetery for Day of the Dead. Catalino Efrain Lopez was killed, and Nilda Funes and Jose Luis Lemus were wounded.

U.S. RESPONSIBILITY

Over the past several years, U.S. Army Rangers have trained soldiers in the 15th Battalion, the U.S. Marines have trained soldiers in the 4th Naval Base, and there are as yet unconfirmed reports that police forces in the Aguan have U.S. police officers working with them in what seems similar to the embedded police officer program the U.S. Pentagon operates in Afghanistan and Iraq.

WRITE LETTERS ...

Please keep on, keep on, keep on sending copies of this information, and your own letters, to your Canadian and American politicians (MPs, Congress members and Senators) and your own media.

Since the June 2009 military coup, that ousted the democratically elected government of President Zelaya, Honduras has become the 'Murder Capital of the world'. Military backed repression has again reached the levels of the worst years of the 1980s. And, since the 2009 coup, the U.S. and Canadian governments have 'legitimized the illegitimate' post-coup regime. North American companies and investors have increased their business activities in Honduras since the coup. In no small part, this regime remains in power due to its political, economic and military relations with the U.S. and Canada.

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