

## The Case of Jose Isabel “Chabelo” Morales

Jose Isabel “Chabelo” Morales Lopez, 38, is a small farmer (*campesino*), whose family is part of Honduras’ agricultural communities in the Aguán Valley in the heart of the African palm-producing region of the northern coast. He has been in prison for 6 years for a crime that he did not commit. His arrest and imprisonment are aimed at punishing and criminalizing the campesino movement in Honduras as well as a product of the well-documented corruption and impunity that has Honduras in its grip. This has contributed to its being one of the poorest countries in the region and one of the most violent in the world. Chabelo is recognized as unjustly imprisoned by numerous human rights and rural advocacy groups such as, Via Campesina; SOAWatch; FIAN International; the Committee of the Families of the Disappeared Detainees (COFADEH); and the Jesuit institution ERIC-SJ.

### **The Context for Injustice**

Chabelo’s imprisonment and the lack of fairness in court, along with the continuing acts of intimidation against the community, are the result of several serious systemic problems in Honduras.

1. No rule of law: A justice system corrupted by the undue influence of rich landowners and military/police officials; corruption of judges and lawyers who, when they aspire to the rule of law, are fired or even assassinated.
2. Unequal land distribution: Enormous quantities of land accumulated by a small number of individuals and their agribusiness companies while 75% of the rural population lives in poverty (60% in extreme poverty).
3. Violence by state and paramilitary forces: Uncontrollable violence against campesinos and their organizations by private paramilitary guards, soldiers, and police. The United Nations, Amnesty International, Human Rights Watch, and Honduran human rights entities have documented between 85-150 murders of campesinos and rural residents since the coup in 2009.

### **Summary**

Chabelo’s community, Guadalupe Carney, was founded after the campesinos took possession of an abandoned US military base in 2000. The government’s Agrarian Institute recognized the campesinos’ right to the land, and over the years most of the community’s cooperatives were granted land titles. Former military officials and other large landowners who refused to participate in the government’s settlement in favor of the small farmers illegally acquired

land prior to and after 2000. One of these is Henry Osorto, ex-military official and current Chief of the National Police in a different region. Another is Miguel Facussé, the largest landowner in Honduras. The community has lost numerous leaders and members to violent attacks by private paramilitary guards hired by Osorto and Facussé and to other suspicious deaths.

Chavelo was arrested in October 2008 after heavily armed members of Henry Osorto's family and private security attacked the campesinos in an attempt to take back land legally granted to the campesinos. One campesino (shot from the Osorto house) and 11 members of the Osorto group were left dead. Henry Osorto led the investigation which was incomplete, inconsistent, and forensically incompetent.

In a clear act of intimidation, more than 300 members of Guadalupe Carney were initially listed as suspects simply because they were residents of the community. Then arrest warrants for 30 people were issued without evidence that the individuals were involved. Chavelo was one of them, arrested and charged with 11 counts of murder, arson, and robbery. At his trial over two years after his detention (a clear violation of the Honduran Penal Code, and notably after the military coup in June 2009) the charges were reduced to one count. Despite a lack of evidence and contradictory stories from prosecution witnesses, the panel of judges found him guilty, but sentencing was delayed nearly 3 years. Chabelo was held in prison nearly 5 years before being tried and sentenced. Because of that and many other irregularities, the Honduran Supreme Court annulled his conviction and ordered a new trial that took place in January 2014.

The new trial was moved to another province but with judges from the Aguan including judges who had refused to release Chavelo from prison pending the new trial, a clear violation of the Supreme Court order. The defense asked for the two judges to recuse themselves but lost the decision. Prosecution witnesses including Henry Osorto perjured themselves, radically changing their testimony and contradicting their sworn statements in an attempt to incriminate Chabelo. The judges refused to allow the defense to place those contradictions into the record. This is a clear example of the corruption and lack of due process rampant in the Honduran justice system. The prosecution echoed statements made by Osorto about the small farmers in general being violent terrorists rather than giving evidence as to Chabelo's involvement. Defense witnesses presented the same testimony as previously, noting that Chabelo was not present at the scene when the confrontation and deaths occurred. The judges found Chabelo guilty and he was sentenced to 17.5 years.

Chabelo's defense lawyers filed an appeal, which after being delayed for months by the prosecutor is finally in the Supreme Court. There is much concern that once again this appeal

process could take many years —and given the situation in Honduras and all the factors summarized above there is grave concern that justice will continue to be denied.