



Tilly Metz
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To the President, H.E. Juan Orlando Hernández
To the Secretary of Human Rights, Jackeline Anchecta
To the National Human Rights Commissioner, Blanca Izaguirre
To the President of the Supreme Court of Justice, Rolando Argueta
To the Attorney General, Oscar Chinchilla Banegas

cc:

Ambassador of Honduras in Brussels, Roberto Ochoa Madrid
EU Delegation in Honduras and EU Ambassadors in Honduras, Jaume Segura
High Representative of the European Union for Foreign Affairs and Security Policy, Josep Borrell
President of the European Parliament, David Sassoli

Brussels 29 June 2021

Re: Urgent call for justice in the Berta Cáceres case

Excellences,

We, the undersigned Members of the European Parliament, are writing to you to express our deepest concerns over the current state of the ongoing judicial process for the murder of Indigenous Lenca leader Berta Cáceres. This case is of utmost importance for the European Union and is paramount for the protection of human rights defenders in Honduras and the entire Latin America region. **We call on the Honduran state to fulfil its obligations to ensure the right to truth, access to justice and adequate, effective and prompt reparation for the victims, both the family of Berta Cáceres and the Honduran society as a whole that were impacted by the heinous crime.**

We have closely followed the ongoing trial of Roberto David Castillo Mejia, general manager of the DESA company. The telecommunications data presented during the hearings show how the accused used his military intelligence background to foment a relationship with Berta Cáceres in order to monitor and track her actions. They also show how the accused coordinated with DESA Environment

& Community Relations Manager Sergio Rodriguez and former head of DESA security Douglas Bustillo, both convicted for the murder in 2018, in the months and weeks prior to the murder - when an alleged attempt to murder Berta was aborted - and in order to provide the necessary logistics to ultimately carry out the murder on March 2, 2016. Evidence shows these actions were communicated with other DESA employees and directors. **We urge that the criminal proceedings in the David Castillo case be conducted in full respect of the legal principles of impartiality and open justice.**

Although we celebrate the important advances that have been made in this case, five years after Berta's murder, there have been few steps towards reparative justice. We note with concern that neither have the masterminds behind her murder been prosecuted, nor has the hydroelectric project, marred in grave allegations of corruption as shown through the "Fraud on the Gualcarque" legal case, been cancelled.

International human rights and legal experts closely monitoring the David Castillo trial have warned that indications have emerged of criminal complicity of other actors in the harassment of Berta Cáceres, COPINH, and the Rio Blanco community, and in the planning and logistics of the assassination and urge for further investigation and prosecution. Evidence presented in trial also points to actions of questionable legality on the part of public officials, and the coordination of the alleged structure executing the assassination with the owners of the DESA company. **In addition to the David Castillo prosecution, we urge the Public Ministry to take prompt and concrete steps to act on its investigation and to apprehend and prosecute all suspects in the Berta Cáceres murder.**

As a result of complaints filed by Berta Cáceres and COPINH, the Mission to Support the Anti-Corruption and Impunity in Honduras, MACCIH, together with the anti-corruption prosecutorial unit (formerly UFECIC, now UFERCO), presented an indictment on March 4, 2019 against 16 state functionaries in a case called, "Fraud on the Gualcarque". The investigation confirmed what Berta Cáceres and COPINH had denounced: the existence of a network of corruption within the processes of granting licenses and negotiating power generation contracts. We are concerned about a December 2020 Supreme Court ruling that favours 10 of the 16 people initially accused in the Fraude on the Gualcarque case, while at the same time, a writ of amparo presented on November 4, 2019 by COPINH to guarantee its right as victims in the case has not been resolved. **We urge the State of Honduras to recognize the Indigenous Lenca communities of Rio Blanco and COPINH as victims and their right to participate as private accusations in the criminal proceedings. It is**

essential to seek coherence with international standards regarding the rights of victims, including their rights to judicial protection and to judicial guarantees.

The deep indignation generated by Berta's murder built a national and international movement seeking justice under the slogan #JusticiaParaBerta. The lack of justice for Berta Cáceres and the many more that are killed and attacked in Honduras for defending ancestral land rights and the environment remains systemic, but Berta's case remains a beacon of hope for Honduras to break down the wall of impunity. This is a unique moment to break with the impunity that all too often surrounds cases involving human rights defenders.

Sincerely,

Tilly Metz, Member of the European Parliament, Greens/EFA

Miguel Urbán Crespo, Member of the European Parliament, The Left

Javi Lopez, Member of the European Parliament, S&D

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