

August 23, 2018

The Honorable Mr. Óscar Chinchilla
Attorney General of Honduras
Public Prosecutor's Office
Lomas del Guijarro Tegucigalpa, Honduras
Email: mprelacionespublicas@gmail.com

Dear Mr. Attorney General,

The undersigned are human rights organizations from different countries committed to international monitoring and observation of the trial for the murder of Berta Cáceres, the Lenca leader of COPINH, defender of indigenous rights, feminist, social leader and environmental activist. We write to express our concern about certain irregularities that we have been publicly warning about in the prosecution of the first eight defendants accused of the murder of Ms. Cáceres.

According to public information, searches were conducted at the offices of the DESA Corporation and the homes of the defendants in May 2016. The seizure of probative material was carried out without any notification to the private prosecution and without any type of registry that accurately recorded the concrete evidence obtained. Faced with this situation, the private prosecution has repeatedly demanded access to this fundamental information to support its arguments in the trial, without avail.

From the first request for information in April 2017 to today, the Public Prosecutor's Office has denied access to the data at least 35 times. According to the information available to us, the Public Prosecutor's Office has failed to comply with four court orders - made by the First Instance Court on two occasions, and the Sentencing Court on two other occasions - to provide the requested information to the private prosecution. This is information that was collected during investigative proceedings that is now part of the case file. The last of these orders was on July 27, 2018 when the Court in charge of the prosecution urged the prosecutors in the case to provide the information related to the evidence resulting from inspections and searches of the premises of the DESA Corporation and several of the defendants. After the 5 day deadline to comply had already passed, the only response obtained by the private prosecution consists of several copies of documents and a letter informing them that the required information has not been handed over due to the lack of analysis of the information which is contained in the devices.

Withholding fundamental information from the judicial process in contempt of court orders impedes the full participation of the private prosecution in its search for justice and its ability to exercise its rights. It violates the general principle of the right to non-discrimination, justice and the guarantee and legal protection of the private prosecution, as established in articles 1, 4, 8.1 y 25 de la **American Convention on**

Human Rights, in the **International Covenant on Civil and Political Rights** (articles 2, 3, 6, 14.1 and 26), the **American Declaration of the Rights and Duties of Man** (articles I, II, and XVIII) and the **Universal Declaration of Human Rights** (articles 1, 2, 3, 7, 8 and 10). This situation generates inequality for the family of Berta Cáceres who is seeking justice, and it lays the groundwork for impunity given that the irregularities identified could be grounds for dismissal of the case due to non-compliance with judicial orders and procedural errors.

Based on what we describe above, and based on our commitment to justice and its fundamental principles, we respectfully ask you, in virtue of your position, to take the general corrective measures to ensure that those responsible within the Public Prosecutor's Office fulfill their obligation to facilitate the information required by the private prosecution in this case. In particular, this includes evidence obtained during the searches of the DESA offices and the homes of Sergio Ramón Rodríguez Orellana, Douglas Geovanny Bustillo, Mariano Díaz Chávez, Henry Javier Hernández Rodríguez, Óscar Aroldo Torres Velásquez, Emerson Duarte Meza, Edilson Duarte Meza and Elvin Heriberto Rapalo Orellana, given the relevance that this information implies for the case.

Without further ado, we offer our warmest greetings and hope that you will act, taking into account the irregularity of the situation that we have described.

Sincerely,



The International Commission of Jurists (CIJ for its acronym in Spanish) is composed of 60 eminent judges and lawyers from all regions of the world who promote and protect human rights through the rule of law, using their particular legal experiences to develop and strengthen national and international justice systems. The CIJ was established in 1952 and is active on all five continents.



The International Observatory for Advocacy at Risk (OIA for its acronym in French) was created on the initiative of the National Bar Council (France), Paris Bar Association (France), General Council of Spanish Law (Spain), the National Forensic Council (Italy) and 24 Bar Associations of France, Italy, Spain, Switzerland and Turkey. The Observatory monitors cases and situations that limit or impede the ability to freely exercise law in any part of the world and its objective is to provide effective support to threatened or persecuted lawyers for reasons associated with the exercise of the profession.



Created in 1985, the World Organization Against Torture (OMCT) is currently the main international coalition of non-governmental organizations (NGOs) that fight against torture, summary executions, enforced disappearances and any other cruel, inhuman or degrading treatment. With 300 organizations distributed throughout the world, associated with the SOS-Torture Network, and with thousands of correspondents in all countries, OMCT is the most important active network of non-governmental organizations in the field of protection and promotion of human rights in the world.

FIDH (International Federation of Human Rights) is an international NGO for the defense of human rights, which brings together 184 national human rights organizations from 112 countries. Since 1922, FIDH has been committed to the defense of all civil, political, economic, social and cultural rights, as defined in the Universal Declaration of Human Rights.



Due Process of Law Foundation DPLF is an organization based in Washington, DC, dedicated to promoting the rule of law and human rights in Latin America through a regional organization composed of professionals of various nationalities, whose mandate is to promote the rule of law in Latin America through of the analysis and proposal, the cooperation with organizations and public and private institutions, the exchange of experiences and the actions of lobbying and incidence.



The National Lawyers Guild (NLG) is the oldest and largest legal association dedicated to the defense of human rights and public interest within the United States, with chapters in each state. Since its foundation, the NLG has maintained an internationalist perspective promoting the adaptation and compliance of international law in all nations.



The Promise Institute for Human Rights

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The Promise Institute for Human Rights at UCLA brings together professors with experience in international human rights, immigration, national and international security, civil rights, constitution matters, laws of armed conflict, transnational and international criminal justice, environmental law and public interest law.



The Center for Research and Promotion of Human Rights (CIPRODEH) is a Honduran organization that works for the defense and promotion of human rights and research that generates changes towards the construction of a democratic and just State that respects human rights and freedom, in a manner consistent with the needs and the inclusion of the population.



The Reflection, Research and Communication Team (ERIC-sj), was created on May 30, 1980, as an effort to the Society of Jesus in Honduras to contribute to social research, reflection, analysis, debate and communication on the social and political reality, taking into account the structural and contextual reality in which the country develops.



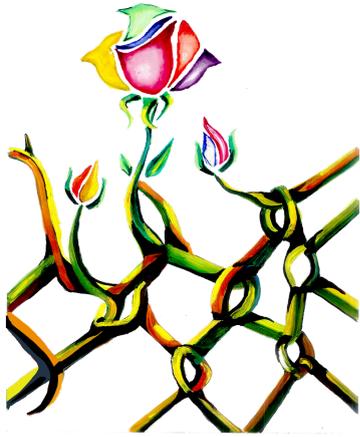
The Center for Legal Action on Human Rights (CALDH) is an autonomous and democratic organization that promotes collective action to transform women, men, youth and communities, for the exercise and defense of their integral rights, access to justice, the resignification of historical memory and the eradication of all forms of oppression in Guatemala.



The Guatemala Human Rights Commission - USA is an organization dedicated to the promotion of human rights in Guatemala and Central America and to the support of communities and activists who face threats and violence. GHRC-USA documents and denounces abuses, raises awareness in the international community and promotes policies that promote peace and justice.



The Ecumenical Commission for Human Rights, CEDHU, is a collective organized in Ecuador with the purpose of promoting social justice based on respect and enjoyment of human rights and the empowerment of unprotected sectors.



**Colectivo de Abogados
José Alvear Restrepo**

The "José Alvear Restrepo" Lawyer's Collective is a non-profit, non-governmental organization, which defends human rights in Colombia whose mission is to defend and promote human rights from an integral perspective, based on their indivisibility and interdependence of all rights and freedoms, to contribute to overcoming impunity, the consolidation of a democratic and participatory Social State of Law, with a just and equitable society, in the perspective of political, economic, social and cultural inclusion, and achieve a stable and lasting peace.