

Justice in Honduras for assassination of Berta Caceres? Day 1: trial against David Castillo

<https://mailchi.mp/rightsaction/justice-for-assassination-of-berta-caceres>

Karen Spring is reporting daily from Honduras on trial against David Castillo, for the March 2, 2016 assassination of Berta Caceres.

Castillo is the 'go between' between his employers, the oligarchic Atala family that (in all likelihood) ordered and paid for the murder of Berta, and the team of assassins that planned and carried out the kill.

Karen explains:

"COPINH and Berta Cáceres's family do not consider David Castillo to be an intellectual author of Berta's murder, despite being charged as such. COPINH has publicly stated that Castillo was following orders and that he was protecting the interests of others. For these reasons, COPINH calls Castillo a co-author of Berta's murder to make it clear that Castillo is responsible for her murder, but not the only person that made the decision or paid for Berta to be killed."

Karen's daily reports: <https://www.aquiabajo.com/> + <https://twitter.com/springkj>



DAY ONE: Trial Against David Castillo, Co-Author of Berta Cáceres's Murder

By Karen Spring, April 6, 2021, <https://www.aquiabajo.com/blog/2021/4/6/day-one>

Context:

Roberto David Castillo Mejía is charged with being the intellectual author of the murder of Berta Cáceres Flores. Castillo, by law, has to be present at his trial.

[NOTE: COPINH and Berta Cáceres's family do not consider David Castillo to be an intellectual author of Berta's murder despite being charged as such. COPINH has publicly stated that Castillo was following orders and that he was protecting the interests of others. For these reasons, COPINH calls Castillo a co-author of Berta's murder to make it clear that Castillo is responsible for her murder, but not the only person that made the decision or paid for Berta to be killed]



Day one was transmitted live on Facebook: <https://fb.watch/4IAaXegVy/>

These notes are presented as an overview of the daily occurrences of the trial against David Castillo. Despite the trial being broadcast live over Facebook, the audio quality of both the court microphones and the phone used to broadcast the trial are of very poor quality. It's more likely than not that details were missed or are not outlined correctly in these notes.

I will try to post edits if details are found to be incorrect, misreported, or missed but encourage everyone to seek verification from the Civic Council of Popular and Indigenous Organizations of

Honduras (COPINH)'s [Facebook](#) and [website](#). I will try to post daily but again, this depends on whether the trial is audible and whether its actually broadcasted consistently. This has not been the case in the past. COPINH will be posting regular updates on their Facebook as well which can be [found here](#).

Corrupted rule of law

These notes do not intend to give any legitimacy to the Honduran judicial system, its transparency, or its ability to guarantee due process, particularly in the case seeking justice for Berta Cáceres.

Instead, these notes aim to provides details that illustrate the serious procedural and judicial concerns with legal processes in Honduras, in general. This includes the ways in which powerful figures like David Castillo through his defense attorneys, attempt to manipulate, delay, and obstruct justice sought by Berta Cáceres's family and COPINH.

Main Points of the Day:

- The start time was delayed by 5 hours because the accused, Roberto David Castillo Mejía was not brought to the court on time.
- International observers including the Office of the High Commissioner for Human Rights (OHCHR) and the International Mission of Experts, were denied entrance into the trial.
- Despite formal requests to the court by the lawyers representing Berta Cáceres's family, one of the daughters of Berta - Laura Zúniga - was not permitted to observe the trial in person.
- David Castillo's defense attorneys try once again to delay the trial and request to postpone it. At 6:20 pm local time, the court denied the request.
- The trial will continue tomorrow at 9 am.

More Details:

Start Time Delay:

The trial was supposed to begin at 9:30 am but was delayed until 2:30 pm. The head judge explained that this was not the fault of the court. The National Penitentiary Institute (INP) which is responsible for overseeing prisons around the country and also responsible for ensuring that prisoners are taken to their legal hearings, medical appointments, etc., was delayed at sending Castillo to the trial despite the court's written requests to INP authorities notifying them of the trial date and time.

The head judge noted that this is a consistent problem across several cases and asked the court secretary to send a letter to the military battalion where David Castillo is being held to notify them of the trial's dates and to prevent the delay from happening again.

[NOTE: Both the INP and obviously, military battalions are under the control of the Honduran military. The head of the INP is Rony Javier Portillo, a [retired military colonel](#). Also, military

battalions are believed to have some of the best prison conditions in the country and only those with special circumstances or statuses are jailed there.]

Details about the Court:

All trials in Honduras are heard by three judges. This case is being heard in the National Jurisdiction Court system, a court system created to hear cases related to organized crime.

Participants:

Honduran Prosecutors: Javier Nuñez and Ingrid Figueroa.

Private Accusers: Lester Castro and Victor Fernandez, representing Berta, Laura and Olivia Zúniga Cáceres, Berta Cáceres's daughters, and Austra Berta Flores, Berta's mother; and Koritza Cortez and Pedro Mejía, representing Salvador Zúniga Cáceres, Berta's son.

NOTE: Under Honduran law, victims can request to be private accusers and participate fully as actors in the trial when permitted by the relevant court. In the case against the eight accused material authors of Berta Cáceres's murder, the private accusers representing Berta's family were kicked out of the process by Honduran judges and were unable to participate in that trial.

In this legal process, so far, two private accusers representing the family have been permitted.

Defense: Ritza Antúnez and Juan Sánchez Cantillano representing Roberto David Castillo Mejía.

NOTE: Ritza Antúnez is the same attorney who represented [Mariano Diaz Chavez](#), a US-trained special forces major who was convicted in December 2018 of Berta Cáceres's murder.

Procedural Requests Made Before the Trial Formally Begins

By Private Accusers:

Castro requests that at least one of Berta's daughters, Laura Zúñiga be allowed to physically observe the trial as a victim.

Court rejected request indicating that they had resolved previous requests for family to observe but needed to enforce Covid-19 health measures. The defense clarified that the specific request had been different than this particular one. The court responded that the victims could observe the trial virtually denying the presence of one of the victims inside the courtroom.

By Castillo's Defense:

The defense requests that the trial be suspended because of the following pending legal motions and issues related to expert witness testimony that the defense wishes to present as evidence in trial [NOTE: This is normally done in the evidentiary hearing but it's permitted at the beginning of the trial as well].

These include: 3 pending *amparos*: The defense argues that they are waiting on the resolutions of three *amparos* or legal motions challenging different rulings or procedural decisions related to the trial. These include: A motion to recuse the judges hearing the case; and motion(s) challenging decision(s) related to evidence presented during the evidentiary hearing.

Inability to present completed expert witness testimony because one expert witness is sick with Covid-19; another expert witness traveled from the United States to Honduras at the end of March to get a USB containing phone data which was not given to such expert; and the Prosecutors have not handed over an LG phone with relevant phone data needed to complete the expert witness analysis.

Prosecutor's Office Response:

The arguments made in the three *amparos* are similar arguments made in previous hearings. One amparo was just presented yesterday and still has not even been admitted [accepted by the relevant court]. The other two were admitted by the relevant courts that then did not order the trial process to be suspended pending resolution of such motion [*suspensión del acto reclamado*].

A lot of the evidence requested by the defense that is needed to complete the expert's analyses of evidence has been available since August 2020. Presenting evidence to be used in the trial on the day of the trial is allowed as long as it does not delay the trial.

Discussion between the prosecutors and the judges clarify that the LG phone requested by the defense from the Prosecutors was never evidence used in this particular case and is in the possession of another office of the Attorney General's office and subject of another legal case. The USB also requested by the defense was not given to the US experts because the court secretary was concerned it would violate the chain of custody. The contents and the USB have been available for several months.

Private Accusers Response:

Asked for the Defense's request to be denied and for the trial to continue as scheduled. Repeated similar arguments as the Prosecutors and noted that the defense's attempts to raise issue with evidence is an effort to delay the trial. The head judge requests to suspend the trial and leave the courtroom to deliberate. As of 5 pm on April 6th, no news about the resolution was made public via Facebook.

Resolution:

At approximately 6:15 pm, the court rejects request by the defense to delay the trial noting that the Defense had sufficient time (since September 2020) to seek the relevant evidence needed for expert witness testimony/analysis. The court also ruled that they would not consider new pieces of evidence that had not been presented in the evidentiary hearing.

Follow Karen's daily reports at: <https://www.aquiabajo.com/> + <https://twitter.com/springkj>

More information

Archives – COPINH & Berta Cáceres

Over 20 years of Rights Action archives related to work in support of COPINH:

<https://rightsaction.org/archcopin>

Book: Who killed Berta Cáceres? Behind the brutal murder of an environment crusader

By [Nina Lakhani](#), 2 Jun 2020, <https://www.theguardian.com/world/2020/jun/02/who-killed-berta-caceres-behind-the-brutal-of-an-environment-crusader>

Inside The Plot To Murder Honduran Activist Berta Cáceres

Text and WhatsApp messages show that the conspiracy against Berta Cáceres reached the highest ranks of the company whose dam she had been protesting.

By Danielle Mackey, Chiara Eisner, December 21 2019, The Intercept

<https://theintercept.com/2019/12/21/berta-caceres-murder-plot-honduras/>



Films & videos: Berta Cáceres

The Life and Death of Berta Cáceres (2020)

In 2016, environmental activist Berta Cáceres was shot dead in her home in Honduras. This film by Trocaire features interviews with Berta's daughter, sister and mother.

<https://vimeo.com/390771524>

Berta Cáceres: In Her Own Words / En sus propias palabras

Based on a 2012 interview we did with the Honduran environmental activist and co-founder of the Council of Indigenous People's Organizations of Honduras (COPINH).

<https://skylight.is/2016/03/berta-caceres-in-her-own-words>

<https://www.youtube.com/watch?v=KjM81tYBew4>

Berta Cáceres, Goldman Environmental Prize (April 19, 2015)

In a country with growing socioeconomic inequality and human rights violations, Berta Cáceres rallied the indigenous Lenca people of Honduras and waged a grassroots campaign that successfully pressured the world's largest dam builder to pull out of the Agua Zarca Dam. She is the South & Central America winner of the 2015 Goldman Environmental Prize, the world's largest award for grassroots environmental activists.

<https://www.youtube.com/watch?v=zh9Sn9oJR94&feature=youtu.be>

Berta Cáceres acceptance speech, 2015 Goldman Prize ceremony (2015)

<https://www.youtube.com/watch?v=AR1kwx8b0ms&feature=youtu.be%C2%A0>

Berta's Daughters Speak (2019)

Berta Cáceres was killed for defending the river on which Indigenous communities depend. Her daughters continue that struggle, despite the risks – as witnessed in this Amnesty International interview.

<https://www.youtube.com/watch?v=sMdXkXR7U6k&feature=youtu.be>

Austra Berta Flores, mother of Berta Cáceres, speaks

Calling on international community to demand the full truth, so that those who paid and ordered the murder of her daughter be prosecuted.

<https://oxfam.app.box.com/s/ygf6fvlpl9fg08znt7irav78jjp44lz1>

Assassination of Berta Cáceres: repression, impunity, corruption & profitable businesses in Honduras (April 4, 2017)

Wide Angle interview with Grahame Russell about assassination of Berta Cáceres; the U.S. and Canadian backed 2009 military coup; U.S. and Canadian business interests with the post-military coup regimes; why so many Hondurans flee to the U.S., year after year.

https://www.youtube.com/watch?v=WVMsJyMlRw&t=83s&list=PLzbtb9KA9roUoj_SKm_cehOB_LWo9uTFW&index=25

Dos años después de su asesinato, Berta Cáceres no se murió, se multiplicó (Febrero 2018)

<https://www.franceameriquelatine.org/6370-2/>

Honduras: Blood and the Water (September 2016)

Al Jazeera Faultlines 25 minute report on assassination of Indigenous, anti-imperialist, feminist, environmental activist Berta Cáceres.

<http://www.aljazeera.com/programmes/faultlines/2016/09/honduras-blood-water-160920064355648.html>

Berta Vive (2016)

On March 2016, the assassination of Berta Cáceres shook the world. Gustavo Castro, Mexican environmental activist witnessed the crime and survived the horror of that night but was then trapped in Honduras. The defense against the construction of a dam at the Gualcarque River is the preface to this story. We follow Miriam Miranda, leader of the Garífuna people as well as a friend and comrade of Berta. Both women share the struggle for decolonization in a country that is being sold to transnational capital and where death is delivered in so many different ways.

<https://vimeo.com/229310580>

4 Years Seeking Justice (January 17, 2020)

Democracy Now interview with a daughter of assassinated Indigenous leader Berta Cáceres

https://www.democracynow.org/2020/1/17/bertha_caceres_laura_caceres_interview

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- U.S.: Box 50887, Washington DC, 20091-0887
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