

From the President

Presidente Juan Orlando Hernandez
Antiguo Edif. de Cancillería
Edif. José Cecilio del Valle Boulevard Juan Pablo II
Tegucigalpa
Honduras



The Law Society

14 February 2014

Dear Mr President

Honduras – Berta Cáceres and others - interference with human rights defenders

The Law Society is the professional body representing more than 166,000 solicitors in England and Wales. Its concerns include upholding the independence of the legal profession, the rule of law and human rights throughout the world.

The Law Society is concerned by reports of the recent treatment of members of the Consejo Cívico de Organizaciones Indígenas Populares, COPINH (Civic Council of Popular and Indigenous Organisations), including Berta Cáceres, its coordinator. COPINH is active in defence of the environmental and human rights of the indigenous Lenca community in Río Blanco, where a dam is being built. Our concern comes in the context of the deaths of many indigenous leaders and human rights defenders, including over 60 lawyers, in the past 4 years.

Sña Cáceres and COPINH member Tomás Gomez were arrested by the military in May last year on their way to a demonstration against the construction of the DESA dam on the Gualcarque River. Police in DESA company cars assisted in the search of her vehicle. She was detained and then conditionally released the following day, charged with possession of an illegal firearm, which she claims was planted in her car. There followed a stay in proceedings in June due to a lack of evidence. She was then arrested and charged in September with 'usurpation of land, coercion and damage to DESA property'. While her two co-defendants, Sr Gómez and Aureliano Molina, were conditionally released pending trial, Sña Cáceres was given a pre-trial detention order due to her previous arrest.

These arrests occurred during a period of harassment of Sña Cáceres, during which she and her family were subjected to threats against her life and of sexual violence, reportedly by DESA private security guards, the military and police.

In addition, we have learned of the fatal shooting of Sr Tomás García in July 2013, by the army during a peaceful protest, and of Sr Justo Sorto, at his home, seemingly in reponse to his participation in defending Lenca rights. Both men were active members of COPINH.

Although we note that the case against Sña Cáceres, Sr Gómez and Sr Molina was suspended on 9 January this year, and that Sña Cáceres and Sr Gomez's firearms charges were dropped on 10 February, we are concerned at the apparent pattern of harassment and intimidation against these and other human rights defenders. For example we have been informed that Sña Cáceres has already been detained and released again, by the Criminal Investigation Unit, on 26 January. The claim was made that they did not know the case against her had been suspended.

In this context, we would draw your attention to Articles 1 and 12 (2) of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (1998) which state:

1. Everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels.

12 (2). *The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.*

On behalf of the Law Society, I respectfully urge that you establish an investigation into the deaths of Sr García and Sr Justo, and into threats against other members of COPINH, the results of which should be made public and those responsible brought to justice. I further urge that unless there is substantial evidence that could ensure a conviction, the case against Sña Cáceres, Sr Gómez and Sr Molina be closed. Finally, I would urge you to ensure the safety of Berta Cáceres, her family, and all human rights defenders in Río Blanco.

Yours sincerely



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President

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