

Conspiracy Surrounding Cáceres Stolen Case Files

***By Sarah Faithful,
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On Tuesday, October 4, the Social and Popular Movement Platform of Honduras—a coalition of a dozen non-government organizations—held a press conference to express their collective outrage at the theft of case files associated with the murder investigation of environmental activist and indigenous rights leader, Berta Cáceres.ⁱ Activists have denounced the Honduran government’s culpability and irresponsibility in the lack of administration of justice and “the dangerous and permanent logic of impunity.”ⁱⁱ The coalition demands justice for Cáceres, who was assassinated on March 2, 2016 at her home in La Esperanza.

The case files were taken on September 28 when assailants carjacked the vehicle belonging to Appellate Court Judge Maria Luisa Ramos in Tegucigalpa, the nation’s capital. As the judge was driving through the neighborhood of Humuya, a vehicle blocked the road, at which point thieves seized the vehicle at gunpoint. After the incident, Ramos stated that she had planned to complete an exhaustive examination of the file, which held information on those arrested in connection with Cáceres’ assassination.ⁱⁱⁱ Although it is unknown whether the carjackers specifically targeted Cáceres file, her family members are suspicious that the seizure may have been coordinated by those involved with the murder to avoid prosecution. Skeptics see the lost file as further evidence that the Honduran authorities are, at best, mishandling the investigation and, at worst, intentionally protecting the perpetrators of the murder.

The robbery is just another example of problems that have plagued the investigation since its inception. The Council on Hemispheric Affairs (COHA) has addressed Berta Cáceres’ murder investigation with the upmost diligence in previous articles and has found that “[since] day one, opacity and bias seem to have characterized the investigation led by the Honduran authorities.”^{iv} Evidence tampering, mishandling of witnesses, and a reluctance to investigate the crime with any integrity have all been prevalent throughout the case, and a passion for justice seems to be far from the minds of the authorities as they have “unbelievably kept attributing the murder to a failed attempt at burglary.”^v

A supposedly more comprehensive investigation into Berta Carceres’ murder, known as the ‘Jaguar Operation’, was launched in response to international outrage of ineffective government investigations. It quickly became clear that this was a “sham investigation” carried out as part of a “strategy to protect the masterminds behind Cáceres’ murder.”^{vi} Honduran authorities have largely excluded the help of Cáceres’

family and other members of Council of Popular and Indigenous Organizations of Honduras (COPINH), the movement cofounded by Cáceres. As a result, family and allies have continuously demanded that the investigation be carried out by an independent, international committee to “[identify] those who ordered the killing, not just those who pulled the trigger.”^{vii} They do not believe that the local justice system is competent enough to solve the investigation due to past corruption, impunity, and habit of botched cases.^{viii}

The latest call for outside judicial review came from the recently formed Support Mission Against Corruption and Impunity (*Misión de Apoyo contra la Corrupción y la Impunidad en Honduras*, MACCIH). MACCIH was launched as an agreement between Honduran President Juan Orlando Hernández and Organization of American States (OAS) Secretary-General Luis Almagro on January 19 in response to the widespread, high-level government corruption scandal involving the ruling National Party and subsequent protests between May and September of 2015.^{ix} The agreement aims to support Honduran efforts to combat corruption and impunity through the investigation of cases involving networks of public and private corruption. Additionally, MACCIH strives to reform and strengthen domestic institutions that are currently undermining the credibility of both the authorities and the political system.^x

On April 3, the Honduran government requested that MACCIH become involved in the Berta Cáceres murder investigation, but her family immediately rejected the proposal. Cáceres’ family explained that MACCIH “has neither the mandate nor the capacity to provide effective help with a murder investigation” and that “an independent group of experts, supported by the Inter-American Commission on Human Rights (IACHR), [should] carry out an investigation of the murder.”^{xi} To them, the Honduran government and OAS’ insistence that MACCIH investigate the murder is a desperate attempt to give the impression that Honduran authorities are actively assisting in the investigation while concurrently dooming it to fail. MACCIH was not created to investigate murder cases, and, even if it was, any MACCIH-led investigation requires the “cooperation and support of the attorney general’s office, which remains firmly under the thumb of President Hernández.”^{xii} MACCIH also needs the support of the Honduran people, which it currently does not have: “MACCIH is not what the people were asking for,”^{xiii} declared a member of the *Indignados* movement launched last year in Honduras. Few people believe that a MACCIH-led investigation will have any impact on justice for Cáceres and that it will only waste time and resources. MACCIH can be a tool in the fight against corruption, but it has major limitations and will not be able to solve the deep problems and rampant impunity in Honduras.

Six individuals have already been arrested in connection to Cáceres’ murder. Three of these men have links to *Desarrollos Energéticos S.A.* (DESA), the corporation responsible for the Agua Zarca dam that Cáceres and COPINH were actively protesting before her murder. Two others have past and present connections with the military.^{xiv} Elvin Heriberto Rápalo Orellana, also known as El Camanche, is the most recent person to be arrested. According to the Agency of Criminal Investigation, Rápalo Orellana “was the individual who shot at point-blank range Mexican activist Gustavo Castro, who accompanied Cáceres the night she was killed.”^{xv} The Honduran law enforcement agency subsequently announced that no further arrests will be made as Rápalo Orellana

was the only remaining suspect not in custody.^{xvi} As of October 10, the Supreme Court of Honduras has rejected the appeal from those accused of the assassination. Supreme Court spokesperson Melvin Duarte stated that the trial will follow the “formal order of processing and preventative custody.”^{xvii} With this announcement, it seems that the trial of all six arrested suspects should be productive in achieving justice.

MACCIH has opened a new investigation into the theft of the missing case files. The spokesperson for MACCIH, Juan Jiménez Mayor, has described the theft to be a “criminal offense that requires enthusiastic action from the public prosecutor and the judiciary” and that those guilty must be found, sanctioned and held responsible.^{xviii} MACCIH appears to be taking a proactive approach to the case, and has announced that it will assign an officer to evaluate the amount of harm done from the delay due to the missing files and oversee the reconstitution of the files. However, MACCIH’s connection with the Honduran government, and the ability of MACCIH to accurately investigate this case is still a concern for Cáceres’ family. The attorney for the Cáceres family, in response to these new developments, has stated that the loss of the files demonstrates the Honduran government’s systematic irresponsibility and the pervasive impunity in the country.^{xix} Ultimately, it seems as though the investigation into Cáceres’ death is far from over and the likelihood of any justice is rapidly dwindling.

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ⁱ "Honduran Government Blamed for Loss of Case File in Activist’s Murder." Latin American Herald Tribune - Welcome. October 05, 2016. Accessed October 05, 2016.

http://www.laht.com/article.asp?ArticleId=2422437&CategoryId=23558&utm_source=feedburner&utm_medium=email&utm_campaign=Feed:laht/mailler (Latin American Herald Tribune).

ⁱⁱ "Honduran Government Blamed for Loss of Case File in Activist’s Murder." Latin American Herald Tribune - Welcome. October 05, 2016. Accessed October 05, 2016.

http://www.laht.com/article.asp?ArticleId=2422437&CategoryId=23558&utm_source=feedburner&utm_medium=email&utm_campaign=Feed:laht/mailler (Latin American Herald Tribune).

ⁱⁱⁱ Bonilla, Lilian. "Familia De Berta Cáceres Y OEA También Piden Que Se Aclare Extravió De Expediente." Tiempo Digital. September 30, 2016. Accessed October 05, 2016. <http://tiempo.hn/familia-bertha-caceres-oea-piden-aclare-extravio-expediente/>.

^{iv} Tyrou, Emma. "The Symbol of Berta Cáceres Continues to Expose Criminal Coup Regime and Its Deadly Extractive Formula for Honduras." COHA. July 12, 2016. Accessed October 06, 2016. <http://www.coha.org/the-symbol-of-bertha-caceres-continues-to-expose-criminal-coup-regime-and-its-deadly-extractive-formula-for-honduras/>.

^v Ibid

^{vi} Ibid

^{vii} Sanford, Victoria, Emir Sader, Priscila Mojica Rodriguez, Thomas C. Mountain, and Adriana Maestas. "Court Files on Murdered Honduran Activist Berta Cáceres Stolen." TeleSUR. September 30, 2016. Accessed October 05, 2016. <http://www.telesurtv.net/english/news/Court-Files-on-Murdered-Honduran-Activist-Berta-Caceres-Stolen-20160930-0022.html>.

^{viii} Ibid

^{ix} Main, Alexander. "MACCIH Makes Its First Appearance (But Has Yet to Begin Functioning)." The Center for Economic and Policy Research. May 17, 2016. Accessed October 05, 2016. <http://cepr.net/blogs/the-americas-blog/maccih-makes-its-first-appearance-but-has-yet-to-begin-functioning>.

^x "OEA - Organización De Los Estados Americanos: Democracia Para La Paz, La Seguridad Y El Desarrollo." OEA | Más Derechos Para Más Gente. 2016. Accessed October 05, 2016.

<http://www.oas.org/es/sap/dsdme/maccih/new/mision.asp>.

^{xi} Main, Alexander. "MACCIH Makes Its First Appearance (But Has Yet to Begin Functioning)." The Center for Economic and Policy Research. May 17, 2016. Accessed October 05, 2016. <http://cepr.net/blogs/the-americas-blog/maccih-makes-its-first-appearance-but-has-yet-to-begin-functioning>.

^{xii} Ibid

^{xiii} Sanford, Victoria, Emir Sader, Priscila Mojica Rodriguez, Thomas C. Mountain, and Adriana Maestas. "Honduras Arrests Sixth Suspect in Berta Cáceres Murder Case." TeleSUR. September 08, 2016. Accessed October 05, 2016. <http://www.telesurtv.net/english/news/Honduras-Arrests-Sixth-Suspect-in-Berta-Caceres-Murder-Case-20160908-0033.html>.

^{xiv} Ibid

^{xv} Ibid

^{xvi} Associated Press. "Honduras: 6th Arrest in Killing of Activist Berta Cáceres." NBC News. September 09, 2016. Accessed October 06, 2016. <http://www.nbcnews.com/news/latino/honduras-6th-arrest-killing-environmental-activist-bertha-caceres-n645561>.

^{xvii} Jalife, Alfredo, Martin Granovsky, Ilka Oliva Corado, Luis Pino, and Alfredo Serrano. "Ratifican Prisión Preventiva Para Asesinos De Berta Cáceres." TeleSUR. October 10, 2016. Accessed October 11, 2016. <http://www.telesurtv.net/news/Ratifican-prision-preventiva-para-asesinos-de-Berta-Caceres-20161010-0050.html>.

^{xviii} Sanford, Victoria, Emir Sader, Priscila Mojica Rodriguez, Thomas C. Mountain, and Adriana Maestas. "Court Files on Murdered Honduran Activist Berta Cáceres Stolen." TeleSUR. September 30, 2016. Accessed October 05, 2016. <http://www.telesurtv.net/english/news/Court-Files-on-Murdered-Honduran-Activist-Berta-Caceres-Stolen-20160930-0022.html>.

^{xix} "Honduran Government Blamed for Loss of Case File in Activist's Murder." Latin American Herald Tribune - Welcome. October 05, 2016. Accessed October 05, 2016. http://www.laht.com/article.asp?ArticleId=2422437&CategoryId=23558&utm_source=feedburner&utm_medium=email&utm_campaign=Feed:laht/mailler (Latin American Herald Tribune).