



International Network for Economic, Social & Cultural Rights
Red Internacional para los Derechos Económicos, Sociales y Culturales
Réseau international pour les droits économiques, sociaux et culturels
الشبكة العالمية للحقوق الاقتصادية والاجتماعية و الثقافية

TO:

Mr. Juan Orlando Hernández, President of Honduras

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CC:

Mr. Oscar Fernando Chinchilla, Public Prosecutor General of Honduras
Mr. Abraham Alvarenga Urbina, Attorney General of Honduras
Mr. Jorge Alberto Rivera Avilés, President of the Supreme Court of Justice of Honduras
Mr. Roberto Herrera Cáceres, National Human Rights Commission of Honduras
Ms. Dolores Jimenez Hernandez, Ambassador of Mexico in Honduras

RE: Freedom for human rights defender, Gustavo Castro Soto

15 March 2016

Your Excellency,

The International Network for Economic, Social and Cultural Rights (ESCR-Net) is the largest global network of organizations and activists devoted to achieving economic, social and environmental justice through human rights, consisting of over 270 organizational and individual members in 70 countries.

We write to express our deep concern regarding the situation of Mr. Gustavo Castro Soto, Mexican citizen and human rights defender who is a leader of the Mexican non-governmental organization, Otros Mundos, a member of ESCR-Net. At present, Castro is being retained in Honduras, as the sole witness to the murder of Berta Cáceres, the leader and co-founder of the Council of Indigenous Peoples of Honduras (COPINH) who worked to defend the rights of Lenca indigenous communities affected by the 'Agua Zarca' hydroelectric project. In recent years, her efforts to defend human rights have resulted in numerous threats against her person, members of her family and fellow members of her organization. Cáceres was shot dead in her home on 3 March 2016, in La Esperanza, Intibucá Department, Honduras, in an attack in which Castro, her friend, was also wounded.

Since the tragic murder of Berta Cáceres, Gustavo Castro Soto has cooperated fully with the investigations by the Honduran authorities, to whom he provided his testimony multiple times. Reportedly, Castro was told that he was free to leave the country but subsequently intercepted, based on a 'migratory alert' as he was boarding a flight to Mexico, on 6 March. On 7 March, Castro was ordered by the Honduran Attorney General's office to remain in the country for 30 more days. In addition to this denial of his liberty, we are deeply concerned that he remains vulnerable to further threats or security risks.

We are further concerned at reports that Castro's lawyer has been suspended for 15 days by Judge Victorina Flores (Intibucá department) allegedly as a result of her attempt to obtain a record of his testimony. These harsh measures against Mr. Castro and his legal counsel suggest that they are being subjected to intimidation, contrary to international standards to which Honduras is bound.

We respectfully recall that Honduras, as party to the International Covenant on Civil and Political Rights, is obliged to uphold the right to liberty and security of person, including freedom from arbitrary arrest or detention. Honduras is also bound to respect the rights to peaceful assembly and of association, which apply to the human rights defence activities of Mr. Castro and Berta Cáceres. As party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) Honduras is also obligated to respect and protect the right to work, the right to food and the right to an adequate standard of living, all rights which Ms. Cáceres and Mr. Castro have sought to defend. In addition, the Declaration on the Rights of Indigenous Persons, in Article 10, states: “Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned.”

We further recall the UN Declaration on the Rights of Human Rights Defenders, which establishes the obligation of all States to among other actions: take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, adverse discrimination, pressure or any other arbitrary action as a consequence of the legitimate exercise of their rights; to conduct prompt and impartial investigations of alleged violations of human rights; and to provide an effective remedy for persons who claim to have been victims of a human rights violation.

We also recall the Inter-American Commission on Human Rights (IACHR) Precautionary Measures Resolution 112-16 issued on 5 March 2016, on behalf of COPINH, the relatives of Berta Cáceres and Gustavo Castro, which notes that their life and personal integrity are allegedly threatened and at risk and calls on the Government of Honduras “to take the necessary measures to ensure Castro’s well-being during the process to prepare and ultimately leave the country.” Finally, we wish to reinforce the call by the United Nations Special Rapporteur on the situation of human rights defenders, Michel Forst, to ensure the safety and protection of Gustavo Castro Soto and to allow his return to Mexico as soon as possible

Accordingly, we urgently appeal to Your Excellency to:

1. Immediately allow the return of Gustavo Castro Soto to his home country, Mexico and provide all possible means of protection while he continues to reside in Honduran territory;
2. Launch an immediate, independent and impartial investigation into the assassination of Berta Cáceres and ensure that the perpetrators are brought to justice;
3. Provide protection for members of the family of Berta Cáceres and her organization, COPINH, and guarantee that they may continue to pursue the defense of human rights free of threats or harassment;
4. Take concerted measures to halt the murder and intimidation of human rights defenders in the country, especially targeting those dedicated to the defense of human rights related to lands and natural resources, and
5. Respect, protect and fulfil the human rights of all people in Honduras, including the right to free, prior and informed consent of indigenous peoples before awarding concessions to their natural resources, and proceed with the immediate and definitive cancellation of the concession for the 'Agua Zarca' hydroelectric project, which has contributed to substantial threats, attacks and harassment against the Lenca community of Río Blanco and the members of COPINH.

Finally, we respectfully request that you keep us informed of any developments in this situation.

On behalf of ESCR-Net,



Chris Grove, Director