

# Violence, Corruption & Impunity in the Honduran Energy Industry

A Profile of Roberto David Castillo Mejía

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## Introduction

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Roberto David Castillo Mejía is a Honduran businessman, former government employee, and former military intelligence officer. This report gathers information about Castillo's business activities and related legal cases, including indictments for murder and corruption. This information suggests that Castillo has engaged in a pattern of criminal activities, including significant acts of corruption while he served as a government employee, and grave human rights violations.

Castillo was arrested on March 2, 2018 and charged with the murder of Honduran indigenous leader, human rights advocate and environmentalist Berta Cáceres. She was one of the most internationally renowned advocates in Honduras; this did not protect her. Her murder is widely viewed in Honduras as paradigmatic, one case that forms part of a pattern of violence against human rights defenders, indigenous communities and environmental defenders.

The investigations detailed in this report opened a window into the activities of individuals allegedly involved in criminal activities that benefit corporations. They have reportedly received support from international investors and multilateral development banks. The majority of attacks against human rights defenders in Honduras are not investigated and defenders do not have access to detailed information about the companies whose interests they confront. This contributes to impunity for violence and obscures the manner in which international investors may benefit from corruption and violence in Honduras.

## Findings

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- 1) The criminal activities attributed to Castillo were presumably undertaken to advance the interests of corporations with which he was associated. This includes allegations of acts that constitute corruption and human rights abuses. Multiple corporations have apparently benefitted from alleged crimes; those that would have benefitted *Desarrollos Energéticos S.A. (DESA)* and related companies are particularly grave.
- 2) Difficulties in obtaining access to the filings of some of the corporations, and laws allowing anonymity of ownership of companies registered in Panama, make it extremely difficult to ascertain the identity of the owners of several corporations mentioned in this report. Castillo was a director, shareholder, or executive of at least eight corporate ventures. At least six companies were incorporated in Honduras. At least two companies associated with Castillo were registered in Panama, Mithril Capital and *Potencia y Energía de Mesoamérica S.A. PEMSA (Panama)*, where the anonymity of their shareholders is protected.
- 3) Evidence presented to Honduran courts by prosecutors suggests that Castillo participated in the murder of Berta Cáceres as an intellectual author, allegedly coordinating with, and presumably providing funds to, the material authors for the purpose of carrying out the murder. Castillo has been indicted for the murder and the case remains in the initial phase of prosecution; no other intellectual authors of the crime have been arrested.
- 4) Evidence suggests that the murder of Berta Cáceres was part of a pattern of violence, corruption, intimidation, malicious prosecution and impunity for violence orchestrated by Castillo and others at DESA, who appear to have functioned as a criminal structure. Evidence admitted in *Honduras v. Douglas Bustillo et al* suggests that Castillo and his associates and employees at DESA enlisted the support of key agencies of the Honduran government, using influence in the Ministry of Security, police, and military and improper influence in the Honduran judiciary, seemingly to advance efforts to intimidate, persecute, and neutralize Berta Cáceres and COPINH's opposition to the Agua Zarca Hydroelectric Project. DESA, and representatives it employs, continue to promote the stigmatization of Berta Cáceres, COPINH and Indigenous Lenca villagers in Río Blanco after Cáceres' murder.
- 5) Of special concern are the alleged connections between *Producción de Energía Solar y Demás Renovables S.A. de C.V. (PRODERSSA)* and the violent drug trafficking organization referred to as the Cachiros. It is impossible to ascertain who the owners of PEMSA (Panama) were when it acquired PRODERSSA, though Castillo was the corporate representative of PEMSA (Panama). The Honduran company PRODERSSA was founded by an alleged Cachiro frontman.

- 6) PRODERSSA's Power Purchase Agreement (PPA) with the National Electrical Energy Company (ENEE) was awarded just 12 days before Honduran President Lobo left Office. A leader of the Cachiros testified in U.S. court that he made bribes to Lobo in exchange for contracts favorable to companies he owned. This provokes concern that PRODERSSA's PPA may have been awarded through corruption.
- 7) Recently formed corporations with which Castillo has been associated were granted contracts from state agencies for which Castillo has worked. The companies apparently had little or no relevant experience or capital of transparent origin. This included a PPA allegedly fraudulently negotiated with the National Electrical Energy Company (ENEE), to provide unduly favorable conditions to the beneficiaries.
- 8) Corporations with which Castillo was associated appear to have transformed contracts obtained from state agencies, including those that may have resulted from acts of corruption, into financial instruments that were used to leverage international investment backed by public funds, including export credit agencies and development banks at least partially owned by foreign governments such as Norway, Holland and Finland, as well as multilateral development banks including the World Bank, in which the United States holds a significant ownership share. Some of these banks and international investors continue to benefit from investments in corporations with questionable state licenses and contracts. In the case of DESA, some development banks did cancel financing, however, DESA apparently continues to hold licenses and contracts for the Agua Zarca Project.
- 9) Castillo was subject to administrative sanctions for actions that could be considered criminal corruption. The Honduran High Tribunal of Auditors found that Castillo's computer company sold equipment to the Armed Forces at inflated prices and that Castillo also illegally received a double salary from the government while he was a military officer and a contracted employee of National Electrical Energy Company (ENEE).
- 10) The Mission to Support the Fight Against Corruption and Impunity in Honduras (MACCIH) has initiated an investigation into potential bribes related to the National Electrical Energy Company's (ENEE) dealings with the Brazilian company Constructora Norberto Odebrecht. Honduran media reports that Castillo formed part of the team which negotiated contracts with Odebrecht, even traveling to Brazil, on behalf of the Honduran state.

## Section 1

# Corporations in which Roberto David Castillo Mejía has participated

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Castillo graduated from the U.S. Military Academy at West Point in 2004.<sup>1</sup> Starting in 2006, he worked for the Honduran Armed Forces, serving as a military intelligence second lieutenant.<sup>2</sup> In June 2007, he became part of the Honduran Armed Forces' Intervention Board that took over the National Electrical Energy Company (ENEE) as a means to address losses in ENEE.<sup>3</sup> In January 2008, he was formally contracted by the ENEE.<sup>4</sup> Castillo was discharged from the military in December 2011 and found to have abandoned his position at the ENEE in March 2012.<sup>5</sup> During his time as a military intelligence officer and ENEE employee, Castillo began to operate business ventures that benefited from his access to influence in government agencies. Since that time, he has owned or had roles in numerous corporations, including the following<sup>6</sup>:

- Inversiones Castillo

In August 2006, Castillo formed a sole proprietorship called *Inversiones Castillo* (Castillo Investments) to operate under his direction.<sup>7</sup>

- DIGICOM

On October 2, 2006, Castillo, representing *Inversiones Castillo*, and Felix Alvarenga Castillo, appeared before a notary to found Digital Communications S.A. (DIGICOM). Roberto David Castillo Mejía was the majority shareholder and President of the Board, while Felix Alvarenga was the minority shareholder and Secretary of the Board.<sup>8</sup> In July 2008, Castillo proposed a new Board, of which he did not form part, and then sold all but one of his shares to Alvarenga, with the one remaining share going to Jorge Corea Lobo.<sup>9,10</sup> In 2007 and 2008, DIGICOM was selling office supplies and computer equipment to the Armed Forces, while Castillo was an active duty officer.<sup>11</sup> Thus, Castillo may have removed his name from the company to avoid the appearance of illegality. In 2014, Alvarenga transferred all of his shares to Castillo, who again became majority shareholder and President of the company.<sup>12</sup>

- DESA

On May 20, 2009, two of Castillo's alleged DIGICOM employees founded the hydroelectric company *Desarrollos Energéticos S.A.* (DESA).<sup>13</sup> Honduran

prosecutors have accused Castillo of being the de facto representative of DESA while he worked at the ENEE, during the time that ENEE approved and signed the contract with DESA to purchase electricity from the Agua Zarca Hydroelectric Project.<sup>14</sup> In November 2011, Castillo was formally named the President of the Board of DESA.<sup>15</sup> DESA is the company that attempted to build the Agua Zarca Hydroelectric Project opposed by Berta Cáceres and COPINH. Castillo acted as the Executive President of DESA at the time of Cáceres' murder.<sup>16</sup> He appears to continue as the President of DESA's Board to date.<sup>17</sup>

In June 2011, *Potencia y Energía de Mesoamérica S.A.* (PEMSA) of Panama became the majority shareholder of DESA.<sup>18</sup> The shareholders of PEMSAs (Panama) do not seem to be publicly available,<sup>19</sup> but Castillo served as President of the Board from July 2012<sup>20</sup> until March 2019.<sup>21</sup> Since DESA's November 2011 shareholder meeting, DESA has had two shareholders: majority shareholder *Inversiones Las Jacarandas S.A. de C.V.* and minority shareholder PEMSAs (Panama).<sup>22</sup> *Inversiones Las Jacarandas S.A. de C.V.* is owned by members of the Atala Zablah family.<sup>23</sup>

The Central American Bank for Economic Integration (CABEI) and the Dutch Development Bank (FMO), in coordination with the Finnish Development Bank (Finfund), as a secondary lender, approved loans to DESA to fund the construction of Agua Zarca Hydroelectric Project.<sup>24</sup> Luis Alfonso Martin, who later became Treasurer of the Board of PEMSAs of Panama<sup>25</sup> appears to have worked for CABEI's Private Sector Office<sup>26</sup> during the time that DESA would have negotiated its loan from CABEI.<sup>27</sup> Funding from Ficohsa Bank and Ficensa Bank appears to have benefited the Agua Zarca Hydroelectric Project<sup>28</sup> -- most likely indirectly in the case of Ficohsa Bank as Ficohsa denies any funding or link to DESA or the project<sup>29</sup> -- during the period that the International Finance Corporation (IFC), the World Bank's private lending arm, held an equity investment in Ficohsa Bank.<sup>30</sup>

In December 2015, USAID signed an agreement to collaborate with DESA's Agua Zarca Project;<sup>31</sup> Berta Cáceres' family was told USAID canceled the agreement in the weeks following Cáceres' murder.<sup>32</sup>

- PEMSAs (Panama)

*Potencia y Energía de Mesoamérica S.A.* (referred to subsequently in this document as PEMSAs (Panama)) was incorporated in Panama in 2010 by persons associated with Panama Offshore Legal Services, which also served as the resident agent.<sup>33</sup> Panama Offshore Legal Services offers a service to incorporate companies in Panama using their nominee directors and subscribers, in which case the person(s) paying for the incorporation of the company does not appear in the Panama Public Registry incorporation documents.<sup>34</sup> This is what appears to have occurred in PEMSAs (Panama)'s case.<sup>35</sup> In July 2012, Castillo was named the President of the Board<sup>36</sup> and in September of that same year, he received a General Power of Attorney to represent PEMSAs (Panama).<sup>37</sup> In 2014, PEMSAs (Panama) appears to have entered into an Asset Management Agreement with

DESA.<sup>38</sup> In March 2019, Castillo presided over a shareholder meeting, presumably from jail, in which his mother, Elma Dinorah Mejía, replaced him as President of the Board.<sup>39</sup> At the same shareholder meeting, Guillermo Mac Beath Fernández, who has served as Castillo's representative in business matters during his incarceration,<sup>40</sup> was named as Secretary of the Board.<sup>41</sup> The composition of the shareholders of PEMSA (Panama) does not appear in documents accessed in the Public Registry of Panama. PEMSA (Panama) is a shareholder of DESA and was a shareholder of PRODERSSA.

- PEMSA (Honduras)

Castillo founded *Potencia y Energía de Mesoamérica S.A. de C.V.* (referred to subsequently as PEMSA (Honduras)) as a company registered in Honduras in July 2015. Castillo owned 249 out of 250 shares.<sup>42</sup> Castillo was also the President of the Board until April 2018, a month after his arrest on charges of Cáceres' murder, when Guillermo Mac Beath Fernández, who has served as Castillo's representative in business matters,<sup>43</sup> was named as the President of the Board and General Manager.<sup>44</sup> Castillo and his wife are currently the sole shareholders of the company.<sup>45</sup> PEMSA (Honduras) had an Asset Management Agreement and an Operation and Maintenance Agreement with PRODERSSA<sup>46</sup> and also had a relationship with DESA.<sup>47</sup> PEMSA (Honduras) has a relationship with the Bonacco Electric Company (BELCO), which provides electricity to the Honduran island of Guanaja.<sup>48</sup>

- CONCASA

On July 22, 2009, Castillo and Julio Cesar Chi Ham appeared before notary David Gerardo Argurcia Mercadal,<sup>49</sup> the same notary who wrote up DESA's founding document a month earlier,<sup>50</sup> to found *Concretos del Caribe S.A. (CONCASA)*.<sup>51</sup> Castillo was the majority founding shareholder with 80% of the shares and was named President of the Board,<sup>52</sup> and based on the publicly available documents from the Tegucigalpa Chamber of Commerce and Industry, he presumably continues in both roles.<sup>53</sup> On December 23, 2015, Castillo appeared before a notary as President of the Board and legal representative of CONCASA to grant General Power of Administration to Daniel Eduardo Atala Midence,<sup>54</sup> who has also served as Chief Financial Officer of DESA.<sup>55</sup>

According to information presented by the government's financial expert witness during the trial against Sergio Rodríguez and others for the murder of Berta Cáceres, (CONCASA) made monthly payments to Sergio Rodríguez following his incarceration for the murder of Berta Cáceres.<sup>56</sup>

- SESPSA

According to information seized by the authorities in DESA's offices, Castillo seems to have played a role in the administration of the company Servicios de Seguridad Privada S.A. (SESPSA), which provided private security to DESA's Agua Zarca Hydroelectric Project.<sup>57</sup> The company also appears to have had a relationship with

PEMSA.<sup>58</sup> SESPSA's General Manager was identified as Jorge Avila,<sup>59</sup> who coordinated security for DESA's Agua Zarca Hydroelectric Project following Bustillo's departure from DESA.<sup>60</sup> The government's financial expert witness in *Honduras v. Douglas Bustillo et al* established that DESA, PEMSА, CONCASA, and SESPSA were all located in the same building on the same floor.<sup>61</sup> Investigation into the ownership structure of SESPSA has not been logistically possible for the purposes of this report.<sup>62</sup>

- PRODERSSA

In August 2014, Castillo's company PEMSА (Panama) and Castillo himself became the sole shareholders of the energy company *Producción de Energía Solar y Demás Renovables S.A. de C.V.* (PRODERSSA).<sup>63</sup> At this point, Castillo was named President of the Board of PRODERSSA.<sup>64</sup> During a February 2015 shareholder meeting presided over by Castillo, the incorporation of foreign shareholders, KLP Norfund Investments and Scatec Solar, was approved and the company's capital was increased. During this meeting a new Board was elected and Castillo became Secretary of the Board.<sup>65</sup>

PRODERSSA entered into financing agreements with Export Credit Norway (*Eksportkreditt Norge*) and the Inter-American Corporation for Infrastructure Financing (CIFI).<sup>66</sup> The International Finance Corporation (IFC), the private sector arm of the World Bank, had a \$10 million equity investment in CIFI<sup>67</sup> when CIFI approved a credit line with PRODERSSA and signed a mortgage with Castillo in February 2015.<sup>68</sup> Banco Lafise (Costa Rica) and Banco Lafise (Panama) also appear to have provided financing.<sup>69</sup>

During a June 2016 shareholder meeting at which Castillo was present, a new Board of Directors was named, in which Castillo was replaced as Secretary of the Board by Luis Alfonso Martín Herrero,<sup>70</sup> a fellow member of the Board of PEMSА (Panama).<sup>71</sup> During a July 2018 shareholder meeting, Luis Alfonso Martín Herrero was replaced as Secretary of the Board of PRODERSSA by Guillermo Mac Beath, who represented Castillo at the shareholder meeting.<sup>72</sup>

In March 2018, PRODERSSA's assets were seized<sup>73</sup> by the Honduran authorities as part of an operation that seized several companies related to the "Cachiros" criminal and drug trafficking network.<sup>74</sup> The company's assets were apparently subsequently released.<sup>75</sup> In 2019, after Castillo had been arrested for Cáceres' murder, PRODERSSA's Board of Directors authorized the transfer of Castillo's and PEMSА's shares to the Norwegian Investment Fund for Developing Countries.<sup>76</sup> Castillo received USD \$1.3 million in exchange for giving up his rights in the land trust agreement, as land registered in his name had been used as part of the guarantee for the project financing.<sup>77</sup>

- Mithril Capital Inc.

Castillo is the Secretary of the Board of Mithril Capital Inc, a company incorporated in Panama in 2014.<sup>78</sup> The composition of the shareholders does not appear in the documents accessed in the Public Registry of Panama.<sup>79</sup>

- Concretos de Sula S.A. de C.V.

Castillo is the Treasurer of the Honduran company Concretos de Sula S.A. de C.V. and his wife is the Secretary.<sup>80</sup>

## Section 2

# Violence, Human Rights Violations & Impunity

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## Castillo's Indictment for the Murder of Berta Cáceres

In March 2018, Roberto David Castillo Mejía was arrested<sup>81</sup> and accused of participation in the murder of Berta Cáceres. Berta Cáceres was the General Coordinator of the Civic Council of Popular and Indigenous Organization of Honduras (COPINH) at the time of her murder. In that capacity, she had accompanied Indigenous Lenca people in the region of Río Blanco who opposed the construction of the Agua Zarca Hydroelectric Project, a project that, according to the UN Special Rapporteur on the Rights of Indigenous Peoples, was licensed without the free, prior and informed consent or consultation of the Indigenous Lenca communities impacted.<sup>82</sup> The Agua Zarca Hydroelectric Project was promoted by the DESA corporation.<sup>83</sup>

Prior to Castillo's arrest, eight men, including Douglas Bustillo and Sergio Rodríguez, both former employees of Castillo at the DESA corporation, were arrested and charged with Cáceres' murder and the attempted murder of Gustavo Castro, referred to in the trial as Protected Witness ABC-03-03-2016.<sup>84</sup> Castro was staying with Cáceres in her home after conducting a workshop with COPINH when hitmen broke into the house to murder Cáceres.<sup>85</sup>

During October and November 2018, the public trial against Sergio Ramón Rodríguez Orellana, Douglas Geovanny Bustillo, Mariano Díaz Chávez, Edilsón Atilio Duarte, Elvin Rápalo Orellana, Henry Javier Hernández Rodríguez, Oscar Torres Velásquez and Emerson Eusebio Duarte (*Honduras v. Douglas Bustillo et al*) took place.<sup>86</sup> On November 29, 2018, a Honduran Court found seven of those charged, including Castillo's former employees, guilty of Cáceres' murder.<sup>87</sup> Four of the accused were also found guilty of the attempted murder of Gustavo Castro.<sup>88</sup>

During the trial, a government forensic expert described how she identified the telephones used by four of the accused. She filtered data gathered from cellular telephone towers servicing the crime scene to identify telephone numbers that were not normally used in the area, and then mapped the geolocation of those telephones when they placed or received calls prior to and after the murder. This identified a set of devices that had traveled from La Ceiba to La Esperanza on the day of the murder and departed La Esperanza slightly after midnight on March 3, 2016, minutes after the murder, initiating and receiving calls during the journey.<sup>89</sup> Investigators then tracked down the owners of the telephones, identifying the four individuals eventually convicted of traveling to La Esperanza to carry out the murder.<sup>90</sup> The man convicted of acting as the ringleader of this assassin group was former soldier Henry Hernández.<sup>91</sup>

Telephone data shows Hernández coordinated directly with a fifth man, former soldier<sup>92</sup> Douglas Bustillo,<sup>93</sup> who served as Head of Security for DESA until July 2015.<sup>94</sup> A sixth man identified, active duty Army Major Mariano Díaz,<sup>95</sup> had served with Bustillo during his time in the military.<sup>96</sup> Díaz and Hernández presumably became acquainted when they were both stationed on the 15<sup>th</sup> Battalion base.<sup>97</sup> When the murder of Cáceres was being planned, Honduran authorities recorded telephone conversations and text messages between Díaz and Hernández and between Díaz and Bustillo.<sup>98</sup> Díaz was subject to a wiretap at the time, as he was under investigation for kidnapping and drug trafficking.<sup>99</sup>

Douglas Bustillo was arrested on May 2, 2016. That same day, Major Mariano Díaz and Bustillo's former colleague, DESA's Social and Environmental Manager Sergio Rodríguez, were also arrested.<sup>100</sup> While Bustillo's formal employment with DESA ended in July 2015, telecommunications data admitted as evidence during the trial shows he remained in touch with Castillo.<sup>101</sup> Before her murder, Berta Cáceres reported threats related to her opposition to the Agua Zarca Project and sexual harassment by Bustillo.<sup>102</sup> In the victim impact statement during *Honduras v. Douglas Bustillo et al*, Laura Zuniga Cáceres, daughter of Berta Cáceres, stated that her mother had sat her down weeks before the murder and told her that Castillo harassed and persecuted her.<sup>103</sup>

In May 2016, prosecutors carried out a search warrant of DESA's offices, where they impounded a telephone that had been used by Daniel Atala, DESA's Chief Financial Officer.<sup>104</sup> Investigators impounded several phones during the raid of Bustillo's home, one of which was used by Bustillo to coordinate the murder of Berta Cáceres. It contained Whatsapp messages between Bustillo and Castillo and other data related to the murder.<sup>105</sup> Authorities also seized Rodríguez's phone at the time of his arrest,<sup>106</sup> which contained messages from a Whatsapp chat in which Rodríguez reported to Castillo and other DESA executives and employees information he gathered through informants, paid by DESA, about Berta Cáceres and COPINH.<sup>107</sup> Additionally, the government's financial expert established during the trial that a company for which Castillo was the legal representative, Concretos del Caribe S.A. (CONCASA), paid Sergio Rodríguez a monthly salary starting in June 2016,<sup>108</sup> following his arrest, during his pre-trial detention and at least until December 2016.<sup>109</sup>

Evidence admitted in the trial makes clear that Douglas Bustillo coordinated with Henry Hernández and Major Mariano Díaz to plan the murder of Berta Cáceres, and that their motive was financial; they were going to be paid for the murder.<sup>110</sup> In the wiretaps, Hernández repeatedly referred to the money they were going to receive for carrying out the crime.<sup>111</sup> The evidence suggests that throughout the murder planning, Bustillo coordinated with his former boss, Roberto David Castillo Mejía.<sup>112</sup> Evidence seized from Bustillo's home indicates he received an influx of money after the murder took place,<sup>113</sup> at which time he was unemployed and had no formal income.<sup>114</sup> Additionally, in wiretapped conversations between Hernández and Díaz, they refer to a person or persons up above ("*allá arriba*") upon whom carrying out the crime depended.<sup>115</sup>

On February 5, 2016, Henry Hernández, apparently accompanied by an unidentified second person, made the first attempt to murder Berta Cáceres. Immediately before Hernández traveled to La Esperanza, Bustillo met with Hernández in Siguatepeque.<sup>116</sup> That day, Castillo sent a Whatsapp message to Bustillo reminding him to '*remember the*

*accidents and the scene*.<sup>117</sup> Later that night, however, Hernández informed Díaz that they could not carry out the murder, indicating that there were a lot of people at Cáceres' home and asked him to let Bustillo know. The next morning, Hernández reported again to Díaz that they had been at the scene and concluded they would need a car and a different plan for the next attempt to carry out the murder.<sup>118</sup> Hernández then spoke to Bustillo four times on the morning of February 6, 2016<sup>119</sup> after which Bustillo wrote a Whatsapp message to Castillo informing him the mission had been aborted and that he would wait for what Castillo had said because he had no more money for logistics. Bustillo repeated that he needed what Castillo was going to budget for logistics.<sup>120</sup> Castillo replied, '*Copied, mission aborted.*'<sup>121</sup>

Whatsapp messages between Castillo and Bustillo reveal that on February 29, 2016, they coordinated a meeting to take place the next morning, March 1, 2016, so Castillo could provide Bustillo with money.<sup>122</sup> On March 2, 2016, men who entered Berta Cáceres' home fatally shot her and shot at, and injured, Gustavo Castro between 11:30-11:40 pm.<sup>123</sup> Shortly after the murder was executed, Hernández sent a text message to Bustillo.<sup>124</sup> Hours later, according to phone company reports, Bustillo left Tegucigalpa and traveled north to the department of Cortes, communicating with Hernández en route,<sup>125</sup> presumably to deliver the money promised to the hitmen. While in Cortes, Bustillo communicated with Castillo via phone call and text message.<sup>126</sup>

The prosecution of Castillo for the charge of the murder of Berta Cáceres is still in the initial phase and less than eight months are remaining in his pre-trial detention. While the Public Prosecutor's Office has publicly affirmed that the murder investigation is still open,<sup>127</sup> and the judges who ruled on the trial of the seven men convicted of Berta Cáceres' murder noted in their oral verdict that executives of the DESA corporation knew about and consented to the plan to murder Berta Cáceres,<sup>128</sup> no other masterminds behind the murder have been arrested.

## Neutralizing Defense of Indigenous Rights: Human Rights Violations, Impunity, Stigmatization, and Malicious Prosecution

Evidence admitted in the trial *Honduras v. Douglas Bustillo et al*, analyzed together with case files, court records and publicly available information, suggests that Berta Cáceres' murder formed part of a pattern in which DESA sought to neutralize, stigmatize, and maliciously prosecute the organization Cáceres' formed part of, COPINH, orchestrated by DESA CEO Castillo, employees under his authority, and fellow executives and directors of DESA.

Information extracted from the phones of Sergio Rodríguez, DESA's Social, Environmental, and Communications Manager, and Douglas Bustillo, former Head of Security for DESA, as well as wiretapped phone conversations, suggest that DESA executives and employees sought to monitor and neutralize Berta Cáceres and COPINH using paid informants. These informants claimed to be members of COPINH but secretly provided DESA with information about the plans and activities of Berta Cáceres and COPINH.<sup>129</sup>

Information from Rodríguez's phone, as well as a phone and documents seized from DESA's offices, suggest that DESA executives, directors, and employees, including CEO Castillo and those under his direct supervision enlisted the support of Honduran security forces and justice operators in this campaign. As detailed below, the evidence suggests they used their contacts with government officials to ensure police and military were deployed to the Agua Zarca Project area, and security forces were often at the disposition of DESA in its efforts to neutralize the opposition to the project. This includes the U.S. trained special police forces unit known as TIGRES.<sup>130</sup> Examples of this include:

- In April 15, 2013, Daniel Atala indicates in a Whatsapp message that DESA directors had contacted high-level government authorities, including the Minister of Security, to get the security forces to '*remove those indians*' but that the Minister of Security had just resigned. He indicated that they had a better relationship with the new Minister of Security.<sup>131</sup> The deployment of security forces to the area had disastrous consequences for the Lenca people who opposed the Agua Zara Project. On July 15, 2013, a soldier stationed at DESA's installations shot and killed Tomas García,<sup>132</sup> a community leader, and injured his son, Allan García, during a protest by community members against the project.<sup>133</sup> Whatsapp messages suggest DESA paid for the soldier's defense lawyer.<sup>134</sup>
- On the evening of October 10, 2015, DESA's Head of Security reported to a DESA Whatsapp group called "*Seguridad*" (Security), that been created by Castillo, that he had 'dispatched' police for the night but that he needed them again early the next morning and requested the others to use 'all their contacts' in the Security Secretariat.<sup>135</sup> On October 11, 2015, a member of the DESA 'Security' Whatsapp group confirmed a meeting with Security Minister Julian Pacheco for the next day.<sup>136</sup> On October 13, 2015, presumably the day after the meeting, DESA's Head of Security indicated that Police Commissioner Hector Ivan Mejía was going to instruct the Santa Barbara Police Chief, Jose Rolando Casco Torres, to deploy police to the area.<sup>137</sup>
- Leading up to COPINH's November 30, 2015 protest against the Agua Zarca Project, DESA's Head of Security again 'coordinated' with the Santa Barbara Police Chief regarding a large ditch dug by DESA on a public road, which made the road impassable and blocked traffic towards the municipality of San Francisco de Ojuera, presumably with the sole purpose of thwarting COPINH's movements.<sup>138</sup>
- On March 3, 2016, the Santa Barbara Police Chief sent the police report about Berta Cáceres' murder to DESA's Head of Security. Two days later, DESA's Head of Security sent a plan to track the movement of COPINH members with three locations for the police to monitor, including what they should monitor at each site, to the Police Chief. The Police Chief reportedly thanked him and sent him a detailed report on the security the police provided to COPINH members following Cáceres' funeral.<sup>139</sup> On another occasion, the Police Chief forwarded DESA information that Peace Brigades International had sent the National Police about their planned movements with COPINH.<sup>140</sup>
- From April 13-15, 2016, two weeks after her murder, a national and international gathering was held in Tegucigalpa to honor Berta Cáceres, with a trip to the Gualcarque River planned for April 15th.<sup>141</sup> On April 14th, a member of DESA's 'Security' Whatsapp chat informed the group that according to an intelligence officer

of the Honduran Armed Forces, 12-15 buses would arrive.<sup>142</sup> Castillo ordered DESA's Head of Security to coordinate with the police to stop the buses at multiple points between Tegucigalpa and the Gualcarque River.<sup>143</sup> The police did so.<sup>144</sup> Another DESA executive forwarded to DESA's 'Security' Whatsapp group messages from police about checkpoint operations as they unfolded.<sup>145</sup> In the area of the Agua Zarca project, DESA's Head of Security reported that 23 FUSINA agents were distributed as he had instructed, accompanied by the police.<sup>146</sup> FUSINA is an interagency task force principally comprised of Military Police for Public Order. DESA also coordinated a group of people to block the path to the project.<sup>147</sup> This group violently attacked the members of COPINH and Honduran and international organizations as they returned to the road from the river. According to eyewitnesses<sup>148</sup>, including international human rights observers, several members of the violent group were inebriated; they attacked those honoring Cáceres with rocks, punches, kicks, sticks, and machetes. Several of those honoring Cáceres were injured while the police watched the attacks unfold; the police did not intervene until after repeated requests by international human rights workers.<sup>149</sup> Sergio Rodríguez reported that the violent group acted 'with the support of the police and their riot gear'.<sup>150</sup>

Information from the phone extractions presented as evidence in *Honduras v. Douglas Bustillo et al* also suggests that a DESA executive exerted influence in the judicial system to criminalize Cáceres. On July 19, 2013, DESA's Chief Financial Officer, Daniel Atala, wrote via Whatsapp, '*Berta aureliano y tomas*' '*three ringleaders*' ... '*I have spent a lot of money and political capital to get those 3 arrest warrants*'.<sup>151</sup> A week later, on July 24, 2013, Honduran prosecutors presented charges<sup>152</sup> against Berta Cáceres, Aureliano Molina, and Tomás Gómez for coercion, usurpation (illegal land occupation/encroachment), and damages against DESA. The judge indicted the COPINH leaders on all 3 charges and an arrest warrant was issued for Cáceres.<sup>153</sup> An appeals court later overturned the decision and dismissed the charges.<sup>154</sup>

Information from phone extractions analyzed in combination with court records suggest witness tampering and possibly improper influence to secure the release of Olvin Gustavo García Mejía<sup>155</sup>, a man referred to by Castillo in a Whatsapp message as their "*best security at the dam site*,"<sup>156</sup> though DESA claims he was not an employee.<sup>157</sup>

When García was arrested on December 27, 2015 and charged with illegal possession of weapons, he was also found to have an outstanding arrest warrant for the homicide of a Río Blanco resident.<sup>158</sup> The day García was arrested, Sergio Rodríguez reported via Whatsapp to Castillo that a lawyer who '*knows the people at the Public Prosecutors Office well will give us accompaniment in the case*' and that Jorge Avila, DESA's Head of Security, would coordinate with her upon his arrival in La Esperanza (where Garcia was detained and where the hearings would occur).<sup>159</sup> The next morning, Avila wrote to Rodríguez via Whatsapp that the murdered man's young son was an eyewitness in the case and sent the name of the child and his mother, indicating it was necessary '*to work the witness*' and that he needed a money transfer.<sup>160</sup> Rodríguez requested the money from Castillo, who instructed him to contact Daniel Atala to arrange the deposit. Castillo also instructed

Rodríguez, *'Talk to the lawyer so that they do not process that boy [referring to Olvin García]... he is our best security at the dam site.'*<sup>161</sup>

Days later, on December 31, 2015, García had an initial hearing in the homicide case during which the son of the victim, the eyewitness, and his mother completely changed their testimony from what they had previously told the authorities.<sup>162</sup> Rodríguez informed Avila when the child and his mother left the court; Avila responded *'they'll need lunch'* and that it was necessary to carefully 'work' the witnesses to avoid them reporting coercion, threats, extortion, or a bribe to avoid their testimony being nullified.<sup>163</sup> Without witness testimony identifying him, the homicide charge against García was provisionally dismissed.<sup>164</sup> The order for pretrial detention in the homicide case was revoked and García was released from jail that same day, December 31, 2015, despite the fact that the order for pretrial detention in the illegal possession of weapons case was not revoked until January 27, 2016.<sup>165</sup>

Information from the phone extractions admitted as evidence in *Honduras v. Douglas Bustillo et al* also suggests efforts to defame, stigmatize and criminalize Cáceres and COPINH. On February 20, 2016, a member of DESA's 'Security' Whatsapp group suggests they *'publish photos of Berta's car, photos of her house, and information about all the luxuries she is permitting herself, even that she has her kids studying in Argentina.'*<sup>166</sup> As members of the DESA 'Security' Whatsapp group discuss what to publish in response to COPINH's February 20, 2016 protest against the Agua Zarca Project, one of them says *'the damages are insignificant'* and another member suggests that if something was broken just a little, they should finish breaking it and take pictures, to which Rodríguez replies *'Copied'*. Further discussion ensues about enlarging or making damages look worse.<sup>167</sup>

In April 2016, a member of DESA's 'Security' Whatsapp chat asks Rodríguez for the *'names of some ringleader from today to put in the complaint in Santa Barbara right now'* to which Rodríguez responds that he couldn't get the names right then so *'put the usual names'* and subsequently sends names of people from La Tejera, Río Blanco, seemingly without regard for if the people had anything to do with whatever they were filing a criminal complaint about.<sup>168</sup>

Even posthumously, Berta Cáceres continues to face stigmatization. For example, a report published by a law firm that represented DESA claims, "Bustillo appears to maintain intimate relations with Berta"<sup>169</sup> when in reality the text messages in question suggest that Bustillo was harassing Cáceres,<sup>170</sup> which she publicly denounced.<sup>171</sup> Lawyers and lobbyists employed by DESA also continue to stigmatize and criminalize COPINH and Indigenous Lenca villagers in Río Blanco, an area impacted by the Agua Zarca hydroelectric project promoted by DESA.<sup>172</sup> This places the communities and COPINH at further risk of violence and false prosecution.<sup>173</sup> Castillo's representatives have attempted to portray Castillo as a victim of political persecution.<sup>174</sup>

## Section 3

### Fraud, Corruption & Links to Drug Trafficking Network

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#### Fraud and Corruption Charges Against Castillo related to DESA's Agua Zarca Project

On March 4, 2019, the Prosecutor's Unit Against the Impunity of Corruption (UFECIC), a unit of the Honduran Public Prosecutor's Office that partners with the Organization of American States' Mission Against Corruption and Impunity in Honduras (MACCIH), charged Roberto David Castillo Mejía with fraud, negotiations that are incompatible with the exercise of public functions, and use of false documents, charges related to the authorization of the contracts and permits for DESA to build and manage the Agua Zarca Hydroelectric Dam.<sup>175</sup> DESA's lawyer, Carolina Castillo Argueta and fourteen other former public officials<sup>176</sup> from the government's National Electricity Company (ENEE) and the Environment and Natural Resources Ministry (SERNA) were also charged with related offenses.<sup>177</sup>

The indictment proceedings in the case, which the MACCIH refers to as, "Fraud on the Gualcarque,"<sup>178</sup> began on March 25, 2019 and lasted two weeks due to the volume of evidence and number of people charged.<sup>179</sup> Prosecutors presented evidence that Castillo worked as a public official for ENEE from January 2008 until early 2012. Castillo worked at the ENEE when, in May 2009, the ENEE applied for a water use permit to construct a hydroelectric project on the Gualcarque River.

At the time, the proposed hydroelectric project was a public project that ENEE planned to build. The same month, on May 20, 2009, DESA was created by two alleged employees of Castillo from the computer company DIGICOM. Before the end of the year, DESA had applied for a water use permit to construct its own hydroelectric project on the Gualcarque River.<sup>180</sup>

Prosecutors allege Castillo acted as the de facto head of DESA since its founding, despite him not formally becoming President of the company until November 2011. Roberto Antonio Abate Ponce and Geovanny Isidro Abate Ponce, who appear in DESA's incorporation documents as the founders, testified during the indictment proceedings that they were employees of Castillo at the computer company DIGICOM, where they worked as a driver and computer technician, respectively.<sup>181</sup> Additionally, one of DESA's lawyers testified that it was Castillo who contracted her on behalf of DESA in 2009 and provided her with the documents to request DESA's environmental permits. Castillo allegedly used proxies to create the company to avoid his name appearing as owner of DESA given the obvious conflict of interest with his job at the ENEE.<sup>182</sup>

During the “Fraud on the Gualcarque” indictment hearing, prosecutors presented evidence that showed that starting in 2003, the ENEE had studied multiple locations on the Gualcarque River and, after years of study, had identified a location that would be a feasible site for a hydroelectric project. They also presented evidence suggesting that Carolina Castillo, who would later become DESA’s lawyer, worked at the ENEE during this period and allegedly would have had knowledge of the studies. Prosecutors allege that Roberto David Castillo Mejía and Carolina Castillo colluded to use information from the ENEE’s studies to develop DESA’s own request to build a hydroelectric project at the same location on the Gualcarque River that the ENEE had requested, in essence illegally benefiting from the years of study by the ENEE. Additionally, prosecutors showed that DESA presented its feasibility study of the Gualcarque River site only 24 hours and 5 minutes after the environmental authorities granted permission to ENEE to undertake a feasibility study, suggesting data may have been taken from ENEE’s study by DESA.<sup>183</sup>

Additionally, prosecutors alleged that one of the documents submitted on behalf of DESA in the permit process was a falsified land purchase document. The lawyer who represented DESA in the permit processes testified that Castillo provided her with the documentation for the permit processes. According to prosecutors, the registration code of the land title does not exist and the person who appears in the document does not exist in the National Registry of Persons.<sup>184</sup> Additionally, prosecutors alleged that the signature of one of the owners of DESA (Castillo’s alleged DIGICOM employee) varies in two of the documents presented, suggesting one may be falsified.<sup>185</sup>

Prosecutors allege that Castillo, in his role as Technical Assistant to the Management of the ENEE, interceded directly in the negotiation of the Power Purchase Agreement (PPA) between the ENEE and DESA in order to benefit his company DESA and defraud the state. They allege Castillo was present at the ENEE Board of Directors meetings which discussed and authorized the DESA-ENEE contract.<sup>186</sup> This PPA sets the price and terms at which DESA would sell energy to the ENEE.

According to prosecutors, the legal counsel of the ENEE sent a memorandum to Castillo in his role as Technical Assistant to the Management of the ENEE, indicating certain elements of the contract should be more favorable to the ENEE. They allege these observations were not fully taken into account, resulting in a contract that benefited DESA to the detriment of the government. Prosecutors further claim that Castillo’s boss signed the contract with DESA despite the fact that DESA was not registered in the state Contractors and Providers Registry and lacked the capital and technical capacity for the project.<sup>187</sup>

When announcing the charges presented in the “Fraud on the Gualcarque” case, the MACCIH voiced concern that corruption in contracting could be a pervasive problem in ENEE, noting, “Given the findings presented today, the Mission suggests that the contracts that are in effect [PPAs] and the laws that regulate them be reviewed, as continuing with this energy policy could produce an imbalance in the market that would bankrupt ENEE, since it is possible that all of the renewable energy contracts are under the same conditions.”<sup>188</sup>

It appears that ENEE PPAs have proliferated over the past decade; as of April 2019, ENEE had signed 209 PPAs, 91 of which are in operation.<sup>189</sup> However, ENEE has not been able

to pay for energy purchased through these contracts, and as of May 2019, ENEE's total debt to energy generators was 9,890.60 million Lempiras,<sup>190</sup> approximately \$405 million USD.<sup>191</sup> In July 2019, the Honduran press reported on loan negotiations and potential loan guarantees from the Inter-American Development Bank (IDB), the Central America Bank for Economic Integration (CABEI), and World Bank, dependent on approval of the Honduran government's Standby Agreement with the International Monetary Fund (IMF) to address the ENEE's extensive debt.<sup>192</sup> The IMF has taken an active role in restructuring ENEE, and on July 15, 2019, Honduras finalized a standby agreement with the IMF that featured further restructuring of ENEE.<sup>193</sup>

Once DESA had the necessary permits in hand and was ready to start building the Agua Zarca Project, Castillo formally became President of DESA. However, prosecutors allege Castillo appears in documents acting on behalf of DESA prior to this, supporting the theory that he acted as the de facto representative of DESA before his name appeared on the Board of Directors.<sup>194</sup> Castillo continued to receive a salary from the ENEE after having been officially made the President of DESA in November 2011,<sup>195</sup> until he was found to have abandoned his position at the ENEE in early 2012.<sup>196</sup>

According to the MACCIH, DESA's environmental permits were approved despite numerous apparent irregularities. In 2011, DESA requested modification of the contracts and environmental license to increase the size of the project to 21 MW, which was later approved despite doubts about whether the Gualcarque River flow was sufficient to produce this level of electricity.<sup>197,198</sup> The MACCIH further contends that this increase in size meant an increase in investment, which would be directly reflected in the price that DESA would receive from the ENEE, essentially enabling DESA to receive more money from the state regardless of the viability of the increase.<sup>199</sup>

On April 12, 2019, a judge ruled to indict Roberto David Castillo Mejía and fifteen others in the 'Fraud on the Gualcarque' case.<sup>200</sup> Castillo's defense lawyers and other parties presented appeals to the ruling.<sup>201</sup> On August 28, 2019, the Criminal Appeals Court with National Jurisdiction in Corruption ruled to affirm the indictment of Castillo on charges of fraud and use of false documents, the former as an accomplice.<sup>202</sup> The Appeals Court revoked the indictment of Castillo on charges of negotiations that are incompatible with the exercise of public functions, indicating that this charge was already encompassed by the fraud charge.<sup>203</sup> The Appeals Court noted "it is clear that the founding partners, Roberto Antonio Abate Ponce and Geovanny Isidro Abate Ponce, were only frontmen, who were used to establish the company, but Castillo had real and material control of the company, at the same time [he was an] ENEE official."<sup>204</sup> All fifteen others continue to face charges, with some variations in specific charges determined by the Appeals Court.<sup>205</sup>

## Links Between PRODERSSA and the Cachiro Drug Trafficking Network

On March 5, 2018, the Honduran Public Prosecutor's Office announced it had arrested several people, executed 58 raids, and seized numerous businesses related to money laundering by the Rivera Maradiaga brothers.<sup>206</sup> The Rivera Maradiaga brothers were the

leaders of the violent *Cachiros* drug trafficking organization; they were targeted by the U.S. Treasury and subsequently cooperated with the U.S. Department of Justice.<sup>207</sup> One of the companies seized by the Honduran authorities for its alleged links to the *Cachiros* was PRODERSSA.<sup>208</sup> To date, the results of the investigation with regards to PRODERSSA have not been made public, however, given the activity by PRODERSSA evidenced in Tegucigalpa Chamber of Commerce & Industry documents, it appears the assets were subsequently unfrozen.<sup>209</sup>

PRODERSSA was founded as a solar energy company by Roberto Arturo Mejía Salgado and the company *Inversiones Agroindustriales del Pacífico S.A. de C.V.* in April 2013. Mejía Salgado's father, Francisco Arturo Mejía, served as the notary that created the legal document founding the company,<sup>210</sup> which is prohibited by Honduran law.<sup>211</sup>

On March 18, 2019, Prosecutor's Unit Against the Impunity of Corruption (UFECIC), with the support of the MACCIH, presented charges against Roberto Arturo Mejía Salgado for domestic bribery and against Francisco Arturo Mejía for domestic bribery and fraud as part of the Patuca III Hydroelectric Project Collusion and Corruption case, accusing them of being part of a corruption network that allegedly defrauded the state of Honduras using the Special Unit for Renewable Energy Projects.<sup>212</sup>

According to UFECIC, they served as frontmen, or proxies, for the Rivera Maradiaga family; prosecutors allege Francisco Arturo Mejía was the lawyer and notary who created businesses for the Rivera Maradiaga family and bought and sold their assets, and that his son, Roberto Arturo Mejía Salgado, was also part of the structure of several of these businesses.<sup>213</sup> For instance, Francisco Arturo Mejía created the notary document for Devis Leonel Rivera Maradiaga and Nohelia Mercedes Pacheco Murillo to create the company Inrimar, which received contracts from the ENEE and another government agency to allegedly launder drug trafficking money.<sup>214</sup>

On January 16, 2014, nine months after PRODERSSA was founded, Roberto Arturo Mejía Salgado signed a contract with the ENEE to sell energy from a solar project in Nacaome, Honduras, a Power Purchase Agreement (PPA).<sup>215</sup> This PPA was signed just twelve days before then president of Honduras Porfirio Lobo Soso left office. Top *Cachiro* leader Devis Leonel Rivera Maradiaga testified before a US court that he made bribes to Lobo in exchange for favorable contracts for the economic benefit of the *Cachiros*.<sup>216</sup> Porfirio Lobo's son, Fabio Lobo, was an associate of the *Cachiros* in their drug trafficking activities. Evidence of these activities led to his conviction and sentencing to 24 years in prison by a U.S. District Judge in the Southern District of New York in September 2017.<sup>217</sup>

On January 29, 2014, Lisandro Flores Alfaro became a shareholder and was named President of the Board and General Manager of PRODERSSA.<sup>218</sup> In July 2014, 99% of the company shares were transferred to Flores Alfaro.<sup>219</sup> Flores Alfaro is married to the stepdaughter of former Honduran President Rafael Callejas, who pled guilty to wire fraud conspiracy and racketeering conspiracy in US courts.<sup>220</sup> One month later, PEMSA (Panama), of which Castillo was President, appears in publicly available documents as the owner of all but one of the shares of PRODERSSA, and Castillo himself is the owner of the remaining share.<sup>221</sup> On August 22, 2014, PEMSA (Panama), represented by Castillo, and Castillo, represented by a person of his choosing, held a shareholder meeting and named

Castillo the President of the Board of PRODERSSA.<sup>222</sup> The shareholder meeting record was notarized by Roberto Pacheco Reyes,<sup>223</sup> who has served as secretary of DESA<sup>224</sup> and PEMSA (Panama).<sup>225</sup> At the point of the transfers, or sales of shares, to Flores Alfaro and subsequently Castillo and PEMSA (Panama), the documents analyzed in this report suggest that PRODERSSA's principal asset appears to have been its Power Purchase Agreement with the ENEE.

On December 23, 2014, PRODERSSA created the trust that gave form to the Agua Fría Solar Project. Castillo, in representation of PRODERSSA and himself, signed an agreement to form the trust placed in fiduciary care of the bank Banco Lafise (Honduras).<sup>226</sup> The trust not only provided a guarantee for investment in the project from Eksportkredit Norge (EK), Inter-American Corporation for Infrastructure Financing (CIFI), Banco LaFise (Panama), and Banco Lafise S.A. (Costa Rica), but also established the framework for the construction and operation of a solar park, and for the administration of funds generated by the sale of energy to ENEE under the oversight of Banco Lafise.<sup>227</sup> SCATEC Solar and KLP Norfund provided a standby credit agreement as an additional investment guarantee. Under the terms of the trust, SCATEC through an Engineering, Procurement and Construction contract (EPC), committed to providing the equipment necessary to outfit the solar park.<sup>228</sup>

Castillo, on behalf of PRODERSSA, agreed to provide PRODERSSA's essential paperwork to the trust, including government contracts and licenses, such as the Operation Agreement with SERNA, the Power Purchase Agreement with ENEE, the agreement for support from the General Procurator of the Republic, and the environmental license with the Secretariat of Natural Resources and Environment (SERNA).<sup>229</sup> Castillo himself contributed the land on which the project would be built to the trust; he personally was the owner of the land.<sup>230</sup> Castillo's real estate consisted of four properties which were included in a mortgage agreement signed between Castillo and Inter-American Corporation for Infrastructure Financing (CIFI) representative Maria Manuela Bueso Corrales on February 3, 2015. The mortgage agreement estimated the four properties to have a total value of approximately L53,750,000 / \$2,340,000 USD, noting the value of the mortgage would increase as improvements were made to the property.<sup>231</sup> The prices listed on the deeds at the time Castillo purchased them, between August and December 2014, appear to have totaled no more than approximately L350,000,000/ \$150,000 USD.<sup>232</sup>

Castillo's company PEMSA (Honduras) signed an Asset Management Agreement and an Operation and Maintenance Agreement with PRODERSSA. During a February 18, 2015 shareholder meeting, PEMSA (Panama) and Castillo increased the capital of the company in order to receive international financing, approved KLP Norfund Investments and SCATEC Solar ASA as shareholders, and modified the structure so that Castillo became the secretary of the Board of Directors.<sup>233</sup> On February 27, 2015, PRODERSSA received an Environmental License for the Nacaome II Solar Project.<sup>234</sup>

Construction began on the project, known as Nacaome II or Agua Fría, in 2015 and it began commercial operations that same year.<sup>235</sup> In June 2016, another Board member of PEMSA (Panama), Luis Alfonso Martin Herrero,<sup>236</sup> was named secretary of the Board of PRODERSSA.<sup>237</sup> In late 2017, Castillo's power of attorney to administer the company was revoked.<sup>238</sup>

On July 18, 2018, while Castillo was in pre-trial detention, he was represented at a company shareholder meeting by Guillermo Mac Beath, who was named secretary of the Board of PRODERSSA.<sup>239</sup> At this meeting a Project Closeout Agreement for the Agua Fría Solar Project was authorized.<sup>240</sup> On January 24, 2019, the Board President authorized the transfer of Castillo's share and PEMSA (Panama)'s shares (the latter form part of the trust to guarantee the loan) to the Norwegian Investment Fund for Developing Countries (NORFUND).<sup>241</sup> On February 28, 2019, Guillermo Mac Beath Fernández, acting as a representative of Castillo, appeared before a notary with representatives of PRODERSSA and Banco Lafise (Honduras) to cede and transfer Castillo's rights in the trust agreement as owner of the property of the project to PRODERSSA in exchange for U.S. \$1.3 million. The trust agreement was modified to indicate these changes; the document referenced the transfer of Castillo's four properties to PRODERSSA.<sup>242</sup> The same day, Castillo's representative resigned from the Board.<sup>243</sup>

## Investigation by Honduras' High Tribunal of Auditors

In June 2007, the Honduran Armed Forces were part of an Intervention Board (*Junta Interventora*) that took over the National Electricity Company (ENEE), purportedly to rescue ENEE from financial problems. Castillo was part of the group of military officers that assumed positions in the ENEE. He was put in charge of the Electrical Dispatch Center in Tegucigalpa.<sup>244</sup> These officers continued to be employed by the Honduran Armed Forces and were not to be paid by the ENEE during this period.<sup>245</sup>

In January 2008, Castillo was formally contracted by the ENEE as the *Coordinador de Control de Gestión* (Management Control Coordinator), becoming an ENEE employee.<sup>246</sup> In September 2009, Honduras' High Tribunal of Auditors (*Tribunal Superior de Cuentas-TSC*) found that Castillo received two concurrent government salaries from January 14, 2008 until May 31, 2009, one from the Armed Forces and the other from ENEE.<sup>247</sup> The TSC reported that in receiving two concurrent public servant salaries, Castillo had violated Article 258 of the Honduran Constitution and found that this caused economic damages of 212,986.68 Lempiras to the Honduran government.<sup>248</sup>

The TSC's report also found that a company owned by Castillo, Digital Communications S.A. (DIGICOM), sold office supplies and computer accessories to the Honduran Armed Forces at inflated prices while Castillo was employed as a Military Intelligence Second Lieutenant by the Armed Forces in 2007 and 2008. This report found that this violated the State Contracting Law, which prohibits state institutions from contracting with companies owned by state officials or employees who could influence or participate in the selection of companies, and that this caused economic damages of 57,582 Lempiras to the Honduran government.<sup>249</sup> Castillo was found by the TSC to have civil responsibility for these actions and was ordered to pay 270,568.67 Lempiras to the government of Honduras.<sup>250</sup>

## Castillo's involvement with Odebrecht while at the ENEE

While Castillo worked at the ENEE, he was part of the commission that negotiated contracts for the hydroelectric projects Los Llanitos y Jicatuyo with the Brazilian company Constructora Norberto Odebrecht.<sup>251</sup> Constructora Norberto Odebrecht is a subsidiary of Odebrecht S.A., which was charged by the U.S. Department of Justice for making and causing to be made “approximately \$439 million in corrupt payments to foreign political parties, foreign officials, and their representatives, in countries outside of Brazil, including Angola, Argentina, Colombia, the Dominican Republic, Ecuador, Guatemala, Mexico, Mozambique, Panama, Peru, and Venezuela, in order to secure an improper advantage to obstruct and retain business for ODEBRECHT in those countries.”<sup>252</sup> According to the charges filed by the Justice Department, Constructora Norberto Odebrecht “housed a unit called the Division of Structured Operations, which ... was created to allow ODEBRECHT to make unrecorded payments, many of which took the form of bribes to government officials in Brazil and abroad.”<sup>253</sup> In December 2016, Odebrecht reached a plea deal with the United States that includes continued cooperation with law enforcement.<sup>254</sup>

In January 2018, the MACCIH announced that it and the Honduran Public Prosecutor's Office were investigating possible bribes from Odebrecht to ex-Honduran officials in order to receive contracts for the Los Llanitos and Jicatuyo Hydroelectric Projects during the administrations of Manuel Zelaya, Roberto Micheletti, and Porfirio Lobo.<sup>255</sup>

Honduran news sources reported in October 2007 that Castillo was one of three people on the ENEE commission that was to negotiate contracts with Constructora Norberto Odebrecht.<sup>256</sup> Subsequently, the press reported that he traveled to Brazil as part of the ENEE commission and that the ENEE authorized contracts for Odebrecht to construct and operate the Los Llanitos and Jicatuyo hydroelectric projects for a 20-year period.<sup>257</sup>

In 2010, Castillo, in his role as Technical Assistant to the Manager of the ENEE, was present in a meeting of the Board of Directors of the ENEE, where modifications to the ENEE contract with Constructora Norberto Odebrecht were approved.<sup>258</sup>

The results of this investigation have yet to be made public.

## Recommendations

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### ***Recommendations for the international community***

The international community must **call on the Honduran government** to protect human rights defenders, fight corruption and impunity, and prevent the participation of state actors in human rights violations by doing the following:

- 1) Take all steps necessary to **protect the important work of indigenous leaders, human rights defenders and environmentalists**, including exhaustive investigation and prosecution of threats, stigmatization, malicious prosecution, violence and actions to generate impunity for violence.
  - Authorities must ensure transparent, thorough, and impartial investigations and judicial proceedings to bring to justice all those responsible for the murder of Berta Cáceres, and investigate the possibility that Castillo and others functioned as part of a criminal structure that carried out not only the murder of Berta Cáceres but also alleged acts of corruption, violence, witness tampering, etc., including acts of corruption suggested by the evidence admitted in *Honduras v. Douglas Bustillo et al.*
  - All cases of attacks against human rights defenders should be seriously investigated and prosecuted.
- 2) Take all necessary measures to **fully prosecute corruption**, especially those acts that result in harm to communities impacted by projects which have obtained licenses, contracts and other authorizations from state agencies.
  - Ensure the prosecution of the “Fraud on the Gualcarque” case proceeds impartially and that authorities continue the lines of investigation that the MACCIH has indicated are still open, with the independence to prosecute those responsible at the highest levels. The circumstances related to the awarding of the Power Purchase Agreement to PRODERSA and all other PPAs by ENEE should be investigated. An independent task force operating under the authorities of MACCIH should develop and propose reforms to control corruption in the energy sector.
  - Open investigations, such as that in relation to the ENEE contract with *Constructora Norberto Odebrecht*, should be carried out with the highest level of professionalism free from undue influence trafficking.
  - Prosecutors should be guaranteed the independence needed to pursue these and similar investigations should the mandate of the MACCIH end next year.
- 3) Fully investigate, prosecute and implement measures to **prevent participation of Honduran state security forces, prosecutors and the judiciary in the violation of human rights**, malicious prosecution, surveillance, and actions to enforce impunity for

violence, threats or stigmatization of human rights defenders, indigenous leaders or environmentalists.

- Honduran prosecutors should investigate information that came to light during the investigation of Berta Cáceres' murder which indicates potential collusion between DESA and state security forces, as well as with prosecutors and judicial authorities to promote malicious prosecution and impunity for acts of violence in the area impacted by the Agua Zarca project.
- Honduran state security forces should review all policies and procedures for engagement with corporations and private security companies with the objective of identifying practices that perpetuate undue influence or corruption.

Additionally, individual nation states should take the following steps to ensure accountability for corruption and human rights violations of both individuals and the state of Honduras:

1. Investigate Roberto David Castillo Mejía and companies he is associated with for violations pursuant to the **application of sanctions**, including those authorized under the Global Magnitsky Act and other applicable laws.
2. Nation states that have **established security and justice cooperation with Honduras should conduct thorough reviews** to identify the potential that support they have provided, including technical capacities acquired through training or equipment, could be used in the targeting of human rights defenders, indigenous leaders and environmentalists.
3. Missions with guidelines for the protection of human rights defenders (HRDs) should **guarantee the adequate and systematic implementation of these guidelines in Honduras**, paying special attention to the protection of persons and communities affected by business projects. To date, the European Union, Norway, the United Kingdom and Switzerland have such guidelines.

### ***Recommendations regarding international development financing***

- 1) Governments should require **export credit agencies and multilateral development banks** in which they have an ownership stake, and financial intermediaries these agencies fund, to **implement measures that better protect communities** in areas where they fund.
  - Restrict finance of projects to areas where the legal system provides local communities with the means to protect and control natural resources they have customarily used, or on which their livelihood or health depend;
  - must require projects they fund to demonstrate that the free, prior and informed consent of indigenous communities impacted by projects has been obtained prior to initiating operations;
  - require companies they finance to publicly disclose their shareholders, including the shareholders of all holding companies invested in the corporation; otherwise, refrain from financing or otherwise supporting companies incorporated in countries whose financial laws provide anonymity to shareholders, and companies of which a significant share is owned by holding companies incorporated in such countries.

- 2) In the event that export credit agencies and multilateral development banks, and financial intermediaries these agencies fund, have **provided credit, investment or other forms of support to corporations that have been credibly implicated in criminal activities**, including corruption and human rights violations, the government(s) that have an ownership stake in the financial institutions involved must ensure that they:
  - Undertake all actions in their power to stop operations that could result in additional harms while the allegations are credibly and fully investigated;
  - obligate companies they finance to suspend operations until they have obtained free, prior and informed consent of Indigenous peoples;
  - provide reparations to those impacted, including assistance in obtaining full investigation and prosecution; and
  - condition future investment in the country to ensure that the legal framework and prosecutorial independence needed to safeguard against human rights abuses, corruption and other criminal activities by its clients exists and is progressively strengthened.
- 3) When international agencies specialized in monitoring and enforcing the respect for human rights and the integrity of judicial systems have expressed **grave concerns about the capacity of the national judicial system to safeguard fundamental rights and protect life** in the country in which the project is implemented, the governments of nations directly or indirectly investing in those countries should:
  - Request International Financial Institutions consider suspending investment in the country until it makes measurable progress in implementing that improve access to justice and due process;
  - provide detailed information to potential investors regarding the probability that the investment they are considering could be implicated in human rights violations, corruption and other crimes;
  - ensure all projects implemented in those countries are designated as high risk projects subject to special safeguards and investigative measures;
  - include provisions in loan contracts that would facilitate relevant independent investigation and arbitration accessible to those impacted; and
  - ensure administrative authorizations by the local government for companies to receive development bank loans require host nations to include commitments to authorizing independent, appropriate technical assistance in criminal investigations requested by victims in support of investigations of alleged crimes, and cooperation in measures related to independent arbitration.
- 4) Member states of the International Monetary Fund should promote **independent reviews of Power Purchase Agreements signed by ENEE since the Intervention Board** in 2007, which:
  - Assess the possibility that corruption may have impacted the terms associated with those agreements;
  - review the social and financial impact of PPA's with terms unusually favorable to contractors on the Honduran economy;
  - describe existing or propose needed audit procedures with a path to suspend and cancel PPAs, including DESA's, when there are significant indications of

corruption in negotiating the contracts, this should include triggers to initiate audits in advance of criminal prosecutions; and

- examine the impact of the policies promoted by IMF technical support missions and standby credit facilities and agreements on limiting or facilitating corruption and the related impact that has had on the respect for human rights and access to justice.

## Endnotes

<sup>1</sup> La Prensa, *Capturan a presunto responsable del asesinato de la ambientalista Berta Cáceres (March 3, 2018)*, accessed August 27, 2019 at [https://www.prensa.com/mundo/Capturan-responsable-ambientalista-Berta-Caceres\\_0\\_4976502302.html](https://www.prensa.com/mundo/Capturan-responsable-ambientalista-Berta-Caceres_0_4976502302.html); West Point Association of Graduates, *Find a West Point Grad*, accessed August 27, 2019 at <https://www.westpointaog.org/page.aspx?pid=3390&reid=7Fs7loo09PnYnGrO2SQnLA%3d%3d&bbsys=0&bbrt=0>

<sup>2</sup> Informe N° 066/2009-DCSD, de la denuncia N° 0801-08-034 verificada en la Empresa Nacional de Energía Eléctrica (ENEE) y las fuerzas armadas de Honduras, de la ciudad de Tegucigalpa, Distrito Central (September 2009), accessed July and August 2019 at <https://www.tsc.gob.hn/web/Denuncia%20Ciudadana/2009/066-2009-DCSD.pdf>

<sup>3</sup> Redacción Proceso Digital, *Gobierno Militariza la ENEE* (June 4th 2007). [http://www.procesodigital.hn/2007/06/04\\_enee.php](http://www.procesodigital.hn/2007/06/04_enee.php)

<sup>4</sup> Informe N° 066/2009-DCSD, de la denuncia N° 0801-08-034 verificada en la Empresa Nacional de Energía Eléctrica (ENEE) y las fuerzas armadas de Honduras, de la ciudad de Tegucigalpa, Distrito Central (September 2009), pg. 4 <https://www.tsc.gob.hn/web/Denuncia%20Ciudadana/2009/066-2009-DCSD.pdf>

<sup>5</sup> Observation of the indictment proceedings (*audiencia inicial*) in the ‘Fraud on the Gualcarque case’, identified as case 2-2019 of the Criminal Court with National Jurisdiction in matters of Corruption, March - April 2019. According to information presented by the Honduran Prosecutors Unit Against Corruption and Impunity during the indictment proceedings, Castillo was declared to have abandoned his position with the ENEE in March 2012 as he had been absent for months without communicating why. They alleged he received payment from the ENEE in both January and February 2012.

<sup>6</sup> Much of the subsequent information is based on publicly available information from the Tegucigalpa Chamber of Commerce and Industry website, which provides an online registry of company documents. To access the documents referred to in footnotes that reference the Tegucigalpa Chamber of Commerce and Industry, visit their registry search page, accessed from June 14- August 13 9, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx>, and enter the company’s matriculation number in the ‘Número de Matrícula’ search field and press the ‘Ir’ button on the right. This will provide a listing of documents for a given company. Occasionally the system returns an error message saying no documents are available; if this occurs, simply try again. One can open each document by locating the corresponding volume (‘Tomo’) and entry (‘Inscripción’) numbers and clicking on the entry number in the column titled ‘Inscripción’. The page numbers referred to in the footnotes of this report refer to the page numbers in the online system.

<sup>7</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry. Matriculation number 58527, Volume 613, Entry 00000054. Accessed July 4, 2019 at: <http://190.5.103.114/consultaremota/imagenes.aspx?libro=01&tomo=613&registro=00000054>

<sup>8</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry. Matriculation number 68050, Volume 644, Entry 00000035. Accessed July 4, 2019 at: <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=644&registro=00000035>

<sup>9</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry. Matriculation number 68050, volume 709, entry 00000008. Accessed July 4, 2019 at: <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=709&registro=00000008>

<sup>10</sup> Jorge Corea Lobo and Felix Alvarenga were also named President and Secretary of DESA, respectively, in June 2010, which is during the time that Honduran prosecutors allege Castillo was the de facto representative of DESA but did not appear on the Board of Directors, presumably given the conflict of interest with his position in the ENEE. The naming of Corea Lobo and Alvarenga to DESA’s Board of Directors appears in the minutes of the June 22, 2010 DESA Shareholder Meeting, available from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2509060, volume 999, entry number 00006337, accessed July 8, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00006337>

<sup>11</sup> Informe N° 066/2009-DCSD, de la denuncia N° 0801-08-034 verificada en la Empresa Nacional de Energía Eléctrica (ENEE) y las fuerzas armadas de Honduras, de la ciudad de Tegucigalpa, Distrito Central (September 2009). Accessed July and August 2019 at <https://www.tsc.gob.hn/web/Denuncia%20Ciudadana/2009/066-2009-DCSD.pdf>

<sup>12</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 68050, volume 999, entry 00023129. Accessed July 4, 2019 at: <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00023129>

<sup>13</sup> Observation of the indictment proceedings (*audiencia inicial*) of the ‘Fraud on the Gualcarque’ case, March - April 2019 and DESA’s incorporation document, which is publicly available from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2509060, volume 999, entry 00002856, accessed July 8, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00002856>). According to DESA’s incorporation document, it was founded by Roberto Antonio Abate Ponce and Geovanny Isidro Abate Ponce, who both testified during the indictment proceedings in the ‘Fraud on the Gualcarque’ case (see details in section III of this dossier) that they had been employees of Castillo at DIGICOM. It was not clear if they were current or former DIGICOM employees at the time of DESA’s founding.

<sup>14</sup> MACCIH, OEA, Comunicado MCH-004/19, *MACCIH-OEA y UFEVIC-MP presentan noveno caso de investigación penal integrada: “Fraude sobre el Gualcarque.”* (March 4th 2019), pg. 2-3, accesible at <http://www.oas.org/es/sap/dsdme/maccih/new/docs/MCH-004.MACCIH-OEA-y-UFEVIC-MP-presentan-noveno-caso-de-investigacion-penal-integrada-Fraude-sobre-elGualcarque.pdf?sCodigo=MCH-004/19>, and observation of the indictment proceedings (*audiencia inicial*) of the ‘Fraud on the Gualcarque’ case in March-April 2019.

<sup>15</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2509060, volume 999, entry 00011430. Accessed July 8, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00011430>

<sup>16</sup> Ministerio Público, Gobierno de Honduras, *ATIC captura a Presidente Ejecutivo de la Empresa Desarrollos Energéticos (DESA) por asesinato de Berta Cáceres.* (March 2nd 2018) Accessible at <https://www.mp.hn/index.php/author-login/70-mar-2018/2672-atic-captura-a-presidente-ejecutivo-de-la-empresa-desarrollos-energeticos-des-a-por-asesinato-de-bera-caceres>

<sup>17</sup> As of August 25, 2019, the most recent document listed under DESA’s matriculation number on the Tegucigalpa Chamber of Commerce and Industry website is the document identified by matriculation number 2509060, volume 999, entry 00037337, from November 2016, in which Castillo continues as the President of the Board of Directors. Matriculation number 2509060, volume 999, entry 00037337. There are no subsequent documents that would indicate a change in the Board of Directors.

<sup>18</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2509060, volume 999, entry 00009975, pg. 8-9. Accessed July 8, 2019 at: <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00009975>

<sup>19</sup> The composition of shareholders does not appear in documents accessed at the Public Registry of Panama website for the company Potencia y Energía de Mesoamérica S.A, identified by number 719303. To search for documents in the Public Registry of Panama, one must create an account and then search documents at <https://www.rp.gob.pa/InformacionRegistral/BusquedaFolios.aspx>. Scroll down to the Mercantil section, and type the full name of the company in the box titled ‘Nombre’ and select the ‘Buscar’ button.

<sup>20</sup> Publicly available information from the Public Registry of Panama for the company Potencia y Energía de Mesoamérica S.A, identified by company number 719303, entry 166118 for the year 2012, which contains the minutes from a shareholder meeting on July 2, 2012 at which Roberto David Castillo Mejía is named President and a Director of the company.

<sup>21</sup> Publicly available information from the Public Registry of Panama for the company Potencia y Energía de Mesoamérica S.A, company number 719303, entry 111138 in 2019.

<sup>22</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2509060, volume 999, entry 00011430, pg. 7-11. Accessed July 8, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00011430>

<sup>23</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 00011816, volume 999, entry 00020982. Accessed July 14, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00020982>

<sup>24</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2509060, volume 999, entry 00022420. Accessed July 14, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00022420>

<sup>25</sup> Publicly available information from the Public Registry of Panama for the company Potencia y Energía de Mesoamérica S.A, company number 719303, entry 96611 in 2016.

<sup>26</sup> LinkedIn, *Luis Alfonso Martin.* <https://es.linkedin.com/in/lualmartin> Accessed July 14, 2019.

<sup>27</sup> The Guarantee and Administration Trust agreement (Fideicomiso de Garantía y Administración) between DESA, BCIE (CABEI’s acronym in Spanish), and others was signed in April 2014 according to publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2509060, volume 999, entry 00022420.

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According to a LinkedIn profile for Luis Alfonso Martin, <https://es.linkedin.com/in/lualmartin>, he worked at BCIE from September 2012-September 2014.

<sup>28</sup> In February 2015, Castillo asked Daniel Atala, DESA's Financial Manager via Whatsapp how much money was left of the loan from Ficohsa, of 8 million, and Daniel Atala informs him 1.4. The chat does not specify the currency. In a separate Whatsapp conversation, Daniel Atala refers to a bridge loan from Ficensa and DESA's lawyer informs him how much was spent. These conversations are recorded in Chat-571.txt and Chat-32.txt of the phone extraction identified as Dictamen DETECI-EX-0801-2016-00161, incorporated in case 3-88-2017 of the National Jurisdiction Sentencing Court and admitted as evidence in the trial against Douglas Bustillo et al for the murder of Berta Cáceres. In a wiretapped conversation with a member of DESA's Board in April 2016, Castillo refers to a delay of one year costing 3 million annual interest costs to the financiers plus 500,000 to Ficohsa Bank plus the annual operating costs; this conversation is from the wiretaps carried out by Honduras' National Directorate of Investigation and Intelligence that were incorporated into case 3-88-2017 of the National Jurisdiction Sentencing Court and admitted as evidence in the trial against Douglas Bustillo et al for the murder of Berta Cáceres.

<sup>29</sup>Business Wire, *FICOHSA Denies Links with DESA or the Agua Zarca Project*. (March 6th 2019). Accessible at <https://www.businesswire.com/news/home/20190306005625/en/FICOHSA-Denies-Links-DESA-Agua-Zarca-Project>

<sup>30</sup>International Finance Corporation, World Bank Group, *CAO Audit of IFC Investments in Banco Financiera Comercial Hondureña S.A. (Ficohsa)* (August 11, 2014). Accessible at [https://www.ifc.org/wps/wcm/connect/region\\_ext\\_content/ifc\\_external\\_corporate\\_site/latin+america+and+the+caribbean/factsheet\\_ficohsa](https://www.ifc.org/wps/wcm/connect/region_ext_content/ifc_external_corporate_site/latin+america+and+the+caribbean/factsheet_ficohsa)

<sup>31</sup>Radio America, *Hidroeléctrica Agua Zarca y USAID firman convenio de apoyo a productores de Santa Bárbara e Intibucá*. December 2015), accessed August 23, 2019 at <http://www.radioamerica.hn/hidroelectrica-agua-zarca-y-usaid-firman-convenio-de-apoyo-a-productores-de-santa-barbara-e-intibuca/>

<sup>32</sup>Jimenez, Gloria, Counterpunch, *In Honduras, USAID was in bed with Berta Cáceres' Accused Killers* (May 27, 2016). Accessed August 23, 2019 at <https://www.counterpunch.org/2016/05/27/in-honduras-usaid-was-in-bed-with-berta-caceres-accused-killers/>

<sup>33</sup>Publicly available information from the Public Registry of Panama for the company Potencia y Energía de Mesoamérica S.A, identified by company number 719303; the document with the social pact creating the company is found under entry number 206617 in the year 2010. Both subscribers of the company and all three directors have the same address as Panama Offshore Legal Services, which is identified as the resident agent of the company.

<sup>34</sup>Panama Offshore Legal Services, *Entity Order Form*. Accessed July 7, 2019 at <http://www.panama-offshore-services.com/forms/POLS-Entity-Order-Form-1.3.pdf>

<sup>35</sup>Gerasimo Samudio and Antonia Ojo, both identified as directors of PEMSA in its founding social pact are two of the three nominee directors that Panama Offshore Legal Services offers in their order form available accessed July 7, 2019 at <http://www.panama-offshore-services.com/forms/POLS-Entity-Order-Form-1.3.pdf>. The third director identified in PEMSA's social pact, Luis Carlos Rosas Hernandez, appears in other corporations incorporated by Panama Offshore Legal Services in 2010, such as Milkin Inc, company number 720639, entry number 215549 and Samaz Group Inc, company number 712917, entry number 163628.

<sup>36</sup>Publicly available information from the Public Registry of Panama for the company Potencia y Energía de Mesoamérica S.A, company number 719303. The document registered with entry number 166118 of the year 2012 contains the minutes from the July 2, 2012 Shareholder Meeting at which Roberto David Castillo Mejía is named President and Director of the company.

<sup>37</sup>Publicly available information from the Public Registry of Panama for the company Potencia y Energía de Mesoamérica S.A, company number 719303. Reference to the September 2012 power of attorney is contained in entry 48997 in 2019.

<sup>38</sup>According to a document submitted to the National Jurisdiction Sentencing Court by PEMSA (Honduras)'s General Manager, PEMSA (Panama) signed an Asset Management Agreement with DESA in April 2014. Pages 8244-8245 of case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>39</sup>Publicly available information from the Public Registry of Panama for the company Potencia y Energía de Mesoamérica S.A, company number 719303. The document registered with entry number 111138 in 2019 contains the minutes from a March 18, 2019 shareholder meeting presided by Castillo in Tamara, Honduras. Honduran news reported Castillo was to be held in pre-trial detention in the National Penitentiary Center of Tamara: <https://tiempo.hn/formal-procesamiento-roberto-david-castillo-berta-caceres/> During this March 18, 2019 shareholder meeting presided by Castillo, Elma Dinorah Mejía Rivera is named President and a director of the company; Dinorah Mejía is identified as Castillo's mother in this news article: <https://tiempo.hn/mensaje-de-madre-roberto-david-castillo/>.

<sup>40</sup> Mac Beath's role as Castillo's representative is established in Tegucigalpa Chamber of Commerce & Industry records for the company PRODERSSA, matriculation number 2530904, volume 999, entry number 53136, pages 2 and 20, accessed July 8, 2019 <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00053136>. In this document, Mac Beath appeared before a notary in his capacity as Castillo's representative and the notary certifies he saw the document in which Castillo gave power of representation to Mac Beath.

<sup>41</sup> Publicly available documents from the Public Registry of Panama for the company Potencia y Energía de Mesoamérica S.A., company number 719303, entry number 111138 in 2019, which contains the minutes from a March 18, 2019 shareholder meeting presided by Castillo, during which Guillermo Mac Beath Fernández was named Secretary and a director of the company.

<sup>42</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2545699, volume 999, entry 00029219. Accessed July 9, 2019 at:

<http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00029219>

<sup>43</sup> Mac Beath's role as Castillo's representative is established in Tegucigalpa Chamber of Commerce & Industry records for the company PRODERSSA, matriculation number 2530904, volume 999, entry number 53136, accessed July 8, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00053136>.

<sup>44</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2545699, volume 999, entry 00046059, Accessed July 14, 2019 at:

<http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00046059>

<sup>45</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2545699, volume 999, entry 00051994. Accessed July 14, 2019 at:

<http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00051994> This document contains the minutes from a November 2018 shareholder meeting that identifies Castillo and Tanya Josephina Romero Baca as the only shareholders. Tanya Romero Baca is identified as Castillo's wife here (accessed August 8, 2019):

<https://www.care2.com/find/site?q=David%20Castillo&r=petitions&start=1/>

<sup>46</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2545699, volume 999, entry 00051994. Accessed July 14, 2019 at:

<http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00051994> This document contains the minutes from a November 2018 shareholder meeting in which the rescission of these agreements is approved pending PEMSA (Panama)'s sale of shares in PRODERSSA.

<sup>47</sup> According to a document submitted to the National Jurisdiction Sentencing Court by PEMSA (Honduras)'s General Manager, PEMSA (Honduras) paid the salary of Sergio Rodríguez from September 1, 2015 to May 30, 2016 for him to administer DESA's social and environmental system. Page 8244-8245 of case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>48</sup> LinkedIn, *PEMSA C.V.: About*. Accessed at <https://www.linkedin.com/company/pemsa-s.a.-de-c.v./about/>.

<sup>49</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2509713, volume 999, entry 00003130, accessed August 23, 2019 at

<http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00003130>

<sup>50</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2509060, volume 999, entry 00002856, accessed July 8, 2019 at

<http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00002856>

<sup>51</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2509713, volume 999, entry 00003130, accessed August 23, 2019 at

<http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00003130>

<sup>52</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2509713, volume 999, entry 00003130, accessed August 23, 2019 at

<http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00003130> See especially pages 3 and 17.

<sup>53</sup> As of August 23, 2019, a search of the Tegucigalpa Chamber of Commerce and Industry website, <http://190.5.103.114/consultaremota/imagenes.aspx>, for documents associated CONCASA's matriculation number, 2509713, returns two documents: the founding document (volume 999, entry 00003130) and a subsequent document (volume 999, entry 00031662), which does not change the composition of the shareholders or Board of the company. No documents are found that indicate a subsequent change in the Board of Directors or shareholders.

- <sup>54</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2509713, volume 999, entry 00031662, accessed August 23, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00031662>
- <sup>55</sup> Document signed by Daniel Eduardo Atala Midence, which identifies him as *Gerente Financiero* (equivalent of Chief Financial Officer) of DESA, admitted as evidence in *Honduras v. Douglas Bustillo et al.*, page 5695 of case file 3-88-2017 of the National Jurisdiction Sentencing Court.
- <sup>56</sup> Observation of expert witness testimony by Wendy Maldonado Hernández, who presented her expert witness report which analyzed financial records related to the accused on November 6-7, 2018 during the trial *Honduras v. Douglas Bustillo et al.*
- <sup>57</sup> Appendix II of case file 3-88-2017 of the National Jurisdiction Sentencing Court of Honduras.
- <sup>58</sup> Appendix II of case file 3-88-2017 of the National Jurisdiction Sentencing Court of Honduras.
- <sup>59</sup> Appendix II of case file 3-88-2017 of the National Jurisdiction Sentencing Court of Honduras.
- <sup>60</sup> Chat-149.txt of Dictamen DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court, and the declaration of Sergio Rodriguez during the initial hearing (*audiencia inicial*) of the case *Honduras v. Douglas Bustillo et al.*, the record of which is found in pages 730-738 of case file 3-88-2017 of the National Jurisdiction Sentencing Court of Honduras.
- <sup>61</sup> Observation of expert witness testimony by Wendy Maldonado Hernández on November 6-7, 2018 during the trial *Honduras v. Douglas Bustillo et al.*
- <sup>62</sup> The great majority of Honduras's 18 business registries located throughout the country are not online, one must physically go visit them. The website [empresasabiertas.com](https://empresasabiertas.com) includes a searchable online registry that enables one to find the matriculation number of some companies registered in Tegucigalpa and San Pedro Sula; however, it does not contain all companies in these 2 registries. For more information, see <https://empresasabiertas.com/faq.html>
- <sup>63</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry. Matriculation number 2530904, Volume 999, Entry 00024155, accessed July 2019 at <http://190.5.103.114/RTIntegra/visualizacionDocumento.aspx?Aplicacion=1&Documento=205648>
- <sup>64</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry. Matriculation number 2530904, Volume 999, Entry 00024155, accessed July 2019 at <http://190.5.103.114/RTIntegra/visualizacionDocumento.aspx?Aplicacion=1&Documento=205648>
- <sup>65</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2530904, Volume 999, Entry 00026537, accessed July 2019 at <http://190.5.103.114/RTIntegra/visualizacionDocumento.aspx?Aplicacion=1&Documento=210364>
- <sup>66</sup> Mortgage document dated February 3, 2015 between Castillo and CIFI, registered as entry number 36 of volume 587 of the Registry Book of Property, Mortgages, and Previous Annotations at the Property and Business Registry of Nacaome, Valle, Honduras. See also BN Americas, *CIFI cierra financiamiento para proyecto solar en Honduras* (February 11, 2015). Accessible at <https://www.bnamericas.com/es/noticias/energiayelectrica/cifi-cierra-financiamiento-para-proyecto-solar-en-honduras?idioma=es>
- <sup>67</sup> IFC Project Information Portal, International Finance Corporation, World Bank Group. *Disclosure - CIFI*. Accessible at <https://disclosures.ifc.org/#/projectDetail/SPI/26031>
- <sup>68</sup> IFC Project Information Portal, International Finance Corporation, World Bank Group. *Disclosure - CIFI*. Accessible at <https://disclosures.ifc.org/#/projectDetail/SPI/26031> and Mortgage agreement signed February 3, 2015 between Castillo and CIFI, registered as entry number 36 of volume 587 of the Registry Book of Property, Mortgages, and Previous Annotations of the Property and Business Registry of Nacaome, Valle, Honduras.
- <sup>69</sup> Banco LaFise (Costa Rica) and Banco LaFise (Panama) are referred to as creditors together with CIFI in the Mortgage Agreement between Castillo and CIFI, registered as entry number 36 of volume 587 of the Registry Book of Property, Mortgages, and Previous Annotations of the Property and Business Registry of Nacaome, Valle, Honduras. and the document registered with the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2530904, Volume 999, Entry 00047884.
- <sup>70</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry. Matriculation number 2530904, Volume 999, Entry 00034664, pages 1-3, accessed August 13, 2019 at <http://190.5.103.114/RTIntegra/visualizacionDocumento.aspx?Aplicacion=1&Documento=227239>
- <sup>71</sup> Luis Alfonso Martin Herrero was named to the Board of Directors of PEMSA (Panama) in February 2016, according to publicly available information from the Public Registry of Panama for the company Potencia y Energía de Mesoamérica S.A, company number 719303, entry 96611 in 2016.

<sup>72</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2530904, Volume 999, Entry 00047884, pages 2-5, accessed August 13, 2019 at <http://190.5.103.114/RTIntegra/visualizacionDocumento.aspx?Aplicacion=1&Documento=252291>

<sup>73</sup> The Honduran Public Ministry applied a “medida de aseguramiento” which is essentially the equivalent of asset seizure or freezing.

<sup>74</sup> Ministerio Público de Honduras. *Operación Apolo. MP ejecuta capturas y 58 aseguramientos de bienes a personas vinculadas a los hermanos Riviera Maradiaga* (March 5th, 2018). Accessible at <https://www.mp.hn/images/e8273d29-726e-4032-b857-8166db1ebf2a.jpg>

<sup>75</sup> According to publicly available information from the Tegucigalpa Chamber of Commerce & Industry, PRODERSA’s Board of Directors authorized the transfer of company shares from PEMSA (Panama) and Castillo to Norfund in 2019, suggesting that the company’s assets were no longer frozen. Tegucigalpa Chamber of Commerce & Industry, matriculation number 2530904, Volume 999, Entry 00051277. Accessible at <http://190.5.103.114/RTIntegra/visualizacionDocumento.aspx?Aplicacion=1&Documento=257855>

<sup>76</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry. Matriculation number 2530904, Volume 999, Entry 00051277. Accessed August 25, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00051277>

<sup>77</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry. Matriculation number 2530904, Volume 999, Entry 00053136. Accessed August 25, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00053136>

<sup>78</sup> Publicly available information from the Public Registry of Panama for the company Mithril Capital Inc., company number 155586469.

<sup>79</sup> The composition of shareholders did not appear in the documents accessed on the Public Registry of Panama’s website for Mithril Capital Inc, company number 155586469.

<sup>80</sup> Publicly available information from the Chamber of Commerce and Industry of Cortes website accessed July 14, 2019 using the search page [https://www.ccichonduras.org/website/app/consulta-registro-mercantil/Consulta\\_de\\_empresas.htm](https://www.ccichonduras.org/website/app/consulta-registro-mercantil/Consulta_de_empresas.htm) To find this entry, select the regional office (“Circunscripción Registral”) FG- Cortes / San Pedro and search for matriculation number 0000073118-00000. Tanya Romero Baca is identified as Castillo’s wife here (accessed August 8, 2019): <https://www.care2.com/find/site?q=David%20Castillo&r=petitions&start=1/>

<sup>81</sup> Ministerio Público, República de Honduras, *Operación “Jaguar”. ATIC captura a Presidente Ejecutivo de la Empresa Desarrollos Energéticos (DESA) por asesinato de Berta Cáceres* (March 2nd, 2018). Accessible at <https://www.mp.hn/index.php/author-login/70-mar-2018/2672-atic-captura-a-presidente-ejecutivo-de-la-empresa-desarrollos-energeticos-desa-por-asesinato-de-bertha-caceres>

<sup>82</sup> United Nations Special Rapporteur on the Rights of Indigenous Peoples Victoria Tauli-Corpuz visited Honduras in November 2015 and in the visit report published in July 2016 examined the Agua Zarca case at length, noting “even though the company and investors mention that there were signed agreements that express the local communities’ consent, it must be emphasized that these agreements were strongly questioned and they were signed after formal approval of the project by the State through the aforementioned legislative act. This means that commitments between the company and the Government already existed independently of these agreements.” Victoria Tauli-Corpuz, *Report of the Special Rapporteur on the rights of indigenous peoples. Addendum: The Situation of Indigenous Peoples in Honduras* (July 21st, 2016). Accessible at <http://unsr.vtaulicorpuz.org/site/index.php/en/documents/country-reports/148-report-honduras>

<sup>83</sup> FMO (Netherlands Development Finance Institution), *FMO and Finnfund finalize Exit Agua Zarca*. (July 6th, 2017). Accessible at <https://www.fmo.nl/agua-zarca>

<sup>84</sup> Douglas Geovanny Bustillo, Mariano Díaz Chavez, Edilson Atilio Duarte Meza, Emerson Duarte Meza, and Sergio Ramón Rodríguez Orellana were arrested in May 2016. Elvin Rapalo Orellana was arrested in September 2016; Henry Javier Hernández Rodríguez in January 2017; and Oscar Aroldo Torres Velasquez in February 2017. All were charged with the murder of Berta Cáceres and attempted murder of Protected Witness ABC-03-03-2016. Case file 3-88-2017 of the National Jurisdiction Sentencing Court of Honduras.

<sup>85</sup> Danielle Mackey, The Intercept, *An Interview with Gustavo Castro, Sole Witness to the Assassination of Berta Cáceres* (April 18th, 2016). Available at <https://theintercept.com/2016/04/18/an-interview-with-gustavo-castro-sole-witness-of-the-murder-of-bertha-caceres/>

<sup>86</sup> Ministerio Público, República de Honduras. *Ministerio Público logra primer condena en el caso de la líder ambientalista Berta Cáceres* (November 29th, 2018). Accessible at <https://www.mp.hn/index.php/author-login/115-noviembre-2018/3686-ministerio-publico-logra-primera-condena-en-el-caso-de-la-lider-ambientalista-bertha-caceres>

<sup>87</sup> Douglas Bustillo, Mariano Díaz Chavez, Edilson Duarte Meza, Sergio Rodríguez Orellana, Elvin Rapalo Orellana, Henry Hernández Rodríguez, and Oscar Aroldo Torres Velasquez were found guilty of the murder of Berta Cáceres. A written sentence has yet to be provided by the court. Published on Twitter by the Judicial Branch of Honduras, November 29th, 2018. Available at <https://twitter.com/pjdehonduras/status/1068290471502462976>

<sup>88</sup> Edilson Duarte Meza, Elvin Rapalo Orellana, Henry Hernández Rodríguez, and Oscar Aroldo Torres Velasquez were found guilty of the attempted murder of the Protected Witness. Published on Twitter by the Judicial Branch of Honduras, November 29th, 2018. Available at <https://twitter.com/pjdehonduras/status/1068290471502462976>

<sup>89</sup> Expert witness testimony of Brenda Barahona during Honduras v. Douglas Bustillo et al and her written expert witness report, titled ANALISIS-DIVINV-DNII-No. 0004-2016 and contained in volume 16 of case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>90</sup> Observation of expert witness testimony of Brenda Barahona and testimony of government investigator Jesus Perdomo during Honduras v. Douglas Bustillo et al and the oral verdict of the National Jurisdiction Sentencing Court in the same case. The transcription of the oral verdict by the Observer Mission of the Berta Cáceres case is available at [https://docs.wixstatic.com/ugd/a05779\\_a6d97597a74d46f6a3e01190c0361bf2.pdf](https://docs.wixstatic.com/ugd/a05779_a6d97597a74d46f6a3e01190c0361bf2.pdf) and the court's transmission of the oral verdict is available at <https://www.facebook.com/PJdeHonduras/videos/2177640298926824/>

<sup>91</sup> Oral verdict of the National Jurisdiction Sentencing Court in Honduras v. Douglas Bustillo et al, available at [https://docs.wixstatic.com/ugd/a05779\\_a6d97597a74d46f6a3e01190c0361bf2.pdf](https://docs.wixstatic.com/ugd/a05779_a6d97597a74d46f6a3e01190c0361bf2.pdf), and phone company records, wiretapped phone conversations, and intervention of text messages admitted as evidence in Honduras v. Douglas Bustillo et al, contained in case file 3-88-2017 of the National Jurisdiction Sentencing Court. This information was analyzed by expert witness Brenda Barahona during her testimony and in her written report, ANALISIS-DIVINV-DNII-No. 0004-2016, volume 16 of case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>92</sup> Military record for Douglas Geovanny Bustillo, pages 991-1004 of case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>93</sup> Telephone company records show a pattern of communication between Hernández and Bustillo. Communication between Hernández and Bustillo is also referenced in wiretapped phone conversations and intervened text messages admitted as evidence in Honduras v. Douglas Bustillo et al, contained in case file 3-88-2017 of the National Jurisdiction Sentencing Court. This information was analyzed by expert witness Brenda Barahona during her testimony and in her written report, ANALISIS-DIVINV-DNII-No. 0004-2016, volume 16 of case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>94</sup> Oral verdict of the National Jurisdiction Sentencing Court in Honduras v. Douglas Bustillo et al, available at [https://docs.wixstatic.com/ugd/a05779\\_a6d97597a74d46f6a3e01190c0361bf2.pdf](https://docs.wixstatic.com/ugd/a05779_a6d97597a74d46f6a3e01190c0361bf2.pdf), and page 5695 of case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>95</sup> Phone company records, wiretapped phone conversations, and intervention of text messages admitted as evidence in Honduras v. Douglas Bustillo et al, contained in case file 3-88-2017, analyzed by expert witness Brenda Barahona in her report, ANALISIS-DIVINV-DNII-No. 0004-2016, volume 16 of case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>96</sup> Military records for Douglas Geovanny Bustillo, pages 991-1004, and for Mariano Díaz Chávez, pages 1004-1023 show they both began their military careers in the First Battalion of Communications in 1998 and 1999, and they both were trained at the School of the Americas in Ft. Benning, Georgia in November 1997. They both also took a course in military intelligence in December 1997.

<sup>97</sup> Nina Lakhani, The Guardian, *Berta Cáceres court papers show murder suspects' links to US-trained elite troops* (February 18th, 2017). Available at <https://www.theguardian.com/world/2017/feb/28/bertha-caceres-honduras-military-intelligence-us-trained-special-forces>

<sup>98</sup> Expert witness testimony during Honduras v. Douglas Bustillo et al by government expert Brenda Barahona and her corresponding written report, ANALISIS-DIVINV-DNII-No. 0004-2016, volume 16 of case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>99</sup> Expert witness preliminary report by Brenda Barahona, pages 871-940 of case file 3-88-2017 of the National Jurisdiction Sentencing Court, and corresponding testimony in the indictment proceedings (*audiencia inicial*).

<sup>100</sup> Associated Press, *Arrestan a presuntos asesinos de Berta Cáceres*, (May 2nd, 2016). Available at <https://www.chicagotribune.com/hoy/ct-hoy-8611934-arrestan-a-presuntos-asesinos-de-bertha-caceres-story.html>

<sup>101</sup> Phone company records, including call and text message logs for the phone number used by Douglas Bustillo, admitted as evidence in Honduras v. Douglas Bustillo et al and analyzed by expert witness Brenda Barahona in her report ANALISIS-DIVINV-DNII-No. 0004-2016, all part of case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>102</sup> Video interview with Berta Cáceres by Dick Emanuelsson, accessed July 12, 2019 at [https://youtu.be/Yiu\\_G9gdQ4g](https://youtu.be/Yiu_G9gdQ4g)

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<sup>103</sup> <https://copinh.org/2018/11/laura-zuniga-caceres/>

<sup>104</sup> Search report (*acta de allanamiento*) of DESA's offices on May 2, 2016 and Phone Extraction Report Dictamen DETECI-EX-0801-2016-00161, both admitted as evidence in *Honduras v. Douglas Bustillo et al* and part of case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>105</sup> Search report (*acta de allanamiento*) of the home of Douglas Bustillo on May 2, 2016, Confiscation Record (*Acta de Decomiso o Secuestro*) of a phone from Lesly Zambrano on May 2, 2016, and Phone Extraction Report DETECI-EX-0801-2016-00166, all admitted as evidence in *Honduras v. Douglas Bustillo et al* and incorporated in case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>106</sup> Confiscation Record (*Acta de Decomiso o Secuestro*) of a cellular phone from Sergio Rodríguez on May 2, 2016, page 1197 of case file 3-88-2017 of the National Jurisdiction Sentencing Court, admitted as evidence in *Honduras v. Douglas Bustillo et al*.

<sup>107</sup> Phone Extraction Report Dictamen DETECI-EX-0801-2016-00167, admitted as evidence in *Honduras v. Douglas Bustillo et al* and part of case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>108</sup> Expert witness testimony by Wendy Maldonado Hernández, who presented her expert witness report which analyzed financial records/information related to the accused on November 6-7, 2018 during the trial *Honduras v. Douglas Bustillo et al*.

<sup>109</sup> Expert witness Wendy Maldonado Hernández testified she had reviewed financial documents through December 2016 that demonstrated Rodríguez had received a salary from CONCASA from June 2016 to December 2016. There is no publicly available information regarding whether the payments continued in 2017 and beyond.

<sup>110</sup> Phone company records, wiretapped phone conversations and text messages, and phone extraction report Dictamen DETECI-EX-0801-2016-00166, all admitted as evidence in *Honduras v. Douglas Bustillo et al*, contained in case file 3-88-2017 of the National Jurisdiction Sentencing Court, and analyzed by expert witness Brenda Barahona during her testimony and in her written report, ANALISIS-DIVINV-DNII-No. 0004-2016, contained in volume 16 of case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>111</sup> Wiretapped phone conversations and text messages admitted as evidence in *Honduras v. Douglas Bustillo et al* and analyzed by expert witness Brenda Barahona during her testimony and in her written report, ANALISIS-DIVINV-DNII-No. 0004-2016, volume 16 of case file 3-88-2017 of the National Jurisdiction Sentencing Court. For example, on February 5, 2016, the date of an aborted murder attempt against Cáceres, Hernández writes to Díaz '*Cuando el pez ya este cheke me dijo Duglas k era 50 mas 50 d el OK*' and they subsequently discuss what Díaz will receive.

<sup>112</sup> Phone company records including call and message logs and phone extraction reports, especially Dictamen DETECI-EX-0801-2016-00166, all admitted as evidence in *Honduras v. Douglas Bustillo et al*, contained in case file 3-88-2017 of the National Jurisdiction Sentencing Court. Castillo's number is identified in the phone extractions in DETECI-EX-0801-2016-00161 and DETECI-EX-0801-2016-00167. This information was analyzed by expert witness Brenda Barahona during her testimony and in her written report, ANALISIS-DIVINV-DNII-No. 0004-2016, contained in volume 16 of case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>113</sup> Documents, receipts of purchases, and related information seized from the home of Douglas Bustillo on May 2, 2016, contained in volumes 10 and 11 of case file 3-88-2017 of the National Jurisdiction Sentencing Court. This information was analyzed by expert witness Wendy Maldonado Hernández on November 6-7, 2018 during the trial *Honduras v. Douglas Bustillo et al*.

<sup>114</sup> Expert witness testimony by Wendy Maldonado Hernández, who presented her report which analyzed financial records and financial information related to the accused on November 6-7, 2018 during the trial *Honduras v. Douglas Bustillo et al*.

<sup>115</sup> Audios and transcriptions of wiretapped conversations between Mariano Díaz and Henry Hernández recorded by authorities as a result of the court order to wiretap Díaz's phone in a separate criminal investigation; these audios and their transcriptions were incorporated into Brenda Barahona's expert witness report presented to the court in *Honduras v. Douglas Bustillo et al* for the murder of Berta Cáceres, ANALISIS-DIVINV-DNII-No. 0004-2016, volume 16 of case file 3-88-2017 of the National Jurisdiction Sentencing Court. Díaz referred to '*allá arriba*' in a conversation with Hernández on January 9, 2016; Hernández asked Díaz if they have called from '*alla arriba*' on February 12, 2016, and Hernández tells Díaz on February 21, '*estaba diciendo alla arriba el señor que me dio el trabajo que mas bien que, que supuestamente ya esta, esta ahorita es la última semana, esta semanita que me dieron ahorita a mi ya*'. Pages 8683, 8684, and 8706 of case file 3-88-2017 of the National Jurisdiction Sentencing Court contain these references.

<sup>116</sup> Oral verdict of the National Jurisdiction Sentencing Court in *Honduras v. Douglas Bustillo et al*, available at [https://docs.wixstatic.com/ugd/a05779\\_a6d97597a74d46f6a3e01190c0361bf2.pdf](https://docs.wixstatic.com/ugd/a05779_a6d97597a74d46f6a3e01190c0361bf2.pdf). The court found that Bustillo gave Hernandez a gun at this meeting. Additionally, the extraction report of Bustillo's phone shows he accessed pictures of

Berta Cáceres on February 5, 2016, presumably to show Hernández; this is found in Dictamen DETECI-EX-0801-2016-00166, incorporated in case 3-88-2017 of the National Jurisdiction Sentencing Court and admitted as evidence in *Honduras v. Douglas Bustillo et al* for the murder of Berta Cáceres.

<sup>117</sup> Chat-260.txt of the phone extraction identified as Dictamen DETECI-EX-0801-2016-00166, incorporated in case 3-88-2017 of the National Jurisdiction Sentencing Court and admitted as evidence in *Honduras v. Douglas Bustillo et al* for the murder of Berta Cáceres. Translation of original Spanish message ‘*Recuerde de los accidentes y la escena*’.

<sup>118</sup> Wiretapped phone conversations and text messages between Mariano Díaz and Henry Hernández; these were incorporated into Brenda Barahona’s expert witness report presented to the court in *Honduras v. Douglas Bustillo et al* for the murder of Berta Cáceres, ANALISIS-DIVINV-DNII-No. 0004-2016, volume 16 of case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>119</sup> Phone company records for the phone number used by Douglas Bustillo and two phone numbers used by Henry Hernández, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court and admitted as evidence in *Honduras v. Douglas Bustillo et al*.

<sup>120</sup> Chat-260.txt of the phone extraction identified as Dictamen DETECI-EX-0801-2016-00166, incorporated in case 3-88-2017 of the National Jurisdiction Sentencing Court and admitted as evidence in *Honduras v. Douglas Bustillo et al*. Original Spanish messages: ‘*Misión abortada hoy Ayer no se pudo Esperaré lo Que ud dijo xq ya no tengo logística estoy en cero*’ and ‘*Líder yo no necesito la información Necesito lo que usted va presupuestar para el trabajo los medios idóneos y logísticos*’.

<sup>121</sup> Chat-260.txt of the phone extraction identified as Dictamen DETECI-EX-0801-2016-00166, incorporated in case 3-88-2017 of the National Jurisdiction Sentencing Court and admitted as evidence in *Honduras v. Douglas Bustillo et al* for the murder of Berta Cáceres. Translation of original Spanish message ‘*Copiado, misión abortada*’.

<sup>122</sup> Chat-260.txt of the phone extraction identified as Dictamen DETECI-EX-0801-2016-00166, incorporated in case 3-88-2017 of the National Jurisdiction Sentencing Court and admitted as evidence in *Honduras v. Douglas Bustillo et al* for the murder of Berta Cáceres.

<sup>123</sup> Castro survived and began to use Cáceres’ phone to call for help when the hitmen fled; the first call for help appears in Cáceres’ phone’s log at 11:39pm according to information presented by government expert witness Brenda Barahona during the trial and in her report, ANALISIS-DIVINV-DNII-No. 0004-2016, volume 16 of case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>124</sup> Expert witness report of Brenda Barahona, ANALISIS-DIVINV-DNII-No. 0004-2016, contained in volume 16 of case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>125</sup> Phone company records for the phone numbers used by Douglas Bustillo and Henry Hernandez, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court and admitted as evidence in *Honduras v. Douglas Bustillo et al*.

<sup>126</sup> Phone company records for the phone number used by Douglas Bustillo, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court and admitted as evidence in *Honduras v. Douglas Bustillo et al*. The content of these telephone calls is not known because there was no wiretap on these lines prior to the murder.

<sup>127</sup> Misión Observación Calificada Caso Berta Cáceres, Twitter, Sep. 20, 2018, <https://twitter.com/misioncaso/status/1042905632209358848?s=12>

<sup>128</sup> Oral verdict in *Honduras v. Douglas Bustillo et al*. As of August 19, 2019, the written sentence in the case is still pending. A transcription of the oral verdict by the Observer Mission in the Berta Cáceres case is available at [https://docs.wixstatic.com/ugd/a05779\\_a6d97597a74d46f6a3e01190c0361bf2.pdf](https://docs.wixstatic.com/ugd/a05779_a6d97597a74d46f6a3e01190c0361bf2.pdf) and the oral verdict was transmitted live on Facebook by the court at <https://www.facebook.com/PJdeHonduras/videos/2177640298926824/>.

<sup>129</sup> Dictamen DETECI-EX-0801-2016-00167, Dictamen DETECI-EX-0801-2016-00166, and wiretapped phone conversations of the number used by Sergio Rodríguez carried out by the National Directorate of Investigation and Intelligence after the murder of Berta Cáceres, all incorporated in case 3-88-2017 of the National Jurisdiction Sentencing Court and admitted as evidence in *Honduras v. Douglas Bustillo et al* for the murder of Berta Cáceres.

<sup>130</sup> On October 14, 2015, Rodríguez reported there were 10 TIGRES and DESA’s Head of Security referred to COPINH’s concern about the TIGRES. On January 9, 2016, Castillo reported he had spoken with the police commissioner and that there was a TIGRES Task Force nearby and ready to react once COPINH started mobilizing. For COPINH’s February 20, 2016 protest, a DESA employee reported ‘we have the support of 45 police and tigrés,’ (translation of original Spanish ‘*Tenemos el apoyo de 45 policías y tigrés*’), referring to the TIGRES. All from Chat-298.txt from DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>131</sup> Chat-8 of Dictamen DETECI-EX-0801-2016-00161, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>132</sup> *Condenan a militar por homicidio de un líder indígena Lenca*, La Prensa, Dec. 11, 2015, <https://www.laprensa.hn/sucesos/910188-410/condenan-a-militar-por-homicidio-de-un-l%C3%ADder-ind%C3%ADgena-lenca>; IACHR, IACHR Condemns the Murder of Lenca indigenous leader and injuries to a child in Honduras Military operation, Press Release, July 19, 2013, [https://www.oas.org/en/iachr/media\\_center/PReleases/2013/052.asp](https://www.oas.org/en/iachr/media_center/PReleases/2013/052.asp)

<sup>133</sup> IACHR, IACHR Condemns the Murder of Lenca indigenous leader and injuries to a child in Honduras Military operation, Press Release, July 19, 2013, [https://www.oas.org/en/iachr/media\\_center/PReleases/2013/052.asp](https://www.oas.org/en/iachr/media_center/PReleases/2013/052.asp)

<sup>134</sup> Chat-173.txt and Chat-298.txt from Dictamen DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>135</sup> Chat-298.txt from Dictamen DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court. Original Spanish message: *‘La fuerza publica la acabo de despachar, el Subcomisario Ramos y ocho policias y ocupo que este temprano mañana aca, muevan todos sus contactos de la cupula de la secretaria y la policia.’*

<sup>136</sup> Chat-298.txt from Dictamen DETECI-EX-0801-2016-00167; the phone number that sent the message about the meeting is identified as Pedro Atala in Dictamen DETECI-EX-0801-2016-00161. Both dictamens are incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court. According to publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2509060, volume 999, entry 00011430, p. 12, Pedro Atala Zablah is a *Vocal Suplente* of DESA’s Board of Directors.

<sup>137</sup> Chat-298.txt from Dictamen DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>138</sup> Chat-298.txt from DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court. Berta Cáceres publicly denounced this and published photos at Berta Cáceres Flores, Facebook, Nov. 30, 2015, <https://www.facebook.com/photo.php?fbid=1525730414415934&set=pcb.1525730541082588&type=3>; COPINH, *COPINH: Tratan de impedir la movilización del COPINH con actos desesperados*, Nov. 30, 2015, <http://copinhonduras.blogspot.com/2015/11/copinhtratan-de-impedir-la-movilizacion.html>

<sup>139</sup> Chat-271 from DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>140</sup> Chat-271 from DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>141</sup> <http://encuentrobtertacaceresvive.blogspot.com/p/sobre-el-encuentro.html>

<sup>142</sup> Chat-298 from DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>143</sup> Chat-298 from DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>144</sup> <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/honduras-ataques-y-actos-de-intimidacion-a-participantes-de-encuentro>

<sup>145</sup> Chat-298 from DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>146</sup> Chat-298 from DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>147</sup> Chat-298 from DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court.

<sup>148</sup> *Honduras: Ataques y actos de intimidación a participantes de Encuentro Internacional “Berta Cáceres Vive” deben ser investigados*, Comunicado FIDH, Apr. 28, 2016, <https://www.fidh.org/es/temas/defensores-de-derechos-humanos/honduras-ataques-y-actos-de-intimidacion-a-participantes-de-encuentro>; *ALERT: Attacks and intimidation against participants and international observers at the International Meetings “Berta Cáceres Lives”*, PBI, Apr. 15, 2016, [https://pbi-honduras.org/sites/pbi-honduras.org/files/publications/ALERT\\_attacks\\_and\\_intimidation\\_against\\_participants\\_and\\_international\\_observers\\_15th\\_April\\_Honduras\\_.pdf](https://pbi-honduras.org/sites/pbi-honduras.org/files/publications/ALERT_attacks_and_intimidation_against_participants_and_international_observers_15th_April_Honduras_.pdf); COPINH, *Comunicado frente a la agresión a delegaciones nacionales e internacionales*, Apr. 16, 2016, <http://copinhonduras.blogspot.com/2016/04/copinh-comunicado-frente-la-agresion.html>

<sup>149</sup> *ibid.*

<sup>150</sup> Chat-298 from DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court. Translation of Spanish: *'los detuvieron con apoyo de policías con su equipo antimotines.'*

<sup>151</sup> Chat-8 from DETECI-EX-0801-2016-00161, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court. Quoted text is a translation of the original Spanish text: *'Berta aureliano y tomas' 'Tres cabecillas' ... 'E gastado mucho dinero y capital politico para q salgan esas 3 ordenes de captura'.*

<sup>152</sup> Case file 1001-2013-00131 of the First Court of Letters of Intibucá.

<sup>153</sup> *ibid.*

<sup>154</sup> The Court of Appeals of Comayagua overturned the indictment of the First Court of Letters of Intibucá. Case file 1001-2013-00131 of the First Court of Letters of Intibucá.

<sup>155</sup> On July 5, 2019, Olvin Gustavo García Mejía was found dead in San Bartolo, a community in the northern region of the Intibucá department. Published in People's Dispatch: "Death of key witness in Berta Cáceres case: a plot to erase evidence?" Accessed August 26, 2019 at <https://peoplesdispatch.org/2019/07/14/death-of-key-witness-in-bertha-caceres-case-a-plot-to-erase-evidence/>

<sup>156</sup> Chat-173 from DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court. Translation of original Spanish message which reads *'El es nuestra mejor seguridad en él sitio de presa'.*

<sup>157</sup> In a response to April 2016 questions by journalist Nina Lakhani of The Guardian, published at the time on the website of the Agua Zarca Hydroelectric Project, which has since been taken down, DESA claimed that Olvin García was not an employee and had no relation to the company. *Respuestas que se le enviaron a las cuestiones planteadas vía correo por Nina Lakhani corresponsal del diario británico The Guardian.* An archived version is available here: [https://web.archive.org/web/20170326165711/http://hidroelectricaguazarca.hn/assets/documentos/Respuestas\\_a\\_The\\_Guardian\\_18.04.16.pdf](https://web.archive.org/web/20170326165711/http://hidroelectricaguazarca.hn/assets/documentos/Respuestas_a_The_Guardian_18.04.16.pdf)

<sup>158</sup> Case files 1001-2015-00107-B and 1001-2015-00008 of the First Court of Letters of Intibucá.

<sup>159</sup> Chat-173.txt from DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court. Quoted text is a translation of original Spanish: *'conoce bien a la gente del ministerio público y nos dará acompañamiento en el caso.'*

<sup>160</sup> Chat-271.txt from DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court. Quoted text is a translation of the original Spanish *'hay que trabajar al testigo'.*

<sup>161</sup> Chat-173.txt from DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court. English translation of original Spanish message. Quoted text is a translation of the original Spanish text *'Habla con la abogada para que no vayan a procesar a ese muchacho' 'El es nuestra mejor seguridad en él sitio de presa'*

<sup>162</sup> Case file 1001-2015-00008 of the First Court of Letters of Intibucá.

<sup>163</sup> Chat-271.txt from DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court. Quoted message is translation of original Spanish *'Necesitaran almuerzo'*, which is followed by messages that include *'Donde sucedio el hecho fue en Valle de Angeles, la acusadora y el supuesto testigo presencial es de Valle Angeles y se necesita trabajarlos de manera sutil.'* *'Eso se tiene que hacer desde terceros para evitar que le declaren, que hay coaccion, amenaza, extorsion, soborno, nulo el testigo, nula prueba o la declaracion testifical.'* *'Y cuidar a los jefes, cuidarnos nosotros y por supuesto proteger nuestra empresa.'*

<sup>164</sup> Case file 1001-2015-00008 of the First Court of Letters of Intibucá.

<sup>165</sup> Case files 1001-2015-00107-B and 1001-2015-00008 of the First Court of Letters of Intibucá.

<sup>166</sup> Chat-298.txt from Dictamen DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court. Quoted message is a translation of original Spanish *'habría que publicar fotos del carro que anda Berta, fotos de su casa e información de todos lo lujos que se está permitiendo, incluso que a sus hijos los tiene estudiando en Argentina.'*

<sup>167</sup> Chat-298.txt from Dictamen DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court. Quoted messages are a translation of original Spanish *'los daños son insignificante'* and *'Copiado'*.

<sup>168</sup> Chat-298.txt from Dictamen DETECI-EX-0801-2016-00167, incorporated into case file 3-88-2017 of the National Jurisdiction Sentencing Court. Quoted messages are a translation of the original Spanish *'Sergio, necesito saber nombres de algún cabecilla de hoy para poner denuncia en Santa Bárbara ahorita !!'* and *'Ponga los nombres de siempre'*.

<sup>169</sup> Amsterdam & Partners LLP, *War on Development: Exposing the COPINH Disinformation Campaign Surrounding the Berta Cáceres Case in Honduras*, Page 13, accessed August 8, 2019 at <https://casocaceres.com/wp-content/uploads/2018/11/War-on-Development-Ver-4.pdf>

<sup>170</sup> Amsterdam & Partners LLP, *Annexes - War on Development: Exposing the COPINH Disinformation Campaign in the Berta Cáceres Case in Honduras*, Pages 2-4. Available at: [https://es.scribd.com/document/393274469/Annexes-War-on-Development-Exposing-the-COPINH-Disinformation-Campaign-in-the-Berta-Caceres-Case-in-Honduras#from\\_embed](https://es.scribd.com/document/393274469/Annexes-War-on-Development-Exposing-the-COPINH-Disinformation-Campaign-in-the-Berta-Caceres-Case-in-Honduras#from_embed)

<sup>171</sup> Video interview with Berta Cáceres by Dick Emanuelsson, accessed July 12, 2019 at [https://youtu.be/Yiu\\_G9gdQ4g](https://youtu.be/Yiu_G9gdQ4g)

<sup>172</sup> Amsterdam & Partners LLP, *War on Development: Exposing the COPINH Disinformation Campaign Surrounding the Berta Cáceres Case in Honduras*, accessed August 8, 2019 at <https://casocaceres.com/wp-content/uploads/2018/11/War-on-Development-Ver-4.pdf>; Robert Amsterdam, *Cuál es la agenda real de COPINH?* Amsterdam & Partners LLP, Oct. 14, 2018, <https://casocaceres.com/cual-es-la-agenda-real-de-copinh/> (claiming COPINH has engaged in a defamation campaign to block justice); *Empresa DESA espera “justicia verdadera” en el juicio de Berta Cáceres*, El Diario, Nov. 29 2018, [https://www.eldiario.es/politica/Empresa-DESA-verdadera-Berta-Caceres\\_0\\_840967065.html](https://www.eldiario.es/politica/Empresa-DESA-verdadera-Berta-Caceres_0_840967065.html) (DESA alleging manipulation of justice by COPINH); Ángel Martínez, “*En el caso Berta Cáceres, las ONG apoyan sin saberlo a una organización criminal*”, El Confidencial, Oct. 11, 2018, [https://www.elconfidencial.com/mundo/2018-10-11/berta-caceres-honduras-des-a-sesinato\\_1627935/](https://www.elconfidencial.com/mundo/2018-10-11/berta-caceres-honduras-des-a-sesinato_1627935/)

<sup>173</sup> In May 2019, the American Bar Association’s Center for Human Rights published the report “Invisible Threats: Mitigating the Risk of Violence from Online Hate Speech Against Human Rights Defenders in Guatemala” which concludes “Systematic, state-aligned campaigns to denigrate and indirectly threaten human rights defenders and marginalized communities contribute to a climate of violence and impunity that increases the risk of real-world violence” against human rights defenders. ABA, *Invisible Threats: Mitigating the Risk of Violence from Online Hate Speech Against Human Rights Defenders in Guatemala*, May 2019, [https://www.americanbar.org/content/dam/aba/administrative/human\\_rights/invisible-threats-guatemala-may-2019.pdf](https://www.americanbar.org/content/dam/aba/administrative/human_rights/invisible-threats-guatemala-may-2019.pdf).

Though the report focuses on Guatemala, similar patterns are visible in neighboring Honduras.

<sup>174</sup> Amsterdam & Partners LLP, PR Newswire, *DESA Executives in Berta Cáceres Trial Are ‘Political Prisoners,’ Argue Lawyers in New White Paper* (November 15, 2018), accessed August 2019 at <https://www.prnewswire.com/news-releases/desa-executives-in-berta-caceres-trial-are-political-prisoners-argue-lawyers-in-new-white-paper-300751467.html>; Amsterdam & Partners, *An open letter to members of the European Parliament concerning the tragic death of Berta Cáceres*, July 19, 2018,

[https://es.scribd.com/document/384306550/Letter-in-Response-to-European-Parliament-on-Berta-Caceres-in-Honduras#from\\_embed](https://es.scribd.com/document/384306550/Letter-in-Response-to-European-Parliament-on-Berta-Caceres-in-Honduras#from_embed)

<sup>175</sup> Observation of the indictment proceedings (*audiencia inicial*) in the Fraud on the Gualcarque case, March - April 2019, and OEA MACCIH, “MACCIH-OEA y UFECIC-MP presentan noveno caso de investigación penal integrada: “Fraude sobre el Gualcarque”, MCH-004/19, 4 de marzo de 2019, <http://www.oas.org/es/sap/dsdme/maccih/new/docs/MCH-004.MACCIH-OEA-y-UFECIC-MP-presentan-noveno-caso-de-investigacion-penal-integrada-Fraude-sobre-elGualcarque.pdf?sCodigo=MCH-004/19> The charges against Castillo in the original Spanish are *fraude, negociaciones incompatibles con el ejercicio de funciones públicas, y uso de documentos falsos*.

<sup>176</sup> Darío Cardona Valle, Mauricio Reconco Flores, Aixa Zelaya Gómez, Francisco Rivas Bonilla, Julio Perdomo Rivera, Catarino Cantor López, Luis Eduardo Espinoza Mejía, Ana Lourdes Martínez Cruz, José Mario Carbajal Flores, Óscar Velásquez Rivera, Roberto Martínez Lozano, Julio Eguigure Aguilar, Raúl Pineda Pineda, and Saida Odilia Pinel.

<sup>177</sup> Observation of the indictment proceedings (*audiencia inicial*) in the Fraud on the Gualcarque case, March - April 2019, and OEA MACCIH, “MACCIH-OEA y UFECIC-MP presentan noveno caso de investigación penal integrada: “Fraude sobre el Gualcarque”, MCH-004/19, 4 de marzo de 2019, <http://www.oas.org/es/sap/dsdme/maccih/new/docs/MCH-004.MACCIH-OEA-y-UFECIC-MP-presentan-noveno-caso-de-investigacion-penal-integrada-Fraude-sobre-elGualcarque.pdf?sCodigo=MCH-004/19>

<sup>178</sup> OEA MACCIH, “MACCIH-OEA y UFECIC-MP presentan noveno caso de investigación penal integrada: “Fraude sobre el Gualcarque”, MCH-004/19, 4 de marzo de 2019, <http://www.oas.org/es/sap/dsdme/maccih/new/docs/MCH-004.MACCIH-OEA-y-UFECIC-MP-presentan-noveno-caso-de-investigacion-penal-integrada-Fraude-sobre-elGualcarque.pdf?sCodigo=MCH-004/19>

<sup>179</sup> Observation of the indictment proceedings (*audiencia inicial*) in the Fraud on the Gualcarque case, March - April 2019.

<sup>180</sup> Ibid.

<sup>181</sup> Ibid. Roberto Antonio Abate Ponce testified he was hired by Castillo to work as a driver for DIGICOM and that he worked there approximately 3 years and that his relationship to Castillo was that of an employee. Geovanny Isidro Abate Ponce testified that he was hired by Castillo to work at DIGICOM and that he worked there for approximately 2 years. He stated that Castillo arrived to supervise. The defense noted that when DESA was founded, in May 2009, Castillo was

no longer a shareholder of DIGICOM; as noted in section 1 of this report, Castillo had transferred his shares in 2008, however, the majority of these shares were later transferred back to Castillo, who may have sought to conceal his role in the company due to its contracts with the Armed Forces, where Castillo worked.

<sup>182</sup> Observation of the indictment proceedings (*audiencia inicial*) in the Fraud on the Gualcarque case, March - April 2019.

<sup>183</sup> Observation of the indictment proceedings (*audiencia inicial*) in the Fraud on the Gualcarque case, March - April 2019, and OEA MACCIH, “MACCIH-OEA y UFECIC-MP presentan noveno caso de investigación penal integrada: ‘Fraude sobre el Gualcarque’”, MCH-004/19, 4 de marzo de 2019, pág. 4.

<http://www.oas.org/es/sap/dsdme/maccih/new/docs/MCH-004.MACCIH-OEA-y-UFECIC-MP-presentan-noveno-caso-de-investigacion-penal-integrada-Fraude-sobre-elGualcarque.pdf?sCodigo=MCH-004/19>

<sup>184</sup> Observation of the indictment proceedings (*audiencia inicial*) in the Fraud on the Gualcarque case, March - April 2019.

<sup>185</sup> *Ibid.* The defense objected to prosecutors’ attempts to have witness Roberto Abate Ponce look at documents supposedly containing his signature to say whether each was his signature or not; the judge granted the objection given that prosecutors had not stated these documents would be presented for ratification when they proposed them as evidence.

<sup>186</sup> Observation of the indictment proceedings (*audiencia inicial*) in the Fraud on the Gualcarque case, March - April 2019, and OEA MACCIH, “MACCIH-OEA y UFECIC-MP presentan noveno caso de investigación penal integrada: ‘Fraude sobre el Gualcarque’”, MCH-004/19, 4 de marzo de 2019, pg. 2.

<http://www.oas.org/es/sap/dsdme/maccih/new/docs/MCH-004.MACCIH-OEA-y-UFECIC-MP-presentan-noveno-caso-de-investigacion-penal-integrada-Fraude-sobre-elGualcarque.pdf?sCodigo=MCH-004/19>

<sup>187</sup> Observation of the indictment proceedings (*audiencia inicial*) in the Fraud on the Gualcarque case, March - April 2019, and OEA MACCIH, “MACCIH-OEA y UFECIC-MP presentan noveno caso de investigación penal integrada: ‘Fraude sobre el Gualcarque’”, MCH-004/19, 4 de marzo de 2019, pg. 3.

<http://www.oas.org/es/sap/dsdme/maccih/new/docs/MCH-004.MACCIH-OEA-y-UFECIC-MP-presentan-noveno-caso-de-investigacion-penal-integrada-Fraude-sobre-elGualcarque.pdf?sCodigo=MCH-004/19>

<sup>188</sup> OEA MACCIH, “MACCIH-OEA y UFECIC-MP presentan noveno caso de investigación penal integrada: ‘Fraude sobre el Gualcarque’”, MCH-004/19, 4 de marzo de 2019, <http://www.oas.org/es/sap/dsdme/maccih/new/docs/MCH-004.MACCIH-OEA-y-UFECIC-MP-presentan-noveno-caso-de-investigacion-penal-integrada-Fraude-sobre-elGualcarque.pdf?sCodigo=MCH-004/19> Translation of original Spanish text “*Ante los hallazgos presentados hoy, la Misión sugiere que se revisen los contratos que aún estén vigentes y la normativa que los regula, pues de seguir con esta política energética podría producirse un desbalance del mercado que podría llevar a la quiebra a la ENEE, ya que es posible que todos los contratos atados a fuentes renovables se encuentren bajo la misma modalidad.*”

<sup>189</sup> <https://www.laprensa.hn/honduras/1294474-410/118-contratos-firmados-enee-no-est-an-operacion-secretaria-energia-honduras>; [http://www.procesodigital.hn/2007/06/12\\_mel.php](http://www.procesodigital.hn/2007/06/12_mel.php);

<sup>190</sup> <https://www.elheraldo.hn/economia/1298497-466/enee-debe-9891-millones-de-lempiras-a-generadores-de-energia>

<sup>191</sup> The May 6, 2019 IMF - Honduras staff level stand by agreement that accompanied a \$311 standby credit facility contemplated a program to “implement the electricity sector framework law, and put the financial situation of the public electricity company (ENEE) on a sustainable path.” The final standby agreement was signed July 16, 2019, <https://www.imf.org/en/News/Articles/2019/05/06/pr19143-honduras-imf-reaches-staff-level-agreement-stand-by-credit-facility-arrangement>; <https://www.imf.org/es/News/Articles/2019/07/16/pr19284-honduras-imf-executive-board-approves-stand-by-arrangement-and-standby-credit-facility>; <http://www.proceso.hn/component/k2/item/83038.html>;

<sup>192</sup> See El Heraldo, *Deuda pública de la ENEE sube a 50,333.3 millones de lempiras*, July 3, 2019.

<https://www.elheraldo.hn/economia/1298853-466/deuda-publica-de-la-enee-sube-a-503333-millones-de-lempiras>

<sup>193</sup> <https://www.imf.org/en/News/Articles/2019/07/16/pr19284-honduras-imf-executive-board-approves-stand-by-arrangement-and-standby-credit-facility>

<sup>194</sup> Observation of the indictment proceedings (*audiencia inicial*) in the Fraud on the Gualcarque case, March - April 2019, and <http://www.oas.org/es/sap/dsdme/maccih/new/docs/MCH-004.MACCIH-OEA-y-UFECIC-MP-presentan-noveno-caso-de-investigacion-penal-integrada-Fraude-sobre-elGualcarque.pdf?sCodigo=MCH-004/19>

<sup>195</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2509060, volume 999, entry 00011430. Accessed July 8, 2019 at

<http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00011430>

<sup>196</sup> Observation of the indictment proceedings (*audiencia inicial*) in the Fraud on the Gualcarque case, March - April 2019; according to the information presented in the indictment proceedings, Castillo was found to have abandoned his position at the ENEE in March 2012, and had received transfers from the ENEE until February 2012.

<sup>197</sup> OEA MACCIH, “MACCIH-OEA y UFECIC-MP presentan noveno caso de investigación penal integrada: “Fraude sobre el Gualcarque”, MCH-004/19, March 4, 2019, accessed at <http://www.oas.org/es/sap/dsdme/maccih/new/docs/MCH-004.MACCIH-OEA-y-UFECIC-MP-presentan-noveno-caso-de-investigacion-penal-integrada-Fraude-sobre-elGualcarque.pdf?sCodigo=MCH-004/19> On page 4, point e, the MACCIH writes, ‘*Estos incrementos se justificaban en un proceso de optimización que incluía la adición de una tercera turbina; sin embargo, las investigaciones han determinado que el caudal del río Gualcarque no es suficiente para activar una tercera turbina*’ which translates to ‘These increases were justified by an optimization process that included the addition of a third turbine; nevertheless the investigations have determined that the flow of the Gualcarque River is not sufficient to activate a third turbine.’

<sup>198</sup> A review of the expanded environmental licence environmental impact study by an engineer with the National Institute for Forest, Protected Area, and Wildlife Conservation and Development (ICF) found there would be a deficit of water needed to operate 3 turbines for 7 months of the year and that the proposed amount of water to remain in the river (*caudal ecologico*) would be so small that it could evaporate, leaving part of the path of the river essentially dry, which would have implications for the vegetation, microclima, fauna, etc. He found the study lacked a deeper analysis of the effects of such a drastic reduction of the river and that the long-term reduction of the river flow would cause loss of habitat. Regardless, the expanded environmental license was issued in 2013. The observations of the ICF engineer can be found in pages 951-953 of SERNA environmental license file 2010-A-319.

<sup>199</sup> OEA MACCIH, “MACCIH-OEA y UFECIC-MP presentan noveno caso de investigación penal integrada: “Fraude sobre el Gualcarque”, MCH-004/19, March 4, 2019, <http://www.oas.org/es/sap/dsdme/maccih/new/docs/MCH-004.MACCIH-OEA-y-UFECIC-MP-presentan-noveno-caso-de-investigacion-penal-integrada-Fraude-sobre-elGualcarque.pdf?sCodigo=MCH-004/19>, pg. 4.

<sup>200</sup> Roberto David Castillo Mejía was indicted for fraud, negotiations incompatible with the exercise of public functions, and use of false documents. Carolina Castillo was also indicted for fraud, and 14 other public officials were indicted for charges related to authorization of the permits and contracts necessary for DESA to build the Agua Zarca Project on the Gualcarque River. COPINH, *Resolución caso ‘Fraude sobre el Gualcarque,’* April 16, 2019, accessed August 8, 2019 at <https://copinh.org/2019/04/resolucion-gualcarque/>

<sup>201</sup> <https://www.latribuna.hn/2019/04/25/comienzan-a-caer-apelaciones-de-los-casos-gualcarque-y-patuca-iii/>

<sup>202</sup> August 28, 2019 resolution of the Criminal Appeals Court with National Jurisdiction in Corruption (*Corte de Apelaciones de lo Penal con Competencia Nacional en Materia de Corrupción*), case file 13-2019. The original Spanish of the charges as described on page 126 is ‘*Fraude en el grado de participación de cómplice y Uso de Documentos Falsos a título de autor.*’

<sup>203</sup> August 28, 2019 resolution of the Criminal Appeals Court with National Jurisdiction in Corruption (*Corte de Apelaciones de lo Penal con Competencia Nacional en Materia de Corrupción*), case file 13-2019.

<sup>204</sup> Ibid, page 44. Original Spanish quote: ‘*resulta claro que los socios fundadores Roberto Antonio Abate Ponce y Geovanny Isidro Abate Ponce, solo eran presta nombres, a quienes utilizaron para constituir la empresa, pero el control real y material de la empresa lo tenía Roberto David Castillo Mejía, al mismo tiempo funcionario de la ENEE.*’

<sup>205</sup> August 28, 2019 resolution of the Criminal Appeals Court with National Jurisdiction in Corruption (*Corte de Apelaciones de lo Penal con Competencia Nacional en Materia de Corrupción*), case file 13-2019.

<sup>206</sup> <https://www.mp.hn/images/e8273d29-726e-4032-b857-8166db1ebf2a.jpg> and <https://sedena.gob.hn/2018/03/05/operacion-apollo-58-aseguramientos-y-allanamientos-de-bienes-vinculados-a-los-cachiros/>

<sup>207</sup> <https://www.treasury.gov/press-center/press-releases/Pages/jl2168.aspx> and <https://www.nytimes.com/2017/10/06/world/americas/after-78-killings-a-honduran-drug-lord-rivera-partners-with-us.html>

<sup>208</sup> Ministerio Público, Boletín de Prensa Operación Apolo, *MP ejecuta capturas a 58 aseguramientos de bienes a personas vinculadas a los hermanos Rivera Maradiaga*, 5 marzo de 2018 <https://www.mp.hn/images/e8273d29-726e-4032-b857-8166db1ebf2a.jpg> (the document refers to PRODERSA with one S, but the full title of the company is the same).

<sup>209</sup> According to publicly available information from the Tegucigalpa Chamber of Commerce & Industry, PRODERSA’s Board of Directors authorized the transfer of company shares from PEMSA (Panama) and Castillo to Norfund in 2019, suggesting that the company’s assets were no longer frozen. Tegucigalpa Chamber of Commerce &

Industry, matriculation number 2530904, Volume 999, Entry 00051277. Accessed July 2019 at <http://190.5.103.114/RTIntegra/visualizacionDocumento.aspx?Aplicacion=1&Documento=257855>

<sup>210</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry. Matriculation number 2530904, Volume 999, Entry 00017821, see especially pages 1, 2, and 18. Accessed July 16, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00017821>

<sup>211</sup> Revistazo, *Familia que habría lavado dinero para los Cachiros recibieron dos contratos con la ENEE*, accessed July and August 2019 at [https://empresasabiertas.com/familia\\_mejia.html](https://empresasabiertas.com/familia_mejia.html)

<sup>212</sup> MACCIH-OAS, *MACCIH-OAS / UFECIC-MP Presents 'Patuca III Collusion and Corruption' Case*, (March 18, 2019). Accessed July and August 2019 at <http://www.oas.org/en/spa/dsdsm/maccih/new/docs/MCH-006.MACCIH-OAS-UFECIC-MP-Team-Presents-Patuca-III-Collusion-and-Corruption-Case.pdf>

<sup>213</sup> <https://www.mp.hn/index.php/author-login/132-marzo2019/4006-nuevo-caso-de-corrupcion-denunciado-por-la-ufecic-maccih-menciona-a-profugos-de-la-justicia>

<sup>214</sup> Revistazo, *Familia que habría lavado dinero para los Cachiros recibieron dos contratos con la ENEE*, accessed July and August 2019 at [https://empresasabiertas.com/familia\\_mejia.html](https://empresasabiertas.com/familia_mejia.html)

<sup>215</sup> Contrato No. 003-2014 entre Empresa Nacional de Energía Eléctrica y Producción de Energía Solar y Demás Renovables, S.A. de C.V. (January 16, 2014). Accessed July and August 2019 at [http://www.revistazo.biz/web2/docs/Produccion\\_de\\_energia\\_solar\\_y\\_demás\\_renovables\\_003-2014.pdf](http://www.revistazo.biz/web2/docs/Produccion_de_energia_solar_y_demás_renovables_003-2014.pdf) This type of contract is referred to as a Power Purchase Agreement (PPA) in English.

<sup>216</sup> <https://www.insightcrime.org/news/brief/honduras-narco-testifies-ex-president-took-bribes-from-traffickers/>

<sup>217</sup> <https://www.justice.gov/usao-sdny/pr/son-former-president-honduras-sentenced-24-years-prison-conspiring-import-cocaine>

<sup>218</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry. Matriculation number 2530904, Volume 999, Entry 00021109, see especially pages 4 & 5, accessed July 16, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00021109>

<sup>219</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry. Matriculation number 2530904, Volume 999, Entry 00023563, see especially pages 3-4, accessed July 16, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00023563>

<sup>220</sup> <https://www.revistazo.biz/web2/index.php/nacional/item/1217-historia-de-empresa-de-energ%C3%ADa-solar-inautada-revela-nexos-entre-empresarios-pol%C3%ADticos-y-narcos> and [https://empresasabiertas.com/empresas\\_creadas\\_flores\\_alfaro.html](https://empresasabiertas.com/empresas_creadas_flores_alfaro.html) and <https://www.justice.gov/usao-edny/pr/former-president-honduran-soccer-federation-pleads-guilty-racketeering-and-corruption>

<sup>221</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry. Matriculation number 2530904, Volume 999, Entry 00024155. Accessed August 25, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00024155>

<sup>222</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry. Matriculation number 2530904, Volume 999, Entry 00024155. Accessed August 25, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00024155>

<sup>223</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry. Matriculation number 2530904, Volume 999, Entry 00024155. Accessed August 25, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00024155>

<sup>224</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2509060, volume 999, entry 00011430, see especially page 12. Accessed July 8, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00011430>

<sup>225</sup> Publicly available information from the Public Registry of Panama for the company Potencia y Energía de Mesoamérica S.A, company number 719303, entry number 166118 of the year 2012.

<sup>226</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry. Matriculation number 2530904, Volume 999, Entry 00026970, accessed July 17, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00026970>

<sup>227</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry. Matriculation number 2530904, Volume 999, Entry 00026970, accessed July and August 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00026970>

<sup>228</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry. Matriculation number 2530904, Volume 999, Entry 00026970, accessed July and August 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00026970>.

<sup>229</sup> It is not clear if PRODERSSA had already signed the Operations Contract with SERNA or received its Environmental License from SERNA or not. In point 1.20 of the trust agreement, it defines the Operations Contract as a document that is to be signed between PRODERSSA and SERNA, which will need to be approved by the Honduran Congress. In point 1.53 of the trust agreement it defines the Environmental License as something that will be awarded by SERNA. Other essential documentation named in the trust agreement includes the EPC construction contract with SCATEC, the Operation and Maintenance agreement with SCATEC, insurance contracts and a compliance guarantee consisting of a standby credit agreement with KLP Norfund and SCATEC. Publicly available information from the Tegucigalpa Chamber of Commerce & Industry. Matriculation number 2530904, Volume 999, Entry 00026970, accessed July 17, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00026970>

<sup>230</sup> Publicly available information from the Tegucigalpa Chamber of Commerce and Industry, matriculation number 2530904, Volume 999, Entry 00026970, accessed July 17, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00026970>

<sup>231</sup> Volume 587, Entry (*Asiento*) 36 of the Registry Book of Property, Mortgages, and Preventative Notes of the Nacaome, Valle office of the Land Registry/Property Institute. This document is not available online; it must be accessed at the office of the Land Registry/Property Institute. Public Instrument 81 dated February 3, 2015.

<sup>232</sup> Research in the Nacaome, Valle land registry office recovered three of the four titles transferred to Castillo. On December 11, 2014 Roberto David Castillo Mejía purchased one “caballería” of land from Diego Fernandez Castillo for L150,000; on September 27, 2014 in a contract notarized by Robert Pacheco Reyes, Castillo purchased one “caballería” of land from Manuela Encarnación Mejía for L1,408,000; and in an August 27, 2014 in a contract notarized by Pacheco Reyes, Castillo purchased a property from Teofilo Lemus Mejía for the price of L369,820. The total value for the three farms was approximately 1,927,820; estimating that the cost of the fourth farm may have been as high as L1,500,000, the purchase price of all four farms would not surpass L3,500,00, approximately \$152,000.00. Public Instrument 89 registered in Volume 568, Entry (*asiento*) 39; Public Instrument 95 registered in volume 578, entry (*asiento*) 47, and lastly Public Instrument 26, volume 583, entry (*asiento*) 23, all from the Nacaome, Valle office of the Land Registry/Property Institute’s Registry Book of Property, Mortgages, and Preventative Notes.

<sup>233</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry. Matriculation number 2530904, Volume 999, Entry 00026537, see especially pages 10 - 15. Accessible at <http://190.5.103.114/RTIntegra/visualizacionDocumento.aspx?Aplicacion=1&Documento=210364>

<sup>234</sup> Comisión Regional de Interconexión Eléctrica (CRIE), *Resolución No CRIE-28-2015* (July 27th, 2015). Available at <http://crie.org.gt/wp/wp-content/uploads/2015/07/RESOLUCION-CRIE-28-2015.pdf>

<sup>235</sup> Scatec Solar, *Annual Report 2015* (2016), see especially page 41, accessed August 2019 at <http://hugin.info/162249/R/1995957/735337.pdf>; GIEK, *AGUA FRIA solar energy project* - Honduras, (March 30, 2015), accessed August 28, 2019 at <https://www.giek.no/getfile.php/133589-1495461775/web/Dokumenter/B%C3%A6rekraft/Agua-Fria-Project-description-English.pdf>,

<sup>236</sup> Luis Alfonso Martin Herrero was named to the Board of Directors of PEMSA (Panama) in February 2016, according to publicly available information from the Public Registry of Panama for the company Potencia y Energía de Mesoamérica S.A, company number 719303, entry 96611 in 2016.

<sup>237</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2530904, Volume 999, Entry 00034664, see especially page 3, accessed July and August 2019 at <http://190.5.103.114/RTIntegra/visualizacionDocumento.aspx?Aplicacion=1&Documento=227239>

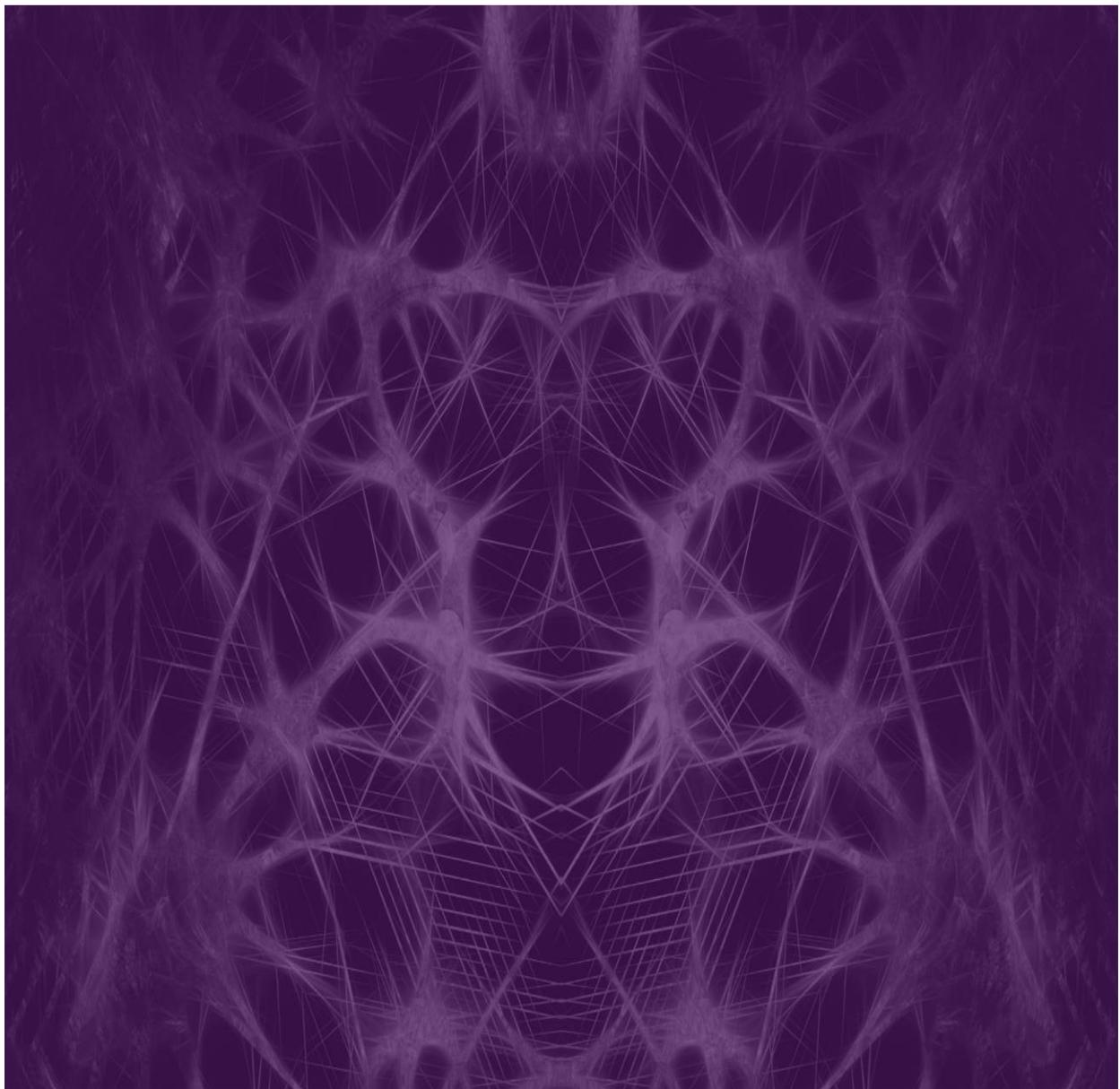
<sup>238</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2530904, Volume 999, Entry 00043878, see especially page 3. Accessed August 2019 at <http://190.5.103.114/RTIntegra/visualizacionDocumento.aspx?Aplicacion=1&Documento=245059>

<sup>239</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2530904, Volume 999, Entry 00047884, see especially pages 2-5. Accessed August 2019 at <http://190.5.103.114/RTIntegra/visualizacionDocumento.aspx?Aplicacion=1&Documento=252291>

<sup>240</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2530904, Volume 999, Entry 00047884, see especially pages 5-7. Accessed August 2019 at <http://190.5.103.114/RTIntegra/visualizacionDocumento.aspx?Aplicacion=1&Documento=252291>

<sup>241</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2530904, Volume 999, Entry 00051277, see especially pages 4-8. Accessed August 2019 at <http://190.5.103.114/RTIntegra/visualizacionDocumento.aspx?Aplicacion=1&Documento=257855>

- <sup>242</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry, matriculation number 2530904, Volume 999, Entry 00053136. Accessed August 25, 2019 at <http://190.5.103.114/consultaremota/imagenes.aspx?libro=02&tomo=999&registro=00053136>
- <sup>243</sup> Publicly available information from the Tegucigalpa Chamber of Commerce & Industry. Matriculation number 2530904, Volume 999, Entry 00052137. Accessed August 6, 2019 at <http://190.5.103.114/RTIntegra/visualizacionDocumento.aspx?Aplicacion=1&Documento=259320>
- <sup>244</sup> Redacción Proceso Digital, *Gobierno Militariza la ENEE* (June 4th 2007). [http://www.procesodigital.hn/2007/06/04\\_enee.php](http://www.procesodigital.hn/2007/06/04_enee.php)
- <sup>245</sup> Redacción Proceso Digital, *Gobierno Militariza la ENEE* (June 4th 2007). [http://www.procesodigital.hn/2007/06/04\\_enee.php](http://www.procesodigital.hn/2007/06/04_enee.php)
- <sup>246</sup> Informe N° 066/2009-DCSD, de la denuncia N° 0801-08-034 verificada en la Empresa Nacional de Energía Eléctrica (ENEE) y las fuerzas armadas de Honduras, de la ciudad de Tegucigalpa, Distrito Central (September 2009), pg. 4 <https://www.tsc.gob.hn/web/Denuncia%20Ciudadana/2009/066-2009-DCSD.pdf>
- <sup>247</sup> Informe N° 066/2009-DCSD, de la denuncia N° 0801-08-034 verificada en la Empresa Nacional de Energía Eléctrica (ENEE) y las fuerzas armadas de Honduras, de la ciudad de Tegucigalpa, Distrito Central (September 2009), accessed July and August 2019 at <https://www.tsc.gob.hn/web/Denuncia%20Ciudadana/2009/066-2009-DCSD.pdf>
- <sup>248</sup> Ibid.
- <sup>249</sup> Ibid.
- <sup>250</sup> Ibid. Castillo was found to have joint civil responsibility together with José Ángel Núñez Navas, who permitted DIGICOM to sell computer equipment to the Armed Forces at an overvalued price.
- <sup>251</sup> La Prensa, *Brasil será socio energético de Honduras* (October 20th, 2007). Accessed July and August 2019 at <http://www.laprensa.hn/economia/676711-97/brasil-ser%C3%A1-socio-energ%C3%A9tico-de-honduras>
- <sup>252</sup> Department of Justice, *Odebrecht information*. <https://www.justice.gov/opa/press-release/file/919911/download>
- <sup>253</sup> Department of Justice, *Odebrecht information*. <https://www.justice.gov/opa/press-release/file/919911/download>
- <sup>254</sup> Office of Public Affairs, Department of Justice, *Odebrecht and Braskem Plead Guilty and Agree to Pay at Least \$3.5 Billion in Global Penalties to Resolve Largest Foreign Bribery Case in History* (December 21st, 2016). <https://www.justice.gov/opa/pr/odebrecht-and-braskem-plead-guilty-and-agree-pay-least-35-billion-global-penalties-resolve>
- <sup>255</sup> El Heraldo, *Analizarán testimonio de Odebrecht sobre Honduras* (January 25th, 2018). Accessed July and August 2019 at <http://www.elheraldo.hn/pais/1146227-466/analizan-testimonio-de-odebrecht-sobre-honduras>
- <sup>256</sup> La Prensa, *Brasil será socio energético de Honduras* (October 20th, 2007). Accessed July and August 2019 at <http://www.laprensa.hn/economia/676711-97/brasil-ser%C3%A1-socio-energ%C3%A9tico-de-honduras>
- <sup>257</sup> Notimérica, *Brasil construirá dos presas en Honduras que comenzarán a funcionar en 2014* (November 5th 2007). Accessed July and August 2019 at <http://www.notimerica.com/economia/noticia-brasil-honduras-brasil-construira-dos-presas-honduras-comenzaran-funcionar-2014-20071105214944.html>
- <sup>258</sup> Junta Directiva Empresa Nacional de Energía Eléctrica, *Acta No. JD-1075-2010* (March 26th 2010). Accessed July and August 2019 at [http://www.enee.hn/Portal\\_transparencia/2016/Regulacion/Acuerdos%20y%20circulares/actas/2010/JD-1075-2010.pdf](http://www.enee.hn/Portal_transparencia/2016/Regulacion/Acuerdos%20y%20circulares/actas/2010/JD-1075-2010.pdf)



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