

Criminal complaint against Dutch bank FMO for assassination of Berta Cáceres in Honduras

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~Always follow the money~



COPINH files a criminal complaint against the Dutch bank FMO for complicity in corruption, embezzlement, money laundering and violence.

By COPINH, June 28, 2022

<https://copinh.org/2022/06/copinh-files-a-criminal-complaint-against-the-dutch-bank-fmo-for-complicity-in-corruption-embezzlement-money-laundering-and-violence/>

Today, June 28, 2022, 13 years after the 2009 coup d'état, COPINH, together with the daughters and son of Berta Cáceres, filed a criminal complaint with the Dutch Attorney General's office against the Dutch bank, FMO, and its directors, for the crimes of complicity in acts of corruption, embezzlement, money laundering and violence in their financing of the Agua Zarca hydro-electric dam project of the Atala Zablah family.

This legal action aims to unmask the criminal actions of “development” and “green” banks such as FMO, that invest in and finance corruption, violence and the violation of human rights of Indigenous communities, together with multi-millionaire bankers such as the Atala Zablah family.

The criminal accusation is against the FMO bank (Nederlandse Financierings-Maatschappij voor Ontwikkelingslanden N.V.), 51% owned by the Dutch State, and against its main executives: Nanno Kleiterp, honorary president of the European Development Finance Institutions (EDFI); Jurgen Rigterink, current first vice president of the European Bank for Reconstruction and Development (EBRD); and Linda Broekhuizen, former interim executive director of the FMO, among other executives.

This criminal complaint is in addition to the civil lawsuit action that COPINH filed in May 2018 against FMO for its negligent action in the handling of its financing to the Agua Zarca project that led to violence against the Lenca community of Rio Blanco and COPINH, resulting in the murder of community members and the assassination of Berta Cáceres.

The Dutch law firm Global Justice Association, which represents COPINH in the civil complaint, together with international experts concluded that the FMO committed criminal offenses of complicity in the actions of the Atala Zablah family, following the analysis of 676 pages and 151 annexes of new information contained in the response to the civil complaint filed by the law firm De Brauw Blackstone Westbroek N.V., on behalf of the FMO in May 2019.

The criminal complaint filed today is based on the following elements:

- FMO’s internal decision to finance DESA for the development of the Agua Zarca hydroelectric project despite warnings of violence, killings and other red flags;
- The signing of the February 27, 2014 credit agreement by FMO and the agreements with the state-owned ENEE and the state Secretariat SERNA;
- The misdirection of substantial part of funds from 3 disbursements dated November 28, 2014, May 22, 2015 and December 14, 2015 amounting to \$17.2 million dollars (417,350,000.00 lempiras) in total;
- Accepting extreme influence from DESA, through its main contact, David Castillo (recently sentenced to 22.5 years in prison for the murder of Berta Cáceres) and facilitating the potential bribery of the due diligence firm Monkey Forest Consulting;
- Ignoring notable high-risk circumstances, such as the fact that David Castillo, manager of DESA, was an employee of the state-owned ENEE, which granted the energy license to DESA, and the sudden increase in DESA’s shareholder capital at a time when it was due to complete financing from FMO, FinnFund and CABEL;
- Ignoring concrete evidence, before, during and after the project, of the corrupt origination and human rights violations of the Agua Zarca project;
- The waiver and cancellation of the debt to DESA by FMO and FinnFund after the assassination of Berta Cáceres;

- Having obtained rights, together with the CABEL bank, over indigenous lands illegally acquired by DESA, administered by the notary Roberto Pacheco Reyes, who was a member of DESA's board of directors;
- The extensive commercial and personal relationships that FMO representatives had with DESA's owners; the Atala Zablah family.

The Dutch prosecutor's office should analyze these elements presented in the 138-page complaint document and act against the persons linked to these crimes.

COPINH reiterates that there is not and there will not be "development" as long as the basic rights of Indigenous Peoples are violated and the oligarchs, who are responsible for the economic, political, environmental and social crisis that our countries are experiencing, are continually financed.

"With the ancestral strength of Berta, Lempira, Mota, Iselaca and Etempica, we raise our voices full of life, justice, freedom, dignity and peace!"

More information:

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- Honduras man is jailed for 22 years for role in assassination of Indigenous environmentalist in 2016. By [Nina Lakhani](#), The Guardian, 20 Jun 2022, <https://www.theguardian.com/world/2022/jun/20/honduras-man-who-planned-berta-caceres-jailed-for-22-years>

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