

September 16, 2003

HONDURAS: URGENT ACTION – MONTAÑA VERDE

Please re-distribute this urgent action as widely as possible. Please contact the officials set out below to express your dismay at the on-going abuses of the legal and penal systems.

Funds are needed for the Montaña Verde legal cases, to cover expenses of the witnesses and the lawyer, and to support the political prisoners and their families. [See below how to make donations]

Human rights observers/ accompaniers are needed to go to Honduras and bring international attention to these abusive legal cases. [Contact: info@rightsaction.org if interested]

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HONDURAS ñ Systematically using the legal and penal systems against community, indigenous leaders.

MARCELINO & LEONARDO MIRANDA, ILLEGALLY ARRESTED & TORTURED, REMAIN UNJUSTLY IMPRISONED IN HONDURAS

Marcelino and Leonardo Miranda, indigenous council members from the community of Planes, Montaña Verde (municipality of Gracias, department Lempira), remain imprisoned on fabricated charges.

They were arrested illegally (Honduran law requires all capture orders to be carried out between 6am and 6pm) during the night of January 8-9, 2003, in a violent operation carried out by police and Cobra agents accompanied by civilians. Submachine guns were fired at the communal meeting hall, the house of Leonardo and Eleuterio Miranda, and into the air. Marcelino was severely beaten in the presence of his small children and wife, all of whom were dragged out of their house and forced to lie on the ground at gunpoint, and both brothers continued to be beaten throughout the hike towards Gracias. Cigarettes were extinguished on their faces and ears, and their heads were repeatedly submerged underwater.

SYSTEMATIC PERSECUTION IN THE JUSTICE & PENAL SYSTEMS

The right to a fair trial continues to be severely violated. The first hearing of the case brought by the Public Prosecutor's Office on Ethnic Minorities against the police officers involved in the January 8-9 operative, commanded by Lieutenant Tulio Henríquez, for torture and abuse of authority was scheduled for September 10, 2003. On that date the hearing was postponed one day, supposedly because the accused did not appear. On September 11 Judge Moncada, presiding over the case, declared that the hearing was rescheduled for September 23, because one of the accused police officers was in La Ceiba and had not

been summoned.

Judge Moncada and Public Prosecutor Virgilio Carias had arranged to meet up with defense lawyer Marcelino Martinez on August 25th, 2003 along the route to Monta0a Verde (an isolated community that takes 3-4 hours to hike into) for a scheduled reconstruction of events, part of the evidence display in the current homicide case against Marcelino and Leonardo Miranda. The judge and prosecutor, along with police officers, however, passed by much earlier than the agreed hour, drove to the end of the road, from which point the hike into Monta0a Verde should have begun. Instead, they declared that the defense did not show up, and then announced that they had with them capture orders for Tiburcio Bautista Bejerano, Marcos Reyes, and Margarito Vargas (3 other council members from Planes, accused of the same homicide), and departed. They have claimed to have arrived at the site of the supposed crime (which is impossible, given that it takes hours to get there on foot, from the end of the road) and even though dozens of community members, the defence lawyer, COPINH coordination member Silvestre Bautista, and an international human rights observer witnessed the writing of an act confirming that they never arrived.

One of the two public prosecutors assigned to the Monta0a Verde cases, Benjamin Lavaire, had also falsely declared that he was present during the January 8-9 operative to arrest Marcelino and Leonardo Miranda. In fact, Benjamin Lavaire awaited the operative in Potrerillos, where the police beatings and torture of the captured Miranda brothers continued in his presence and during the ride to Gracias.

The judicial process has been continuously plagued with irregularities. Hearings are often postponed. Documents have been omitted. (Keep in mind that the local community are impoverished campesinos and the lawyer is working pro-bono, under threats himself).

In another case -- the upcoming case against police for torture committed against the Miranda brothers --, the medical evaluation, confirming evidence of torture, was omitted from the case file.

The same had occurred at the beginning of court proceedings against Marcelino and Leonardo Miranda, when the testimonies of 16 Monta0a Verde witnesses, declared shortly after the January 8-9 operative at police headquarters in Gracias, were likewise omitted.

## BACKGROUND

The inhabitants of Monta0a Verde, subsistence farmers of indigenous Lenca descendance, have lived in the neighbouring communities of Planes and Vertientes for generations. Powerful landowning families and others in Gracias have made claims and illegal incursions to the land, and have carried out hostile acts and threats for decades, along with local allies. Over the past decade the communities of Monta0a

Verde, organized with the Civic Council of Popular and Indigenous Organizations of Honduras (COPINH) have been struggling for communal land titles to their territory.

**REGULAR JAILINGS AND LEGAL CHARGES:** In the past five years a strong campaign of repression has been waged against members of the Indigenous Communal Council of Montaña Verde and other community leaders. Gracias landownersí allies and employees have made a series of fabricated accusations against community leaders for charges ranging from land usurpation (of land in their own community) to homicide. Felipe Bejerano was arrested in February 2001 for a series of robbery and property damage charges, and was imprisoned until released in April 2003, acquitted due to lack of evidence. Luis Benítez was illegally arrested and beaten in February 2002 on the same charges and likewise imprisoned until his release in April 2003.

Court proceedings for the homicide charge against Marcelino and Leonardo Miranda continue. The prosecution has recently submitted a motion for the charge (homicidio simple) to be changed to murder (asesinato). There are outstanding capture orders for Tiburcio Bautista Bejerano, Marcos Reyes, and Margarito Vargas of Planes, and Feliciano Pineda of Vertientes. All are Indigenous Communal Council or community council members.

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TO MAKE TAX-CHARITABLE DONATIONS, to directly support the community defense work of COPINH and the legal defense work of Montana Verde, MAKE CHECK PAYABLE to "Rights Action" and mail to USA (1830 Connecticut Av, NW, Washington DC, 20009) or Canada (509 St. Clair Av, W, box73527, Toronto ON, M6C-1C0).

DONATE ON LINE [in the USA]: [www.rightsaction.org](http://www.rightsaction.org)

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**HUMAN RIGHTS ACCOMPANIMENT:** If you are interested in going to Honduras, as a trial or human rights observer, contact: [info@rightsaction.org](mailto:info@rightsaction.org)

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SEND YOUR EMAILS OF PROTEST TO:

Lic. Ricardo Maduro, Presidente de Honduras, F: (504) 235-6949, F: (504) 237-1121

Honduran Ambassador to the United States, Mario Canahuati, T: (202) 966-7702, F: (202) 966-9751, E: [embassy@hondurasemb.org](mailto:embassy@hondurasemb.org)

Honduras Embassy in Canada, T: 613-233-8900, F: 613-232-0193, E:  
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Honduran mission to the United Nations: 866 UN Plaza Suite 417 New  
York, NY 10017 Tel: 212-752-3370, m.suazo@worldnet.att.net

Canadian Ambassador for Honduras, Denis Thibault, F: 011-504-232-8767,  
e: sjose-gr@dfait-maeci.gc.ca

United States Ambassador to Honduras, Larry Palmer, (504) 236-9320, F:  
(504) 238-4446

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