

November 15, 2004

HONDURAS: POLITICAL PRISONER UPDATE

There is finally some good news for Marcelino and Leonardo Miranda last week.

This was in no small part due to the international solidarity throughout the case - protests, actions, letter-writing campaigns - from Canada to Argentina and around the world. Many thanks to all those who have phoned, faxed letters, visited Marcelino and Leonardo in jail, denounced the case, organized solidarity actions, etc.

Please keep it up.

The two brothers, community leaders from Montaõa Verde, a remote community in the department of Lempira, have been targets of an ongoing campaign of repression, in which the 'justice' system has been manipulated in favour of the powerful landowning family that has its sights set on the communal land and resources of the Lenca community.

AT LAST, SOME GOOD NEWS

The Supreme Court finally made its decision with regards to the murder case, for which the court in Gracias, Lempira had sentenced the Miranda brothers to 25 years in jail, despite the overwhelming lack of evidence and serious irregularities throughout the process. The decision was not the best possible outcome (overturning the sentence and freeing the political prisoners), but it certainly wasn't the worst (ratifying the sentence for a definitive 25 years) either.

The Supreme Court of Honduras 'canceled' the sentence. The case will be heard over again at the Appeals Court in Santa Rosa de Copan, which had previously ratified the sentence. This decision sends a strong message against the actions and manipulations resulting in the negative

decisions made in the Gracias and Santa Rosa courts. Should the Appeals Court ratify the sentence once again, the defence will still have the opportunity to appeal to the Supreme Court.

ON-GOING LEGAL BATTLES

The Supreme Court has previously cancelled another sentence related to the persecution of Montaña Verde community leaders. Leonardo Miranda had been acquitted of assault and attempt against the State, accusations resulting from the night of his arrest, January 8, 2003, when he and Marcelino were repeatedly tortured.

Three police officers were wounded in the military-style attack on the community. Investigations by the Special Attorney's Office on Ethnic Groups revealed that it was likely that the police were wounded in their own crossfire, as two groups firing round after round of bullets converged on Leonardo's house.

Leonardo had been acquitted by the Appeals Court in Santa Rosa de Copan, due to the total lack of evidence linking him to the charges. However, after the Supreme Court cancelled the sentence, the court in Santa Rosa then found him guilty of the charges and sentenced him to 4 years.

Both Marcelino and Leonardo have been sentenced by the court in Gracias to 4 years for battery, in another case of the manipulation of the justice system with false witnesses. There are also arrest warrants out on four other community leaders, three of whom are also members of the Indigenous Communal Council of Montaña Verde, on charges of the same murder as the Miranda brothers.

In fact, the only case that was immediately shelved without arrest warrants was that of the charges of torture and abuse of authority against 28 police

agents who participated in the arrest and torture of the Miranda brothers on January 8-9, 2003.

CONCERN FOR SAFETY AND HEALTH

Life is relatively quiet in the Gracias prison, where Marcelino and Leonardo are detained, spending their time studying and working on crocheted bags and hats. However, they have not forgotten the repeated torture nor the threats, by State agents and others involved in the repression against Montaña Verde, repression that is far from over.

When Marcelino Miranda was given permission to visit the hospital in September, he was once again threatened. As he left the prison on foot towards the hospital, accompanied by a prison guard, they passed another prisoner accompanied by prison guard Tomas Bautista, who is reportedly connected to the Calix family behind the persecution against Montaña Verde community leaders. Upon seeing Marcelino, Tomas Bautista told him 'oh, you should have told me you were going, I would have accompanied you,' while making menacing gestures with his baton.

At the hospital, Marcelino was given medicine to treat an infection in his gums. It helped, but the infection persists. He had his top teeth removed by a dentist in the prison, and there is insufficient medical attention at the meager jail clinic, where the only medicine they have in stock is over-the-counter painkillers. Marcelino also suffers from a heart condition.

Due to the threat from Bautista, Marcelino is afraid to leave the prison, especially now that the Supreme Court decision has likely angered the powerful actors behind the threats and legal cases. However, he needs medical attention that is not available in the prison.

PLEASE SEND MESSAGES OF CONCERN

- demanding that Marcelino and Leonardo Miranda's safety and well-being be protected
- asking that Marcelino Miranda receive all necessary medical

attention and
medication

- denouncing the recent threat made by prison guard Tomas Bautista
- requesting an immediate, exhaustive and impartial investigation into the
brothers' arrest and torture January 8-9, 2003, the subsequent
threats, the
various legal charges against Monta0a Verde community leaders, and the
irregularities throughout the proceedings.

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TAX-CHARITABLE DONATIONS for emergency relief and support for Miranda
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