

From: RightsAction [info@rightsaction.org]
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To: info@rightsaction.org
Subject: HONDURAS: Montana Verde Political Prisoners update

HONDURAS: Montaña Verde Political Prisoner Update

Honduras, October 23, 2005.

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We present this update, by Sandra Cuffe of Rights Action, about a community development/ political prisoner struggle we have long been working on, with your support. Please re-distribute this info, here n there. If you want on-off this elist: info@rightsaction.org

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Every day that goes by is yet another day in jail for crimes they did not commit. For community leaders from a remote community in the mountains of western Honduras, it is another day without their children and families, unable to work their lands to support them. It is another day jailed for their ongoing struggle for an indigenous communal land title and for the defense of their communities' land and natural resources in Montaña Verde.

Rights Action distributes this update on the situation of political prisoners Marcelino Miranda, Leonardo Miranda and Feliciano Pineda, affiliated with the Civic Council of Grassroots and Indigenous Organizations of Honduras (COPINH), a partner organization that we have been supporting for the past 7 years. Ongoing international action (letters, phone calls, etc) to pressure for the release of the three political prisoners is needed, as are funds to support their families and legal defense. The contacts to take action are included below.

You are encouraged to forward, publish or distribute this update. For more information, to get involved, or to contribute much-needed financial support to the ongoing campaign to free the Montaña Verde political prisoners and support their struggle for community lands, contact: info@rightsaction.org, 416-654-2074, www.rightsaction.org

MESSAGE FROM THE POLITICAL PRISONERS: THANKS FOR GLOBAL SOLIDARITY & ACTION

The Prison in Gracias, Lempira, Honduras, Central America.

From us, the indigenous political prisoners of Montaña Verde, to you, dear brothers, sisters and friends from different countries around the world, we send you our global greetings with much respect and affection, hoping that God illuminates your minds and hearts and that you may be happy.

We also thank you for the notes and cards in solidarity. We have received your letters with much love.

Thank you and God bless you today and always we say to you Marcelino, Leonardo and Feliciano.

HONDURAS: UPDATE ON THE SITUATION OF POLITICAL PRISONERS OF MONTAÑA VERDE

"We will never renounce our struggle," says Marcelino Miranda, in a corner of the prison cell in Gracias, southwestern Honduras. "Even though we are in here, our struggle - the struggles of our community and organization - continues."

Political prisoners Marcelino Miranda, Leonardo Miranda and Feliciano Pineda are community leaders from Montaña Verde affiliated with the Civic Council of Grassroots and Indigenous Organizations of Honduras (COPINH) who remain unjustly imprisoned on a series of false charges.

Around the country, the corrupt judicial system often serves as a tool of repression in the interests of the political and economic elite. In this case, extremely powerful landowning families from Gracias - with ties to the political party currently in power, the military and the police - have been attempting to take over the land and natural resources of Montaña Verde for decades. When their attempts to usurp the land began meeting with increasing resistance and a community-based struggle for legal recognition of ancestral land rights in the form of an indigenous communal land title, community leaders were targeted for repression and accused of a series of false criminal charges from land usurpation and property damage to murder.

Marcelino and Leonardo Miranda

In January 2003, Marcelino and Leonardo Miranda were illegally detained and tortured in a military-style attack on Montaña Verde by over 28 police, investigative and special forces agents accompanied by armed civilians working for the powerful landowners of Gracias. They have faced fabricated charges ranging from cattle theft to murder, along with repeated torture, threats and intimidation since their detention.

Although lesser charges were dropped for lack of evidence, the same lack of evidence has not prevailed over the systematic corruption and manipulation of the judicial system in the majority of the criminal charges. Both Miranda brothers have been sentenced to four years for assault and Leonardo has been sentenced to another four years on a separate assault charge related to his initial resistance to the illegal and violent attack and detention. As any one sentence under 5 years may be commuted, if the Miranda brothers are acquitted of murder, Marcelino could be released immediately.

Considering the total lack of evidence and the frequent irregularities and abuses during their trial for murder, Marcelino and Leonardo Miranda were recognized as political prisoners by Amnesty International. They were sentenced to 25 years in prison by the court in Gracias, a decision that was upheld by the Santa Rosa de Copan Appeals Court.

Although months have passed since the appeal was accepted by the Supreme Court, the case has not advanced. The Supreme Court invalidated

the Appeals Court sentence on technical grounds; however, the Appeals Court reaffirmed the 25 year sentence and sent the case files back to the Supreme Court.

After the Miranda brothers' Public Defense Lawyer Armando Alcides García formalizes his position, the case files (#1857-2004) will then be transferred to Public Prosecutor Lorena Sorfo at the Honduran Public Prosecutor's Office, a crucial moment when a decision will be made in the State contestation to the Supreme Court.

Feliciano Pineda

Feliciano Pineda is yet another community leader accused of the same fabricated murder charge as Marcelino and Leonardo Miranda. For the same charge, there are also arrest warrants out for elected Montaña Verde Indigenous Communal Council representatives Tiburcio Bautista Bejarano (President), Marcos Reyes (Treasurer) and Margarito Vargas Ponce.

On June 5, 2005, Feliciano Pineda was the target of a violent assault by civilians working for the Gracias landowners, who attacked Feliciano with their machetes, leaving him bleeding on the ground. When community residents transported Feliciano to the hospital in the Honduran capital, Tegucigalpa, they found police agents waiting to arrest Feliciano. Despite the grave wounds, causing permanent damage to his hand and temporary paralysis, the police proceeded to arrest Feliciano immediately and transported him from the hospital to the jail in Gracias in the following days, long before he had begun to recuperate from the attack.

The four assailants - Cecilio Reyes, Delfino Reyes, Pablo Reyes and Santos Reyes - only briefly appeared before judicial authorities in Gracias and were immediately freed. Despite the obligation of the State to prosecute them, the judicial authorities recommended that they not be detained during their trial. They, along with prison guard Tomas Bautista, have also intimidated Feliciano Pineda and pressured him to accept a deal in which they would be briefly imprisoned and would give him 200 lempiras (approx. 10 US dollars) in compensation for his wounds.

During their investigation into the abuses of the police agents in their arrest and transfer of Feliciano, the Special Public Prosecutor's Office for Ethnic Peoples discovered that a Tegucigalpa hospital report now maintains that Feliciano Pineda received hospital treatment for a common illness and not for the eight gaping machete wounds on different parts of his body and head. The purpose of this report is to deny police responsibility for mistreatment and abuse of Feliciano in transferring him out of the hospital while still suffering from grave injuries and health problems. It is one small example of the manner in which State 'security' forces and other powerful actors continue to act with impunity.

Feliciano has been intimidated and pressured to sign another deal, declaring himself guilty of the murder charge in exchange for a reduced sentence. As neither his family nor COPINH have sufficient funds to support a private lawyer, a Public Defender has been named to represent him. Although Feliciano has staunchly refused to sign any deal or document, his lawyer is from Gracias, a town where the all-powerful landowners essentially control the entire political and judicial systems. Thus, instead of representing Feliciano's interests, the public defender has been pressuring him to accept the deal.

At one point, prison guard Tomas Bautista pressed the barrel of his weapon into Feliciano's right side, ordering him to declare himself guilty and sign the deal. Tomas Bautista is known to collaborate with the powerful landowning families of Gracias and on a previous occasion threatened and intimidated Marcelino Miranda. On one occasion he remarked that he knew that Felipe Bejarano had been in Gracias and said 'he's another one who has to end up back in here.' Felipe Bejarano and Luis Benites are both elected representatives of the Indigenous Communal Council who spent over two years and a year, respectively, in jail for other fabricated charges until their release for lack of evidence in 2003.

The Land

The two communities of Montaña Verde, Planes and Vertientes, have been struggling for over a decade for legal recognition of their ancestral community land rights. While the community of Vertientes received its indigenous communal land title, Planes has not. The community's files have been transferred from the National Agrarian Institute (INA) to the Property Institute, an entity recently created with the ratification of the Property Law in late 2004.

The recent legislation has been fiercely protested by the indigenous and Garifuna peoples of Honduras, as it permits the individualization of community land titles. Different land regularization and titling programs operating around the country with international financing - the World Bank's Honduran Land Administration Program (PATH) in Garifuna communities along the Caribbean coast and the European Union's Land Program in several regions, including the indigenous communal lands of Intibucá - have been promoting this trend, facilitated by the Property Law. Another related trend is the titling of community lands without including their forests, waters sources and other natural resources. These policies facilitate the entry of investors and the privatization of water and other community resources.

The communities of Montaña Verde and COPINH continue to struggle for the legal recognition of Planes' community land, the defense of communities' natural resources in the region and the freedom of Montaña Verde political prisoners Marcelino Miranda, Leonardo Miranda and Feliciano Pineda.

TAKE ACTION TO FREE THE MONTAÑA VERDE POLITICAL PRISONERS

Ongoing international attention is needed to support the campaign to free political prisoners Marcelino Miranda, Leonardo Miranda and Feliciano Pineda and to end repression against Montaña Verde community leaders. Please advise Rights Action and COPINH of any authorities' responses you receive concerning the case: caminando27@yahoo.es.

Consider choosing a day of the week to make a quick weekly telephone call and/or email. Express your concern for the imprisonment of Montaña Verde community leaders Marcelino Miranda, Leonardo Miranda and Feliciano Pineda in Gracias, Lempira; for the ongoing intimidation, threats and abuses by authorities; petition for their release; and ask for an investigation into the matter. Note the name of the person with whom you communicate and let them know that you will call (preferably) or fax or email next week. Mark your calendar!

CANADIANS:

Honduran Embassy in Canada: tel. (613) 233-9800, fax (613) 232-0913, embhonca@magma.ca

Canadian Embassy in Honduras: Ambassador Robert Richards, tel. (504) 232-4551, fax (504) 239-7767, tjlpa@dfait-maeci.gc.ca

USA:

Honduran Embassy in DC: tel. (202) 966-7702, fax (202) 966-9751, embassy@hondurasemb.org

US Embassy in Honduras: tel. (504) 236-9320 or 238-5114, fax (504) 237-1792

Spanish speakers may call the following authorities in Honduras, expressing their concern about the imprisonment of Marcelino and Leonardo Miranda (as well as Feliciano Pineda, although his case is still in lower courts) and the numerous abuses committed by the legal system, petitioning for their release, and asking for information about recent developments:

Magistrado Nicolas Garcia Zorto, tel. (504) 234-5444 (Supreme Court Judge)

Abogado Armando Alcides Garcia, tel. (504) 238-6092 (Public Defense Lawyer)

Abogada Lorena Sorto, tel. (504) 221-5620, ext. 2161 (Public Prosecutor's Office, soon to receive the case files, Expediente no. 1857-2005)

Write to the Montaña Verde Political Prisoners!!!

Notes and cards (especially in Spanish, although Leonardo is now taking some basic English as part of the high school studies he is pursuing while in jail) bring moral and spiritual support to Marcelino, Leonardo and Feliciano. They also make international attention and concern visible to prison guards and authorities.

Address to:

Marcelino Miranda, Leonardo Miranda, Feliciano Pineda

Centro Penal

Gracias, Lempira

HONDURAS

"There are a lot of nights when I lie in my cell and I cannot understand WHY THIS HELL and this terror I have been going through for 21 years hasn't ended. But yet I know in my heart that someone has to pay a sacrifice to make things better for our people. The sacrifice I have made, when I really sit down to think about it, is nothing compared to what our people of 100 years ago or 50 years ago or 25 years ago made. Some gave their lives. Some had to stand there and watch their children die in their arms. So the sacrifice I have made is nothing compared to those. I have gone too far now to start backing down. I don't give up, not until my people are free will I give up. If I have to sacrifice some more then I sacrifice some more."

- Leonard Peltier

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