

Canadian tourism operator (Patrick Forseth of *Carivida Villas*) uses corrupted Honduran legal system to “criminalize” Miriam Miranda and Indigenous Garifuna people on their lands

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Canadian Businessman Patrick Forseth (of the Carivida Villas company) Files Criminal Charges Against Miriam Miranda (OFRANEH) and other Indigenous Garifuna Leaders

6 August 2017, by [Dina Meza](#) (translated for Rights Action by Lori Berenson)

<http://www.pasosdeanimalgrande.com/index.php/en/amenazas-a-la-libertad-de-expresion/item/1841-miriam-miranda-dirigenta-de-ofraneh-y-tres-defensoras-garifunas-mas-son-querelladas-por-empresario-canadiense>



Miriam Miranda, Coordinator of OFRANEH, photo: Rights Action

Criminalization of Indigenous land and community defenders

Once again, the Honduran criminal law system is being used against community defenders, with complaints of defamation and slander lodged against the Indigenous Garifuna community

defenders Miriam Miranda (coordinator of the Fraternal Garifuna, Black Organization of Honduras, OFRANEH), and Madeline Martina David, Neny Heidi Ávila and Lety Hernández from the Guadalupe Community in Trujillo, Colón, Honduras.

Criminal complaint have been filed against each of them by the Canadian businessman Patrick Daniel Forseth (Carivida Villas, www.carivida.com). Madeline Martina David was accused and detained along with two fellow community members based on the trumped up criminal charge of misappropriation (of their own Garifuna lands) last November 10 2016. She explained that police came to her community of Guadalupe while they were within an area pertaining to the ancestral Garifuna land title.

The police arrested her, taking her away in a police patrol car where police agents insulted her for being black the whole way. She remained in custody and was only freed in the court hearing that imposed restrictive measures to replace prison, which was then eliminated when the case was dismissed definitively in the initial court hearing.

Pasosdeanimalgrande.com went to Trujillo to ask in the Sentencing Court about the complaint lodged against the four Garifuna community defenders (# TST-Q-02-017) by the lawyer Carlos Alberto Barahona Ochoa, legal representative of Patrick Forseth.

Complaints of Canadian tourism investor Patrick Forseth

Forseth's complains that "for a long time, they [the Indigenous Garifuna people who have lived in this region since the late 1700s] have been publishing in different media outlets, websites, social media etc. actions and situations that are completely false, such as his [Forseth's] participation in a mafia dedicated to the production and distribution of pornography, that the money used to purchase properties is product of drug trafficking activities and money laundering, which are accusations that are completely false and unfounded, and above all, extremely problematic...".

Patrick Forseth's account continues: "Similarly, they mentioned that I stole the lands from members of the Garifuna community in Guadalupe, using trickery, forceful action and death threats. These false accusations have damaged and denigrated both my image and reputation and that of the company that I represent, Caravida Limited Liability Company."

Partnered with Randy Jorgensen, the Canadian "Porn King"?

Another argument given by the businessman is that the Indigenous Garifuna community defenders have "recently disseminated in various media outlets that I form part of a mafia led by another Canadian whom they call Randy Jorgensen, the Porn King. Such accusations are a reaction of hatred and disdain towards me, and not only by the people from Santa Fe but also on an international level, to such a degree that it has led some people to request that I be deported or lynched."

The websites signaled in the businessman's complaint as places where said information has been published is on OFRANEH's website (ofraneh.org), criterio.hn, elpulso.hn, albasur.org,

page of the board of Guadalupe (Lety Bernardez) and Patronato Neny Ávila. The witnesses to this complaint are Roger Alyoni Puerto and Emanuel Milland Banegas.

Arrest order against Randy Jorgensen

The complaint occurs in the context of a supposed arrest warrant against the Canadian Randy Jorgensen against whom the Prosecutor for Ethnic Groups issued a legal claim in December 2011 for the misappropriation of Garifuna lands for his luxury homes within the boundaries of the Capiro y Calentura National Park, according to OFRANEH's description in a statement published in elpulso.hn, one of the media outlets named in the complaint.

Impunity for assassination of Bertha Cáceres exacerbates persecution against women defenders

Impunity lacerates the entire society. In Honduras, impunity eats away at the entire structure of the justice system. With the assassination of Bertha Cáceres, repression against women defenders of land and of the rights of women has gotten worse.

There is an additional complaint filed by DESA (the Energy Development Company) against Suyapa Martínez; they do not cease in their attempts to silence the director of the Center of Women's Studies Honduras (CEM-H).

Without a doubt, the Honduran legal system is used more vehemently today as a means to criminalize women defenders. These women are then forced to respond to these trumped up criminal complaints, in a justice system that attacks the poorest of the poor.

All of the State machinery is at the service of the accusing parties who control significant political and economic power.

Only the strength of solidarity can put an end to these acts of aggression directly aimed at women community defenders who face more than just trumped up legal actions but also threats, harassment and defamation campaigns.

Tourism law favors international companies and investors

The new tourism law pushed forward in the [post-military coup] Honduran parliament is exacerbating acts of dispossession and repression in Indigenous peoples' territories. OFRANEH has demanded the end to this proposed law launched by president Juan Orlando Hernandez, as it will be used to declare lands to be of "public interest" and then to evict the real and original owners from their lands, under the argument of "promoting development".

Activating the international network to support the Garifuna people

The Meso-American Initiative of Women Defenders of Human Rights (Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos - www.im-defensoras.org) launched an alert to call attention to this most recent criminalization of community defenders: "IM-Defenders condemn this new act of criminalization against Garifuna land defenders. We demand that the Honduran state comply with its duty to ensure the protection of these defenders and the legal

right to defend the rights of the defenders, as the undersecretary of the U.N. Andrew Gilmour, stated in his visit to the country, demanding the immediate cancellation of this complaint process.”

Names/Addresses:

- Carivida Villas - www.carivida.com
- Ambassador Michael Gort, Embassy of Canada in Costa Rica, Honduras and Nicaragua, Tel: (504) 2232-4551; Michael.gort@international.gc.ca; tglpa@international.gc.ca
- Isabelle Solon Helal, Governance Specialist, Natural Resources and Governance Division, isabelle.solohelal@international.gc.ca
- Jason Smith, U.S. government Human Rights and Labor representative, SmithJA6@state.gov (with copy to GromovichG@state.gov)

More information

- OFRANEH (Organizacion Fraternal Negra Hondureña), garifuna@ofranch.org, www.ofranch.org, <http://www.ofranch.wordpress.com>
- Karen Spring, Honduras Solidarity Network, Spring.kj@gmail.com
- Grahame Russell, Rights Action, info@rightsaction.org

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