

AMNESTY INTERNATIONAL

Public statement

AI Index: AMR 37/003/2006 (Public)
News Service No: 037
10 February 2006

Honduras: Prisoner of conscience Feliciano Pineda released – a first step towards justice

Amnesty International welcomes the provisional release of prisoner of conscience Feliciano Pineda, an indigenous leader from the Lenca indigenous community in Montaña Verde, in the municipality of Gracias. This judicial ruling means that the indigenous activist and human rights defender, Feliciano Pineda is free at last, albeit provisionally, and can return to his family after having spent eight months in unjust detention. However, Amnesty International reminds the authorities that a great deal still needs to be done to ensure that there is justice in this case.

Amnesty International is now calling on the State to ensure the safety of Feliciano Pineda and his family and to conduct investigations both into the way he was arrested in June 2005 while in hospital and into the intimidation he suffered during his detention as well as the criminal charges themselves.

The organization believes that his provisional release has come about because of the *Organizaciones Populares e Indígenas (COPINH)*, Civic Council of Popular and Indigenous Organizations, as well as the national and international mobilization calling for justice in this case. These combined efforts have succeeded in ensuring that the courts made a decision that is consistent with both the law and justice.

However, Amnesty International is concerned that brothers Marcelino and Leonardo Miranda, also from Montaña Verde and prisoners of conscience, remain in prison after having both been sentenced in December 2003 to 25 years' imprisonment despite the fact that there was evidence to show that the charges against them had been fabricated in reprisal for their attempts to get official recognition of communal land titles for their community.

Other indigenous leaders from the same community, Margarito Vargas and Marcos Reyes, also accused of the murder of Juan Reyes Gómez, presented themselves to the judge on 10 January 2006, after having lived in hiding for three years. On 19 January 2006 they were acquitted on the murder charge and Marcos Reyes was released. However, Margarito Vargas remains in custody on a charge of causing bodily harm.

Amnesty International is now calling on the authorities to take advantage of the court ruling [in the case of Feliciano Pineda] to conduct an in-depth investigation into the fabrication of evidence against several different indigenous leaders from the community of Montaña Verde and to close the criminal proceedings against them. Amnesty International believes that this is an opportunity to carry out a thorough reform of the country's judicial system in order to ensure that the Public Prosecutor's Office acts impartially and solely in the interests of justice.

Amnesty International believes that, following the provisional discontinuance of the case against Feliciano Pineda, there are a number of actions the authorities should consider. They should:

- guarantee the safety of Feliciano Pineda, his family and other indigenous leaders from the community of Montaña Verde, as well as that of other Honduran human rights defenders, in line with their own wishes;
- ensure that Feliciano Pineda receives compensation for his unjustified arrest and trial;
- withdraw the criminal charges against brothers Marcelino and Leonardo Miranda and Margarito Vargas as well as the arrest warrant issued for Tiburcio Bautista, another indigenous leader from Montaña Verde, who has had charges of murder, bodily harm and theft of livestock against him for several years;
- conduct a thorough and impartial inquiry into the original investigation carried out by the Public Prosecutor's Officer into the murder of Juan Reyes Gómez in 2001;
- investigate the assault on Feliciano Pineda last June, his premature transfer from hospital following his arrest and the intimidation he suffered while in detention and bring those responsible to justice;
- take urgent steps to resolve the fundamental problems that exist in the municipality of Gracias, including land disputes and the ongoing tolerance of abuses of power by local landowners.

General background

In June 2005 Feliciano Pineda, an indigenous leader affiliated to the *Consejo Cívico de Organizaciones Indígenas Populares (COPINH)*, Civic Council of Popular and Indigenous Organizations, was arrested in a Tegucigalpa hospital to which he had been taken after being seriously assaulted by three men who attacked him with machetes. Despite his injuries, Feliciano was taken into custody on charges of robbery, damages, burglary and the murder of Juan Reyes Gómez, which had taken place in 2001 during an alleged land dispute. In December 2005, Feliciano Pineda was acquitted of the murder charge. However, he remained in prison on the other charges even though the legal time period for prosecuting him on those charges had already lapsed. In September 2005, a prison guard threatened Feliciano with a firearm to get him to sign a statement admitting all the charges against him but he refused to do so.

After studying the criminal charges against Feliciano Pineda and brothers Marcelino and Leonardo Miranda, Amnesty International took the view that their arrest and trial were in reprisal for their peaceful struggle to obtain official recognition of communal land titles for their community. The organization adopted them as prisoners of conscience and called for their immediate and unconditional release.

For further information, see:

Honduras: No justice for indigenous leaders Amnesty International adopts new prisoners of conscience <http://web.amnesty.org/library/Index/ENGAMR370022006>

Honduras: Montaña Verde Prisoners of Conscience
<http://web.amnesty.org/library/Index/ENGAMR370012006>