

PUBLIC

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01 October 2003

Further Information on UA 128/03 (AMR 37/006/2003, 08 May 2003) Fear for safety/Torture/Medical concern

HONDURAS                      Marcelino Miranda (m)                      ] human rights defenders  
   Leonardo Miranda (m)                      ] and brothers

New name:                      Marcelino Martínez Espinal (m) lawyer and human rights defender

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Lawyer Marcelino Martínez Espinal has reportedly been intimidated due to his work on the case of brothers Marcelino and Leonardo Miranda, indigenous leaders of the *Consejo Cívico de Organizaciones Indígenas Populares* (COPINH), Civic Council of Indigenous and Popular Organizations. Amnesty International is concerned for his safety and for that of Marcelino and Leonardo Miranda.

Marcelino Martínez Espinal has been acting as the brothers' lawyer since February 2003. He has reportedly been followed on at least three occasions between February and September 2003. Most recently, at around 3.30pm on 18 September, a red Toyota with blacked-out windows and no licence plates, allegedly followed Marcelino Martínez Espinal's car as he was visiting the brothers in Gracias Prison, Lempira department. On 22 July, at a hearing of Marcelino and Leonardo Miranda's case, two unidentified individuals reportedly asked about Marcelino Martínez Espinal and his car. The two men were well-dressed and travelled in a vehicle without license plates. They were also heard making derogatory comments about the lawyer. These acts of intimidation mean that Marcelino Martínez Espinal no longer feels able to visit the Mirandas in prison as he fears for his personal safety.

Marcelino Martínez Espinal, an experienced human rights defender, previously worked with the non-governmental organization *Comité de Familiares de Detenidos-Desaparecidos en Honduras* (COFADEH), Committee of the Relatives of the Detained-Disappeared in Honduras, investigating cases of 'disappearance'.

Amnesty International also remains concerned for the safety of brothers Marcelino and Leonardo Miranda, who were detained by armed police officers on 8 January 2003. The brothers were reportedly tortured by police officers during their arrest and while detained in Gracias Prison. According to reports, on 2 June, two members of the police force's department of internal affairs visited the brothers. One of them put his gun to Leonardo Miranda's head, telling him that if he did not accept the charges brought against him he would be killed. A blank piece of paper was placed in front of Leonardo, but he refused to sign it.

Leonardo and Marcelino Miranda were initially accused of illegal seizure of land (*usurpación*), battery (*lesiones*) and manslaughter (*homicidio*). In addition, Marcelino was charged with grand larceny of livestock and damages (*hurto de ganado mayor y daños*), and Leonardo was charged with "attack against the State of Honduras" ("*atentado contra el Estado de Honduras*"). Several of these charges have been dropped and they are now charged with battery and murder (*asesinato*).

The *Fiscalía Especial de las Etnias* (Special Prosecutor for Ethnic Affairs) has brought a lawsuit against several police personnel on charges of torture and abuse of authority during the Mirandas' arrest. However, there has reportedly been no advance in the investigation.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish or your own language:**

- expressing concern at reports of the intimidation of Marcelino Martínez Espinal, who is acting as the lawyer for indigenous rights activists Marcelino and Leonardo Miranda;

- calling for an immediate and thorough investigation into these acts of intimidation, for the results to be made public and for those responsible to be brought to justice;
- calling for assurances that the Honduran authorities will take all necessary steps to protect Marcelino Martínez Espinal, and that he be allowed to perform his legitimate work as a lawyer and human rights defender without threats and harassment;
- expressing concern at the continued allegations of torture and intimidation of Marcelino and Leonardo Miranda, particularly the reported death threat against Leonardo Miranda on 2 June in Gracias Prison;
- calling for an effective investigation into the allegations of torture and intimidation against the brothers, for the results to be made public and for those responsible to be brought to justice;
- welcoming the action taken by the *Fiscalía Especial de las Etnias* against police personnel involved in the brothers' arrest, but expressing concern at the lack of progress of the investigation into the incident.

**APPEALS TO:**

Minister of Security

Dr. Oscar Alvarez

Ministro de Seguridad Pública

Ministerio de Seguridad Pública

Edificio Poujol, 4o piso

Col. Palmira (Blvd. Morazán), Tegucigalpa, Honduras

**Telegrams: Ministro de Seguridad, Tegucigalpa, Honduras**

**Fax: + 504 220 4352**

**Salutation: Dear Minister/Señor Ministro**

Minister of the Interior and Justice

Lic. Ramón Hernández Alcerro

Ministro de Gobernación y Justicia, Ministerio de Gobernación y Justicia, Palacio de los Ministerios, 21 Piso,

Tegucigalpa, Honduras

**Telegrams: Ministro de Gobernación y Justicia, Tegucigalpa, Honduras**

**Fax: + 504 232 1894**

**Salutation: Dear Minister/Señor Ministro**

Attorney General

Dr. Roy Edmundo Medina

Fiscal General de la República

Fiscalía General de la República

Colonia Loma del Guijaro, Tegucigalpa, Honduras

**Telegram: Fiscal General de la República, Tegucigalpa, Honduras**

**Fax: + 504 221 5666**

**Salutation: Dear Attorney General/ Señor Fiscal General**

Director of the National Police

Sra Coralia Rivera Ramos

Directora General de la Policía Preventiva y Comisionada de Policía

Cuartel General de la Policía Preventiva, Barrio Casamata, Paseo el Picacho, Tegucigalpa, Honduras

**Telegram: Directora General de la Policía Preventiva, Tegucigalpa, Honduras**

**Fax: + 504 238 1323 ( if someone answers ask for the fax: "me da tono de fax, por favor")**

**Salutation: Dear Director of the National Police/ Sra. Directora General de la Policía**

**COPIES TO:**

Special Prosecutor for Ethnic Affairs

Licda. Jany del Cid

Fiscal Especial de Etnias

Edificio Castillo Poujol, 4ª. Avda,

Colonia Palmira, Boulevard Morazán,

Tegucigalpa, Honduras

**Fax: + 504 221 5620 (if someone answers ask for the fax: "me da tono de fax, por favor")**

National Commissioner for Protection of Human Rights

Comisionado Nacional de Protección de los Derechos Humanos, Ramón Custodio López  
Avda. La Paz No. 2444, Contiguo a Galerías La Paz, Tegucigalpa, Honduras

**Fax: + 504 235 35 32 (if someone answers ask for the fax: “me da tono de fax, por favor”)**

Indigenous Rights Organization

Consejo Cívico de Organizaciones Populares e Indígenas (COPINH)  
Barrio Lempira, Intibucá, Honduras

**Fax: + 504 783 0817 (if someone answers ask for the fax: “me da tono de fax, por favor”)**

**E-mail: copinh@hondutel.hn**

and to diplomatic representatives of Honduras accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 12 November 2003.