

PUBLIC

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Fear for safety / Death threats

29 August 2003

HONDURAS

**Elkyn Suárez Mejía (m)
Other members of the *Comunidad Gay Sampedrana* (San Pedro Sula's Gay Community)**

Killed: Erick David Yáñez (m) aged 19

Elkyn Suárez Mejía, witnessed the killing on 15 July of Erick David Yáñez in San Pedro Sula, northern Honduras. He has received death threats warning him against standing as a witness in the case against two police officers charged with the killing. Amnesty International is concerned for his safety and for that of other members of the non-governmental organization (NGO), *Comunidad Gay Sampedrana*, who have received anonymous telephone calls, threatening to plant a bomb at the organization's office.

Erick David Yáñez, a transvestite and member of the *Comunidad Gay Sampedrana* was attacked by two policemen who, despite travelling in an official police vehicle, had been in the area "apparently looking for the services of a prostitute", according to the newspaper *Tiempo*. When the policemen realized that Erick, also known as Erica, was a transvestite they became involved in an argument which led to one of them shooting Erick with his service weapon.

Some days later, following investigations by the Attorney General's Office, the two policemen were arrested and charged, one with homicide and the other as an accomplice. At the request of the Attorney General's Office, Elkyn Suárez was provided with 24 hour police protection. However, police agent Carlos Iván Contreras, who was charged with homicide, escaped custody in mid-August which has made Elkyn Suárez' safety more precarious.

Amnesty International has now learned that on 28 August, Elkyn Suárez was informed by the court in San Pedro Sula that the police protection would be withdrawn, reportedly at the request of local police officials. The withdrawal of police protection puts him at further risk and could have a detrimental effect on bringing those responsible for the death of Erick David Yáñez to justice.

BACKGROUND INFORMATION

According to NGO sources, some 200 homosexual and transsexual sex workers were murdered between 1991 and 2003. Few cases have been officially registered and fewer still have been investigated.

Article 60 of the Honduran Constitution states that all Hondurans are equal before the law and that discrimination on the grounds of sex, race, class or any discrimination that is detrimental to human dignity is punishable by law.

Authorities have denied legal status to organizations which represent lesbians, gays, bisexuals and transgender persons on the basis of sexual orientation. This has a negative impact on the activities that these organizations can undertake. It also represents a violation of their human rights, including the right to personal privacy, the right to not suffer discrimination on the grounds of sexual orientation, and the freedom of association and assembly. This means that persons at risk are forced to seek protection on an individual basis, rather than as an organization, which makes them more vulnerable.

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

- urging the authorities to take immediate steps and appropriate measures to protect the safety of Elkyn Suárez Mejía, in accordance with his wishes and needs;
- stressing the fact that such protection should last for as long as necessary, which may be beyond the period of the investigation and judicial proceedings on the murder of Erick David Yáñez;
- expressing concern for the safety of other members of *Comunidad Gay Sampedrana* (San Pedro Sula's Gay Community), and urging the authorities to take the necessary measures to guarantee their safety;
- calling on the authorities to ensure that those responsible for the murder of Erick David Yáñez are brought to justice;
- urging the authorities to ensure that the rights of lesbians, gays, bisexuals and transgender persons are protected and that they are not subjected to discrimination on account of their sexual orientation.

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

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

Fax: **+ 504 220 4352**

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**

COPIES TO:

National Commissioner for the 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: **+ 504 232 6894**

Comunidad Gay Sampedrana

Fax: **+ 504 553 4362**

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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 10 October 2003.