

PUBLIC

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UA 161/05

Fear for safety/Medical concern

13 June 2005

HONDURAS

Feliciano Pineda (m), Lenca indigenous community leader

His wife

Other indigenous community leaders in Gracias municipality, Lempira department

Indigenous community leader Feliciano Pineda was attacked and seriously injured on 5 June, by four men with machetes believed to be linked to a local powerful landowning family. He was taken to hospital, but arrested there, and is now in prison, where his wounds are reportedly seriously infected and he is unable to eat. He is reportedly not receiving the medical attention he was prescribed and his life could be in danger if he does not receive treatment. Amnesty International believes the charges against him, which include murder, are fabricated. Other indigenous leaders in the same community are facing similar charges, and they too are in danger. The attackers also reportedly threatened to kill Feliciano's wife if she did not leave the area.

Feliciano Pineda is a community leader in Vertientes, one of the two communities that make up Montaña Verde, in Gracias municipality, Lempira department. Two other community leaders have been in prison since January 2003 on murder charges which Amnesty International believes to be fabricated.

The men who attacked Feliciano Pineda are believed to be relatives of an individual with close links to powerful landowners in the region who have been in dispute with the Montaña Verde communities over their rights to the land where they live. His wife took him to the hospital in La Esperanza, approximately two hours' drive and three hours' walk from Montaña Verde, and then to a hospital in the capital, Tegucigalpa, where police officers arrested him. He was taken first to the jail in La Esperanza, and then to the prison in Gracias. The attackers were reportedly detained by police, but released on bail (*medidas sustitutivas*) shortly afterwards, on the orders of the judge in Gracias.

BACKGROUND INFORMATION

Since 1997 the *Consejo Comunal Indígena* (Indigenous Community Council (which represents indigenous people's interests) and the Councils within the various indigenous communities, have been in conflict with local landowners who claim the communities' land is theirs. Since then the Honduran National Agrarian Institute, the government body with responsibility for allocation of indigenous lands, has awarded one of the Montaña Verde communities their communal land title. However, the community of Vertientes is still seeking to secure the recognition of their community's land rights. Numerous Montaña Verde community leaders and members of the *Consejo Comunal Indígena* have been threatened and intimidated by people linked to landowners in Gracias, who have fabricated criminal charges against community leaders ranging from seizure of land (*usurpación*) to murder.

Feliciano Pineda is the fifth Montaña Verde community leader to be detained since the start of the dispute with the landowners. Brothers Marcelino and Leonardo Miranda were sentenced to 25-year prison terms in December 2003 on spurious murder charges. They have reportedly been tortured (see UA 128/03, AMR 37/006/2003, 8 May 2003, and follow-up). Felipe Bejerano, then Vice-President of the *Consejo Comunal Indígena*, and Luis Benítez, its then President, were imprisoned on charges of "theft" and "damage to property" (*robo y daños*) for 27 and 14 months respectively. Luis Benítez was reportedly beaten in prison. In April 2003 they were both acquitted due to lack of evidence. Feliciano Pineda reportedly faces the same "theft" and "damage to property" charges, as well as charges of "manslaughter" and "murder" (*homicidio y asesinato*).

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

- calling for an immediate investigation into the 5 June attack on Feliciano Pineda and his arrest that day, for the results to be made public and for those responsible to be brought to justice;
- urging the government to ensure the safety of Feliciano's wife;
- calling on the authorities to ensure that Feliciano Pineda is given immediate medical attention;
- calling for him to be released immediately and unconditionally, unless there is substantive evidence against him;
- expressing concern at the way the judicial system is being misused to harass human rights defenders and expressing specific concern for the safety of other members of the *Consejo Comunal Indígena* and community councils of Montaña Verde, who are also reportedly facing fabricated criminal charges.

APPEALS TO:

Minister of Security

Dr. Oscar Alvarez

Ministro de Seguridad, Ministerio de Seguridad Pública

Edificio Poujol, 4o piso, Col. Palmira (Blvd. Morazán)

Tegucigalpa, Honduras

Fax: + 504 220 4479

+ 504 220 4352 (please keep trying)

Salutation: Dear Minister/Estimado Señor Ministro

Attorney General of the Republic

Sr. Ramón Ovidio Navarro Duarte

Fiscal General de la República, Colonia Loma del Guijaro

Tegucigalpa, Honduras

Fax: + 504 221 5667

Salutation: Dear Attorney General/Estimado Fiscal General

President of the Supreme Court

Lic. Vilma Cecilia Morales

Presidente de la Corte Suprema de Justicia

Colonia Miraflores, Boulevard de las Fuerzas Armadas

Palacio de Justicia, Tegucigalpa, Honduras

Fax: +504 233 8089

+504 233 6784

Salutation: Dear President/Estimada Sra. Presidenta

COPIES TO:

Human rights organisation

Consejo Cívico de Organizaciones Populares e Indígenas (COPINH)

Barrio Lempira, La Esperanza, Intibucá, Honduras

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

Email: copinhonduras@yahoo.es

Special Prosecutor for Ethnic Affairs

Licda Jany del Cid

Fiscal Especial de las Etnias, Edificio Castillo Poujol, 4a Avda,

Colonia Palmira, Boulevard Morazán, Tegucigalpa, Honduras

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

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 25 July 2005.