

PUBLIC

AI Index: AMR 37/018/2003

21 October 2003

Further Information on UA 128/03 (AMR 37/006/2003, 08 May 2003) and follow-up (AMR 37/016/2003, 01 October 2003) - Fear for Safety/Harassment/Torture

HONDURAS
defender

Marcelino Martínez Espinal (m) lawyer and human rights

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

Lawyer Marcelino Martínez Espinal has been further harassed and threatened, apparently due to his legal representation of brothers Marcelino and Leonardo Miranda, indigenous leaders from the *Consejo Cívico de Organizaciones Indígenas Populares* (COPINH), Civic Council of Indigenous and Popular Organizations.

On 16 October, Marcelino Martínez Espinal was driving on the road between the towns of Santa Rosa de Copán and Gracias, which links the departments of Copán and Lempira. At approximately 2.45pm he found he was driving behind a beige Toyota pick-up truck in which four individuals were travelling. As the truck approached a bridge it slowed down. When Marcelino Martínez Espinal began to overtake it, the truck accelerated and pulled up beside his car. The two people sitting in front lowered their window and shouted, "*Acércate más por acá, hijo de la gran puta*", ("Come closer, you son of a bitch"). As Marcelino veered to the right to avoid a collision, they shouted "*Tenés miedo, perro*", ("You're scared, you bastard").

After overtaking the vehicle, Marcelino Martínez Espinal stopped to let the truck pass, but it also came to a halt. For the next ten minutes, Marcelino Martínez Espinal was unable to get away from the truck. Every time Marcelino's car was behind the truck, it slowed down, and when Marcelino was in front, the truck pulled up alongside him as if to push him off the road. The individuals in the truck continued to shout derogatory comments as they drove. The truck eventually stopped near a petrol station at Las Flores in Lempira department, and did not continue following him.

Amnesty International is concerned that this incident is likely to be linked to the previous harassment of Marcelino Martínez Espinal, who has been acting as Marcelino and Leonardo Miranda's lawyer since February 2003. On at least three occasions between February and September 2003, he has reportedly been followed in his car, and on 22 July, while attending a hearing of the Miranda brothers' case, two unidentified men allegedly asked questions and made derogatory comments about Marcelino Martínez Espinal. The concerns for his safety are so great that he feels unable to visit the Miranda brothers in Gracias prison, Lempira department. Marcelino Martínez Espinal has filed a complaint about this latest incident before the *Dirección General de Investigación Criminal* (DGIC), General Directorate of Criminal Investigations in Gracias, Lempira department. Amnesty International understands that following the complaint the DGIC has made initial enquiries about the ownership of the vehicle.

There is no further information about the proceedings against Marcelino and Leonardo Miranda, who were detained by armed police officers on 8 January 2003. They were reportedly tortured by police officers during their arrest and while detained in Gracias prison. They are facing charges of battery and murder (*asesinato*). Amnesty International remains concerned for their safety. 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.

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

- expressing continuing concern for the safety of Marcelino Martínez Espinal, following an apparent episode of intimidation on 16 October, and a number of previous incidents of harassment;
- asking the authorities what measures are being taken to ensure the safety of Marcelino Martínez Espinal;
- 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;
- calling for an immediate and thorough investigation into all the acts of intimidation Marcelino Martínez Espinal has suffered, for the results to be made public and for those responsible to be brought to justice;
- expressing concern at the allegations of torture and intimidation of Marcelino and Leonardo Miranda, and 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;

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

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 5667

Salutation: Dear Attorney General/ Señor Fiscal General

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 2 December 2003.