

24 August 1999

Further information on UA 119/99 (AMR 37/05/99, 25 May 1999) and follow-up (AMR 37/06/99, 3 June 1999) - Fear for safety/Possible "disappearance"

HONDURAS José Ofelio López, 45

Amnesty International has been informed that a number of Urgent Action participants who sent appeals on behalf of Jose Ofelio López have received replies from the *Secretaría de Estado en el Despacho de Seguridad*, (Secretary of State in the Ministry of Security), and the *Policía Nacional*, (National Police). Similar information to that contained in those replies has been used by the press as part of a defamation campaign against José Ofelio López and the *Comité Cívico de Organizaciones Populares e Indígenas* (COPIN), Civic Council of Popular and Indigenous Organizations. In addition Amnesty International has subsequently received further details about this case and wishes to correct information sent out in the original Urgent Action.

José Ofelio López, from Santa Cruz del Rosario, municipality of Yamaranguila, Intibuca Department, is a member of COPIN. José Ofelio was reportedly initially stopped by two members of the *Policía Preventiva del Ministerio de Seguridad*, (Preventive Police of the Ministry of Security), on 9 May 1999, at 11 p.m, at the *Hospital Escuela* (Teaching Hospital) in the Honduran capital Tegucigalpa, where he was visiting his son. In the report of the Preventive Police of the Ministry of Security it was established that the motive of the detention of Ofelio López was "*por escándalo en estado de ebriedad*" (for being drunk and disorderly).

José Ofelio was then moved by two other police officers to the *Quinta Estación Policial del Barrio La Granja* (Fifth Police Station in La Granja area), where he remained until 5.00 am of the next day. However, in a subsequent report, made at the police station, the reason for his detention was given as "*por faltarle el respeto a la autoridad y avalanzársele a los policías asignados al Hospital Escuela*" (for failing to show respect to the authorities and assaulting the police officers). He was then transferred to the *Jefatura Metropolitana #1*, (1st Metropolitan Headquarters). He was released at 5.20pm later on the same day, 10 May 1999.

On 21 May, COPIN reported the "disappearance" of José Ofelio López and expressed concern that he might have been beaten during his arrest.

From the date of his release, José Ofelio López was not seen until 23 May, when he was found alive with his family in the community of Santa Cruz del Rosario, Yamaranguila, by the regional Coordinator of the National Human Rights Commissioner's Office.

The Honduran authorities stressed in their correspondence to Amnesty International members that José Ofelio was "*en completo estado de ebriedad*" (completely drunk) when he was taken into custody. They denied that he suffered any physical or emotional ill-treatment. They stated that, after being released, he was under the influence of drugs, and was seen in the company of petty criminals and that he was under the influence of drugs.

These official statements were also made public in the Honduran press, where a defamation campaign was initiated against him and COPIN.

Amnesty International has also received a report produced by the *Fiscalía Especial de Etnias del Ministerio Público*, (Special Prosecutor for Ethnic Affairs in the Attorney General's Office), which contradicts certain facts reported by the Secretary of State in the Ministry of Security and the National Police.

According to the report produced by the Special Prosecutor, a physical examination established that José López was found to have several scars on various parts of his body, as well as numerous scabs. Toxicological tests showed no sign of alcohol, barbiturates or sedatives. However, the psycho-pathological examination established that José Ofelio López suffered a transitory mental breakdown at the time of the events, which altered his judgement, behaviour and his understanding of what was happening around him. The reasons for this were found to have been caused by lack of food; lack of sleep for several days; the emotional pressure of his son's illness and depression caused by this; exposure to a drastically different environment (the hospital). The report concludes that, although the detention was legal and well founded, José Ofelio López was a victim of defamation.

According to the above-cited report, José Ofelio had no sense of where he was during the 13 days he was feared "disappeared". Amnesty International is happy to report that José is now home safely with his family. Amnesty International is concerned, however, that this situation has been used by both some authorities and more notably the media to run a defamation campaign against the indigenous rights activist and COPIN. Amnesty International shared the concern expressed by COPIN for the unexplained absence of José Ofelio López in the context of its concerns regarding abuses against indigenous people.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in Spanish or your own language:

- welcoming the report prepared by the Special Prosecutor for Ethnic Affairs;
- expressing your concern at the reports printed in the Honduran press disparaging José Ofelio López and COPIN;
- urging the authorities to take steps to end the impunity for those responsible for carrying out past human rights violations against indigenous people by initiating thorough and independent investigations.

APPEALS TO:

Minister of Defence and Public Security

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Salutation: Sra. Ministra/ Dear Minister

Head of the Public Security Forces

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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 6 October 1999.