

# AMNESTY INTERNATIONAL

## Public Statement

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### **Honduras: Prisoners of conscience - Marcelino and Leonardo Miranda acquitted of murder must be released promptly**

Amnesty International welcomes the Supreme Court decision of 23 June to acquit Lenca indigenous leaders Marcelino and Leonardo Miranda of a 2001 murder for which they have been imprisoned for the last three years. The organization calls for the prompt implementation of the ruling and the resolution of any pending matters so that Marcelino and Leonardo Miranda may be unconditionally released immediately.

They were sentenced in December 2003 to 25 years' imprisonment despite evidence that the criminal charges against them had been fabricated in reprisal for their attempts to secure official recognition of communal land titles for their community. They were declared prisoners of conscience by Amnesty International.

The Supreme Court was ruling on an appeal submitted on 27 October 2005 on the grounds that article 117 of the Honduran penal code, on the crime of murder, used to sentence the Miranda brothers, had been violated and that article 361 of the Honduran Procedural Penal Code was not respected. Under those provisions the accused can only be condemned if it is proven that they committed the crime of which they are accused. In case of doubt, they must be absolved of the crime.

Amnesty International also welcomes the release of Margarito Vargas, indigenous leader from the same community, who was also accused of the same murder. On 19 January 2006 he, along with Marcos Reyes, was acquitted of the murder charge. Marcos Reyes was released but Margarito Vargas remained in custody on a charge of causing bodily harm. However, he was eventually released on 28 June.

Amnesty International calls on the relevant authorities to ensure that fabricated evidence is not used against anyone, including indigenous activists and human rights defenders, as a way to prevent them from carrying out their lawful activities in defence of others.

#### **General background**

On 8 January 2003, brothers Marcelino and Leonardo Miranda, indigenous activists affiliated to the Civic Council of Indigenous and Popular Organization (Consejo Cívico de Organizaciones Indígenas Populares, COPINH), were arrested in the Planes community in Montaña Verde. Marcelino and Leonardo Miranda were initially accused of illegal seizure of land, battery and murder for the 2001 killing of Juan Reyes Gómez. In addition, Marcelino was charged with grand larceny of livestock and damages and Leonardo was charged with attack against the State of Honduras. Several of these charges were dropped due to lack of evidence, but the charges of battery and murder remained.

After studying the criminal charges against brothers Marcelino and Leonardo Miranda, Amnesty International took the view that their arrest and trial were in reprisal for their peaceful struggle to obtain official recognition of communal land titles for their community. The organization adopted them as prisoners of conscience and called for their immediate and unconditional release.

**For further information, see:**

**Honduras: No justice for indigenous leaders Amnesty International adopts new prisoners of conscience** <http://web.amnesty.org/library/Index/ENGAMR370022006>

**Honduras: Montaña Verde Prisoners of Conscience**  
<http://web.amnesty.org/library/Index/ENGAMR370012006>