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Honduras - Repression Against Indigenous Community of Montaña Verde

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#### ILLEGAL DETENTION, TORTURE & REPRESSION OF INDIGENOUS COMMUNITY IN HONDURAS

Rights Action is alarmed at the torture and illegal detention of two leaders of our partner organization COPINH, the Civic Council of Indigenous and Popular Organizations Honduras.

Honduran government security forces and paramilitaries controlled by local landholders are responsible for this most recent case of violent repression against the indigenous Lenca-descendent community of Montaña Verde, including the illegal imprisonment of members of the Indigenous Communal Council and COPINH leaders Marcelino Miranda and Leonardo Miranda in Montaña Verde, municipality of Gracias, Lempira department.

At midnight on January 8, 2003, twenty-one armed men raided the Montaña Verde community, kidnapping and beating community leaders. Before entering the house of Marcelino Miranda (Legal Representative of the Montaña Verde Indigenous Communal Council), the attackers fired tear gas and bullets and then forcibly entered, violently beat him, pointing guns at his wife and daughter.

The attackers proceeded to enter the house of Leonardo Miranda, Marcelino's brother and fellow community leader. They beat him and his family, including his 75 year-old mother. During the violence, the armed men destroyed the Montaña Verde meeting center used by the Indigenous Communal Council.

Community members recognized many of the assailants, which included police officers and civilians; some of the civilians were dressed in police uniforms and some had their faces covered with ski masks. The civilians involved are known to be paid workers of a well-known local landholder who has encroached upon the land belonging to the Montaña Verde community.

During the four hour hike from Montaña Verde to the town of Gracias, Lempira, where the Miranda brothers are imprisoned, the assailants tortured them with beatings, extinguishing lit cigarettes in their ears, dragging them, throwing them into ravines, and holding their heads under water. Police officers in the Gracias prison stabbed Leonard Miranda in the head with a knife and threatened to kill both of them in their cells. Under torture Leonardo was forced to sign a confession to unknown charges.

## BACKGROUND

This incident is the latest in a series of repressive actions taken against the Lenca community of Monta0a Verde through direct repression and through the manipulation of the justice system in the municipality of Gracias, Lempira, where Monta0a Verde is located.

In 1985, Monta0a Verde began organizing to regain control of the indigenous communal land on which the community is located. Over the past 40 years, powerful cattle ranchers from the town center of Gracias began releasing cattle on the land, between November and April. The cattle destroyed all crops and damaged the forests, but were guarded by employees of the ranchers. The ranchers claimed to own the land but the community holds two communal land titles from the 19th century and has lived on the land for many generations. The Indigenous Communal Council is in charge of stewardship of the land for the community.

With the support of COPINH, of which Monta0a Verde is a member, in March 2002 the National Agrarian Institute awarded the Monta0a Verde Indigenous Communal Council title to the area known as Vertientes, approximately 1,800 hectares, which includes the Montana Verde Nature Reserve. The community protects the reserve; in the dry season they organize watches to prevent forest fires. The National Agrarian Institute is currently processing the title for the 1,203 hectare area known as Plan. The community expects to receive the second title at any time.

The level of repression has grown steadily since 1995, when the ranchers began clearing forest to plant trees and sell lumber. Since the area is a protected area, the community was able to force the removal of the lumber mills. In retaliation, the ranchers began systematic persecution of Monta0a Verde in coalition with the municipal authorities.

Persecution has included cutting off all social services, incursions by paramilitary and police forces, intimidations and beatings, and the illegal detention and jailing of community leaders.

In 1999, the Miranda brothers and two other community leaders were arrested and jailed for 24 hours in charges of land usurpation. The Supreme Court later ruled that Indigenous people could not be jailed for land usurpation, so the ranchers began to invent other accusations against community leaders.

On February 2, 2001, community leader Felipe Bejerano went to Gracias to request a teacher, as social services to the community had been suspended, and was arrested. He was accused of damaging a fence and stealing bags of corn and a coffee de-pulping machine from a shed built by the ranchers in the area of Vertientes. Luis Benites was

accused of the same crime. At approximately 9pm on February 21, 2002 police broke down his door, tied up his 9 year old son, and arrested him. Honduran law requires that detentions occur in the presence of a public prosecutor and during daytime hours, conditions which were not fulfilled in any of the Monta0a Verde leaders' detentions.

Felipe Bejerano has now spent almost two years in prison and Luis Benites almost a year. Neither has been convicted. The judge in Gracias ruled that the two could not be released on bail. Lawyers with the Indigenous People Defenders Office, a branch of the Honduran governments Public Defenders office, consider this ruling to be unconstitutional. However, since the two have not received adequate legal representation the time limit for an appeal on the judgment passed. The Indigenous Peoples Defenders Office also considers the case to be highly irregular due to the lack of evidence with which the capture order was issued. The entire case is based on one witness claiming to have heard the voices of the two in the shed. Multiple eyewitnesses claim the two were in another place at the time of the alleged robbery and that Felipe was sick in bed. The items supposedly stolen were not found in possession of the accused. A ruling is expected in February or March of 2003. Given the prior rulings of the judge, she is expected to condemn the accused to six years imprisonment.

At least six other community leaders have warrants issued for their arrest and live in constant fear of an attack. Those with arrest warrants are unable to leave the community to sell products or look for work, leaving their families in a very difficult economic situation. In March 2001, nine women, the wives of the community leaders in jail and with arrest warrants, conducted a hunger strike outside the Supreme Court in Tegucigalpa. The arrest warrants were temporarily suspended for two months.

The problems experienced by the Monta0a Verde community are not uncommon in Honduras. Over the past decade the indigenous movement in Honduras has grown and communities across Honduras are organizing to achieve the recognition of indigenous communal lands. COPINH alone has helped its members obtain almost 200 titles for indigenous communal land. COPINH, an organization of 100,000 members, is committed to peace as it pursues land rights, indigenous rights, and human rights. As a result its members have been followed, threatened, assaulted, imprisoned and killed. Nationally, since 1992 more than 50 indigenous and popular leaders have been assassinated. All cases remain in impunity.

SAMPLE LETTER IN ENGLISH:

Hon. Ricardo Maduro, President of the Republic of Honduras

Esteemed Honorable President Ricardo Maduro:

I write to express grave concern over the torture and illegal imprisonment of Marcelino Miranda and Leonardo Miranda, two indigenous leaders from the town of Montaõa Verde, Gracias, Lempira who are members of the indigenous organization, COPINH.

At midnight on January 8, 2003, twenty-one men entered their town in the municipality of Gracias, Lempira breaking into their houses, threatening their families, and brutally beating them. Marcelino and Leonardo were then dragged to Gracias where they were tortured and are now imprisoned. Honduras's justice system must not become an instrument of repression, violating fundamental human rights.

There has been a pattern of repression against leaders of Montaõa Verde and COPINH. Luis Benidez and Felipe Bejarano were arrested one and two years ago under false pretexts and have yet to receive their due and just trial. In attempts to protect community titled land, these two leaders have honestly and openly engaged in dialogue with the Honduran government about the numerous land conflicts in the country.

I urge the immediate prosecution of the public prosecutor for the region, Lic. Virgilio Carias for his role in the incident, that police officials involved are duly prosecuted for acts of torture and that the four incarcerated community members be released immediately. Furthermore, I urge an end to the intimidations and violence against the indigenous movement in Honduras and the immediate solution of existing land conflicts. The Honduran Government should provide the financial and political support necessary for the institutions created to address the structural problem of land tenancy.

I thank you for your prompt attention to this urgent matter.

Sincerely,

PLEASE SEND LETTERS OF PROTEST TO:

Lic. Ricardo Maduro, Presidente de Honduras, F: (504) 235-6949, F: (504) 237-1121

Honduran Ambassador to the United States, Dr. Hugo NoÈ Pino, T: (202) 966-7702, F: (202) 966-9751, E: embassy@hondurasemb.org

Honduras Embassy in Canada, T: 613-233-8900, F: 613-232-0193, E: embhonca@magma.ca  
Canadian Ambassador for Honduras, Denis Thibault, F: 011-504-232-8767, e: sjose-gr@dfait-maeci.gc.ca

United States Ambassador to Honduras, Frank Almaguer, T: (504) 236-9320,

F: (504) 236-9037,

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RIGHTS ACTION:

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