

TECHNICAL INFORMATION SHEET
CASE 12,961 A BOLÍVAR SALGADO WELBAN ET AL
FRIENDLY SETTLEMENT REPORT No. [105/19](#)
TOTAL COMPLIANCE
(HONDURAS)

I. SUMMARY OF THE CASE

Victim(s): Bolívar Salgado Welban, Linda Flores Amador, Jerónimo Flores Amador, Emilio Mejía Williams, Ángel Alfonzo Bravo Fenly, Antonio Cruz Zuniga, José David Salmeron Cruz, Rosendo Valladares Daniel, Pastor Santiago López, Modesto Brown Saliwaith, Dimas Cooper Exs, María Cristina Manzanares Ruiz, Rodolfo Tela Yanal, Benicio Martínez Duarte, Yoger Castellón Gonzáles, Elionor Cooper Wilban, Armudio Maik Pravia et al

Petitioner(s): Leonel Casco Gutiérrez

State: Honduras

Beginning of the negotiation date: November 2014

FSA signature date: December 20, 2018

Report of Friendly Settlement Agreement No. [105/19](#), published July 28, 2019

Estimated length of the negotiation phase: 5 years

Associated Rapporteurship: Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights

Topics: Economic, social, and cultural rights, obligation to respect the rights, legislative branch, suspension or restriction of rights and guarantees, work in equitable and satisfactory conditions

Facts: The case refers to the international responsibility of the State of Honduras for the violations of the rights to judicial guarantees and judicial protection stemming from the massive dismissal of personnel of the National Police at different scales through Decree 58-2001, published in Official Gazette (Diario Oficial La Gaceta) No. 29,504 on June 16, 2001. While in March 2003 the Supreme Court of Justice of Honduras found that decree to be unconstitutional and inapplicable, the retroactive effects of the judgment had not been applied so as to benefit the victims.

Rights alleged violated: The petitioners alleged violations of the human rights set forth in Articles 5 (right to humane treatment), 8 (judicial guarantees), 10 (right to compensation), 11 (protection of honor and dignity), 17 (protection of the family), 24 (equality before the law), and 25 (judicial protection) of the American Convention.

II. PROCEDURAL ACTIVITY

1. The IACHR published the homologation report on July 28, 2019, in which it found that the agreement has been fully implemented.

III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT

Clause of the Agreement	Status of Implementation
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SECOND: GENERAL INFORMATION	Declarative Clause
THIRD: JURISDICTION	Declarative Clause
FOURTH: AGREEMENT BETWEEN THE PARTIES	Declarative Clause
FIFTH: ACCEPTABILITY OF THIS FRIENDLY SETTLEMENT AGREEMENT	Declarative Clause
<p>SIXTH: SATISFACCTION OF THE PETITIONERS</p> <p>The petitioner considers that compliance with the economic commitments assumed by means of this friendly settlement agreement entail the full satisfaction of its claims in the case of Juan González et al. (IACHR Case No. 12,961).</p> <p>The State of Honduras and the petitioners, through their legal representative Leonel Casco Gutiérrez, taking as a reference the scale to which the personnel dismissed belonged at the moment Decree 58-2001 was issued, recognize and accept as the amount to pay as compensation the individual sum detailed below, to the order of each of the petitioners:</p> <p>Police Officers and Administrative Personnel:</p> <p>Classes:</p> <p>Officers:</p> <p>The amount in the form set out will be paid in a single payment to each of the petitioners who have decided to avail themselves of this agreement.</p> <p>As for the percentage for professional fees, these will be assumed by the petitioners based on the agreement they have reached with their attorney.</p>	Total¹
<p>SEVENTH: FORM OF PAYMENT OF THE ECONOMIC REPARATION</p> <p>In keeping with the request made by the petitioners for the amount offered to be paid in a single payment, due to the difficulties they face to travel to the capital city, the State undertakes to pay the amounts indicated above through the State Secretariat in the Office of Security in a single payment no later than December 31, 2018, which includes in full the economic compensation agreed upon and therefore with its payment the State of Honduras is completely released of any compensation for the facts alleged and of any subsequent claim.</p> <p>For those purposes the beneficiaries must show their identification to the State Secretariat in the Office of Security by means of the respective document.</p> <p>In the case of the petitioners' family members who as of the date of the signing of this agreement have died, they should submit the documentation legally required to show the respective court Determination of Heirs so that the Secretariat for Security may subsequently proceed to make the corresponding payment.</p> <p>The amounts authorized include in its totality any damage alleged to have been caused the petitioners and their family members and therefore with the payment of the reparation contained in this Agreement the State of Honduras is released of any obligation relating to compensation for the facts</p>	Total²

¹ IACHR, Report No. 105/19, Case 12,961 A. Friendly Settlement. Bolívar Salgado Welban et al., Honduras. July 28, 2019.

² IACHR, Report No. 105/19, Case 12,961 A. Friendly Settlement. Bolívar Salgado Welban et al., Honduras. July 28, 2019.

as well as any present or future claim that may derive from this agreement; it is also agreed that judicially and internationally the responsibility of the State of Honduras is extinguished in respect of any reparation; if some other person should come forward claiming a right to compensation for these same facts in relation to the beneficiaries who as of the date of the signing of this agreement have died, this will be recognized and paid directly by the beneficiaries.	
EIGHTH: SUPERVISION OF IMPLEMENTATION	Declarative Clause
NINTH: CONFIDENTIALITY	Declarative Clause
TENTH: AGREEMENT OF THE PARTIES	Declarative Clause
ELEVENTH: ENTRY INTO FORCE	Declarative Clause

IV. LEVEL OF COMPLIANCE OF THE CASE

2. In its Homologation Report the IACHR decided to find full implementation of clauses 6 (Satisfaction of the petitioners) and 7 (Form of payment of economic reparation) of the friendly settlement agreement.

3. In view of the foregoing, the IACHR found the friendly settlement agreement to have been fully implemented and, accordingly, decided to cease supervision of the implementation of this friendly settlement agreement.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- The State paid economic compensation to 108 beneficiaries of this agreement.