

TECHNICAL INFORMATION SHEET
CASE 12.961C MARCIAL COELLO MEDINA ET AL.
FRIENDLY SETTLEMENT REPORT No. 101/19
TOTAL COMPLIANCE
(HONDURAS)

I. SUMMARY OF THE CASE

Victim(s): Gleniberto Greham Darío, Rosa Macario Trapp, Rigan Fernando Álvarez García (also known as Rigan Nuñez Alvarez), Terry Luis Pedro Balderramos, Norseman Marly Mazier, Antonio Cruz Zúniga, Corlinda Guerrero Beneth, Marcial Coello Medina, Pablo Fernando Gómez Yacobe, Lundre Greham Darío, Rodolfo Ponce Bardales, Gerardo Aníbal Lagos Amador, Silvio Edmundo Inestroza Padilla, Janeth Lizbeth Haylock Ford, Gustavo Aurelio Díaz Ulloa, Emilio Gallegos Lone, Helin Antonio Fernández Rodríguez, Ana Erika Peña, Luis Felipe Rodríguez

Petitioner(s): Hugo Ramón Maldonado, representative (CODEH)

State: Honduras

Beginning of negotiations date: November 2014

FSA signature date: January 21, 2019

Report on Friendly Settlement Agreement No. [101/19](#), published July 13, 2019

Estimated length of the negotiation phase: 5 years

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

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

Facts: The IACHR received a petition in which the petitioner alleged that the victims had been dismissed without justification based on decree 58-2001, which authorized the Congress of the Republic to, “without considerations of any sort, be able to dismiss police personnel.” Even though the permanent vetting of the National Police was necessary to improve its operations, the legal procedure established for it should have followed. In this regard, the petitioners indicated that the dismissal should have been preceded by a regular administrative proceeding with all the guarantees of any criminal proceeding.

In addition, as a result of the dismissal based on a “*decree to vet corrupt people*” the victims have been the “*target of popular scorn*,” which affected their reputation inside and outside the institution, and kept the majority of obtaining employment.

Rights allegedly violated: The petitioners alleged violations of the human rights enshrined at Articles 5 (right to humane treatment), 8 (judicial guarantees), 10 (right to compensation), 11 (protection of honor and dignity), 17 (protection for 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 13, 2019, noting the full implementation of the agreement.

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

Clause of the Agreement	Status of Implementation
SECOND: GENERAL TERMS	Declarative Clause
THIRD: JURISDICTION	Declarative Clause
FOURTH: AGREEMENT BETWEEN THE PARTIES	Declarative Clause
FIFTH: ACCEPTABILITY OF THIS FRIENDLY SETTLEMENT AGREEMENT	Declarative Clause
<p>SIXTH: SATISFACTION OF THE PETITIONERS</p> <p>The petitioner considers that carrying out the economic commitments taken on in this friendly settlement agreement entails full satisfaction of the 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 Hugo Ramón Maldonado, taking as the reference the scale to which the dismissed personnel belonged at the moment that Decree 58-2001 was issued, recognize and accept as the amount to be compensated the individual sum that is detailed below for each of the petitioners:</p> <p>Police officers and administrative personnel: Classes: Officers:</p> <p>The amount in the form shall 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 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 when it comes to travelling 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 February 20, 2019, which includes the full economic compensation agreed upon; therefore, with the payment thereof, the State of Honduras is completely released of its obligation to make reparation for the facts alleged, and of any subsequent claim.</p>	Total²

¹ IACHR, Report No. 101/19, Case 12.961 C. Friendly Settlement. Marcial Coello Medina et al., Honduras. July 13, 2019. Available at: <http://www.oas.org/es/cidh/decisiones/2019/HOSA12961CES.pdf>

² IACHR, Report No. 101/19, Case 12.961 C. Friendly Settlement. Marcial Coello Medina et al., Honduras. July 13, 2019. Available at: <http://www.oas.org/es/cidh/decisiones/2019/HOSA12961CES.pdf>

<p>For those purposes the beneficiaries should accredit their identification to the State Secretariat in the Office of Security by means of the respective document.</p> <p>In the case of family members of the petitioners who as of the date of the signing of this agreement have died, they should present the documentation that is legally required, accrediting the corresponding declaration of heirs, for the Secretariat for Security to proceed to make the corresponding payment.</p> <p>The amounts ordered included in their totality any damages alleged to have been caused to the petitioners and their family members; therefore, with the payment of reparation contained in this Agreement, the State of Honduras is released of any obligation to make reparation for the facts as well as any present or future claim that could stem from this agreement; it is also agreed that judicially and internationally, the responsibility of the Honduran State to make any reparation is extinguished; if eventually some other person appears claiming a right to compensation for these same facts in relation to the beneficiaries who as of the date of the signing have died, it will be recognized and paid directly by the beneficiaries.</p>	
EIGHTH: SUPERVISING 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 that clauses 6 (Satisfaction of the petitioners) and 7 (Form of payment of economic reparation) of the friendly settlement agreement have been fully implemented.

3. In view of the foregoing, the IACHR found that the friendly settlement agreement met with full compliance and, accordingly, it decided to cease supervision of the implementation of this friendly settlement agreement.

VI. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- The State paid economic compensation to 17 beneficiaries covered by this agreement.