

TECHNICAL INFORMATION SHEET
CASE 11.805 CARLOS ENRIQUE JACO
FRIENDLY SETTLEMENT REPORT N° 124/12
TOTAL COMPLIANCE
(HONDURAS)

I. SUMMARY OF THE CASE

Victim (s): Carlos Enrique Jaco

Petitioner (s): Center for Justice and International Law –CEJIL- and Casa Alianza

State: Honduras

Report on Friendly Settlement Agreement No.: 124/12, published on November 12, 2012

Related Rapporteurship: Rights of the Child

Topics: Right to Life/ humane treatment/ liberty and personal security/ judicial guarantees/rights of the child/ judicial protection

Facts: The petitioners alleged that the adolescent Carlos Enrique Jaco, 16 years old at the time, had been arrested on November 9, 1994, and illegally transferred to “the San Pedro Sula” adult penal detention center by order of the then Judge of the Second Criminal Peace Court of that city. They indicated that, at the time of his detention and despite informing he was a minor, the acting judge referred Carlos Enrique Jaco to the adult detention center without ordering a medical examination to verify his age. According to the petitioners, there was no investigation and punishment of those responsible for these actions and for his death, which occurred thereafter.

Rights Alleged: The petitioners alleged that the State had violated the rights protected in articles 4 (right to life), 5 (right to personal integrity), 7.2 (personal freedom and security); 8 (judicial guarantees), 19 (rights of the child) and 25 (right to judicial protection) of the American Convention on Human Rights (hereinafter, “Convention” or “American Convention”), in relation to Article 1.1 thereof international instrument

II. PROCEDURAL ACTIVITY

1. On June 19, 2001, the parties signed a friendly settlement agreement.
2. On November 12, 2012, the IACHR approved the friendly settlement agreement in its Report No.124/12.

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

Agreement Clause	Status of Compliance
FIRST:	
The Government undertakes to provide instructions to the Juvenile Courts that once they learn of a detention of a person older than 18 years of age in a detention center for adults, they take the appropriate legal steps.	Total ¹
SECOND:	
The State is Honduras undertakes to repair the damage caused. Reparations will include: a. Administrative and judicial steps for the prosecution and punishment of those responsible for the events of the case b. Reparation of the damage	Total ²
THIRD:	
As reparation for the damages caused by the violation of the Convention referred to in this case, the Government undertakes to pay a compensation to the relatives of the victim, that is to the mother of Carlos Enrique Jaco, Mrs. JUANA MELGAR, after the petitioners' confirmation that the deceased had no other relatives who might be in a better position to benefit from this right. The compensation is agreed at L.298,320.00 (TWO HUNDRED NINETY EIGHT THOUSAND THREE HUNDRED TWENTY LEMPIRAS EXACTLY) for the following damages: a) For consequential damage and loss of earnings: L 25,000.00 (TWENTY-FIVE THOUSAND LEMPIRAS EXACTLY); b) Due to deprivation of life: L. 150,000.00 (ONE HUNDRED AND FIFTY THOUSAND LEMPIRAS EXACTLY); c) For imprisonment in an adult detention center: L 96,200.00 (NINETY SIX THOUSAND TWO HUNDRED LEMPIRAS EXACTLY); and, d) For moral damage: L. 27,120.00 (TWENTY SEVEN THOUSAND ONE HUNDRED TWENTY LEMPIRAS EXACTLY)	Total ³
FOURTH:	
The Government undertakes to make the payment for to the compensation referred to in the preceding clause effective in two (2) quarterly payments. The term for the payments will commence with the signing of this Agreement, the first payment is to be made at the time of signing of the agreement, and the second payment three (3) months after the date of signature. The above terms of payments may only be extended by mutual agreement of the parties	Total ⁴
FIFTH:	
Payment will be made to the next of kin of the victim: Mrs. JUANA MELGAR, Carlos Enrique Jaco's mother, directly and personally, through the Honduran Institute of Children and the Family (IHNFA), by means of a government check at the IHNFA facilities.	Total ⁵

¹ See IACHR, Report No. 124/12, Case 11.805. Friendly Settlement. Carlos Enrique Jaco. Honduras. November 12, 2012.

² See IACHR, Report No. 124/12, Case 11.805. Friendly Settlement. Carlos Enrique Jaco. Honduras. November 12, 2012.

³ See IACHR, Report No. 124/12, Case 11.805. Friendly Settlement. Carlos Enrique Jaco. Honduras. November 12, 2012.

⁴ See IACHR, Report No. 124/12, Case 11.805. Friendly Settlement. Carlos Enrique Jaco. Honduras. November 12, 2012.

⁵ See IACHR, Report No. 124/12, Case 11.805. Friendly Settlement. Carlos Enrique Jaco. Honduras. November 12, 2012.

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared total compliance with the case and ceased monitoring the friendly settlement agreement in its Report No.124/12.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case:

- The State paid 298,320 lempiras as damage reparations.

B. Structural outcomes of the case:

- On April 15, 1998, the First Criminal Court of San Pedro Sula sentenced José A. Medina to ten years and six months' imprisonment for Carlos Enrique Jaco's death.
- The Judge involved in the events received the appropriate sanctions.