

**TECHNICAL INFORMATION SHEET**  
**CASE 12,961 D JORGE ENRIQUE VALLADARES ARGUEÑAL ET AL.**  
**FRIENDLY SETTLEMENT REPORT No. [104/19](#)**  
**TOTAL COMPLIANCE**  
**(HONDURAS)**

**I. SUMMARY OF THE CASE**

**Victim(s):** Miguel Ángel Sorto Meza, Edman Obed Guandique Rodríguez, Juana Rivera Zelaya, Donatilo Reyes, Reyes, Fredy Omar Madrid, Roger Aguilar Flores, Fredy Omar Madrid, Marco Antonio Rosado Umaña, Fredy Omar Madrid, Serafín Obdulio Villacorta España, Fredy Omar Madrid, Donaldso Esaú Cortez Padilla, Fredy Omar Madrid, Oscar Francisco Andrade Flores, Fredy Omar Madrid, Nelson Julián Acosta Almendarez, Fredy Omar Madrid, Walther Guadalupe Vásquez Guillén, Fredy Omar Madrid, Marvin Antonio Cáliz Rosales, Fredy Omar Madrid, Jorge Enrique Valladares Argueñal, Fredy Omar Madrid, Santos Camilo Padilla, Mario Roberto Paz Santos, Santos Emeterio López Murillo, Hugo Nelson Alvarado Bonilla, Gladys Ondina Matamoros, Ana Marina Escalante López, Fredy Arturo Mancia, Oscar Edgardo Vásquez Reyes

**Petitioner(s):** Hugo Ramón Maldonado (CODEH), Leonel Casco Gutiérrez (APRODEH), Fredy Omar Madrid and Gladys Ondina Matamoros

**State:** Honduras

**Beginning of the negotiation date:** November 2014

**FSA signature date:** April 3, 2019

**Report on Friendly Settlement Agreement No. [104/19](#),** published July 13, 2019

**Estimated length of the negotiation phase:** 5 years

**Associated Rapporteurship:** Office of the Special Rapporteur on Economic, Social and Cultural 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 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 and unjustified dismissal of personnel from the National Police of different scales through Decree 58-2001, published in the 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 unconstitutional and not applicable, the retroactive effects of the judgment were not applied in favor of 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 13, 2019, indicating that the agreement has been fully implemented.

### III. ANALYSIS OF COMPLIANCE WITH THE CLASUES OF THE FRIENDLY SETTLEMENT AGREEMENT

Clause of the Agreement	Status of Implementation
<b>SECOND: GENERAL INFORMATION</b>	<b>Declarative Clause</b>
<b>THIRD: JURISDICTION</b>	<b>Declarative Clause</b>
<b>FOURTH: AGREEMENT BETWEEN THE PARTIES</b>	<b>Declarative Clause</b>
<b>FIFTH: ACCEPTABILITY OF THIS FRIENDLY SETTLEMENT AGREEMENT</b>	<b>Declarative Clause</b>
<p><b>SIXTH: SATISFACTION OF THE PETITIONERS</b></p> <p>The petitioner considers that implementation of the economic commitments assumed through this friendly settlement agreement entail the full satisfaction of the claims in the case of <b>Juan González et al. (IACHR Case No. 12,961)</b>.</p> <p>The State of Honduras and the petitioners, through their legal representatives, taking as a reference the scale to which the personnel dismissed belonged at the time of the issuance of Decree 58-2001, recognize and accept as the value to be compensated the individual sum that is detailed below, to each of the petitioners:</p> <p>Police officers and administrative personnel: ....</p> <p>Classes: ....</p> <p>Officers: ....</p> <p>The amount set forth shall be paid in a single payment to each of the petitioners who have decided to avail themselves of this agreement.</p> <p>As regards the percentage for professional fees, these will be assumed by the petitioners based on the agreement they have entered into with their attorney.</p>	<b>Total<sup>1</sup></b>
<p><b>SEVENTH: FORM OF PAYMENT OF THE ECONOMIC REPARATION</b></p> <p>In keeping with the request made by the petitioners that the amount offered be paid in a single payment: 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 April 15, 2019, and it includes in its total the economic compensation agreed upon and therefore with its payment the State of Honduras is fully released of any obligation to make reparation for the facts alleged and in relation to any subsequent claim. To that end the beneficiaries should accredit their identification with the State Secretariat in the Office of Security through the respective document. In the case of family members of the petitioners who as of the date of the signing this agreement have died, the appropriate legal documentation should be presented, accrediting the corresponding Declaration of Heirs, so that subsequently the Secretariat for Security will proceed to make the respective payment. The amounts to be paid include in their total any damage that is alleged to have been caused to the petitioners and their family members, and therefore with</p>	<b>Total<sup>2</sup></b>

<sup>1</sup> IACHR, Report No. 104/19, Case 12.961 D. Friendly Settlement. Jorge Enrique Valladares Argueñal et al., Honduras. July 13, 2019. Available at: <http://www.oas.org/es/cidh/decisiones/2019/HOSA12961DES.pdf>

<sup>2</sup> IACHR, Report No. 104/19, Case 12.961 D. Friendly Settlement. Jorge Enrique Valladares Argueñal et al., Honduras. July 13, 2019. Available at: <http://www.oas.org/es/cidh/decisiones/2019/HOSA12961DES.pdf>

the payment of the reparation contained in this Agreement, the State of Honduras is released from any reparation for the facts as well as any present or future claim that may arise from this agreement; in addition, it is agreed that judicially or internationally the responsibility of the State of Honduras is extinguished as regards any compensation; if some other person were to appear claiming a right to compensation for these facts in relation to the beneficiaries who as of the date of signing this agreement have died, this will be recognized and paid directly by the beneficiaries.	
<b>EIGHTH: SUPERVISION OF IMPLEMENTATION</b>	<b>Declarative Clause</b>
<b>NINTH: CONFIDENTIALITY</b>	<b>Declarative Clause</b>
<b>TENTH: CONFORMITY OF THE PARTIES</b>	<b>Declarative Clause</b>
<b>ELEVENTH: ENTRY INTO FORCE</b>	<b>Declarative Clause</b>

#### **IV. LEVEL OF COMPLIANCE OF THE CASE**

1. 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.

2. In view of the foregoing, the IACHR finds that the friendly settlement agreement has been fully implemented; accordingly, it decided to cease the 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 20 beneficiaries of this agreement.