

TECHNICAL INFORMATION SHEET
CASE 12.961 I TRÁNSITO EDGARDO ARRIAGA LÓPEZ AND OTHERS
REPORT ON FRIENDLY SETTLEMENT N° [288/22](#)
TOTAL COMPLIANCE
(HONDURAS)

I. SUMMARY OF THE CASE

Victim(s): Tránsito Arriaga López y otros
Petitioner(s): Comité para la Defensa de los Derechos Humanos en Honduras/Gladis Matamoros
State: Honduras
Date of the start of negotiations: November 2014
Date of signature of the FSA: December 3, 2019
Admissibility Report N°: [57/14](#)
Friendly Settlement Agreement Report N°: [288/22](#), published on November 8, 2022
Estimated duration of the negotiation phase: 1 year and 11 months
Related rapporteurship: N/A
Topics: Judicial Guarantees/Judicial Protection

Facts: The petitioners alleged that the presumed victims were unjustifiably dismissed based on Decree 58-2001. According to the petitioners, this decree authorized the Congress of the Republic to “dismiss the police personnel without considerations of any kind”. In this regard, the petitioners stated that although the permanent purge of the National Police was necessary for its better functioning, the legal procedure established for it must have been followed. In this regard, they indicated that a regular administrative process, which would have all the guarantees of any criminal process, should have preceded the dismissal. On the other hand, the petitioners pointed out that by resolutions of March 13, 2003, the Supreme Court of Justice of Honduras declared the unconstitutionality and inapplicability of Decree 58-2001. In this regard, they stated that although Article 316 (2) of the Honduran Constitution stipulates that when declaring the unconstitutionality of the law, it will be of general effect and of immediate application, the Supreme Court established that its ruling had no retroactive effect and that therefore, the declaration of unconstitutionality in favor of the alleged victims would not be applied. According to the petitioners, since the aforementioned decree was declared unconstitutional, it should also have been applied to the benefit of all the persons affected by it.

Rights declared admissible: On July 14, 2014, the IACHR declared the petition admissible in relation to articles 8 (fair trial) and 25 (judicial protection) of the American Convention, in relation to its articles 1.1 (obligation to respect rights) and 2 (domestic legal effects).

II. PROCEDURAL ACTIVITY

1. On December 3, 2019, the parties signed a friendly settlement agreement.
2. On November 8, 2022, the Commission approved the agreement signed by the parties, by means of Report No. 288/22.

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

Clauses of the agreement	Status of compliance
SIXTH: SATISFACTION OF THE PETITIONERS	
<p>The petitioner considers that compliance with the economic commitments assumed through this friendly settlement agreement entails the total satisfaction of all claims in the case of Juan González and others (IACHR Case No. 12.961).</p> <p>The State of Honduras and the petitioners, through their legal representatives, taking as reference the pay of the dismissed personnel when Decree 58-2001 was issued, recognize and accept as the amount to be compensated the individual sum detailed below, for each of the petitioners:</p> <p style="padding-left: 40px;">Police and administrative personnel: L. 320,000.00 Classes: L. 400,000.00 Officers: L. 700,000.00</p> <p>The amount, as described, shall be paid in a lump sum to each of the petitioners who have decided to avail themselves of this agreement.</p> <p>In terms of the percentage that will go to professional fees, these will be assumed by the petitioners based on the agreement they have made with their attorney.</p>	Total¹
SEVENTH: FORM OF PAYMENT OF ECONOMIC REPARATION	
<p>In keeping with the request made by the petitioners that the amount offered be paid in a lump sum, the State undertakes to pay the values noted above through the Secretariat of State for Security in a single lump sum no later than December 20, 2019 and the total includes all of the economic compensation agreed upon and therefore once the payment is made the State of Honduras is completely released in relation to any reparation for the facts alleged and any subsequent claim.</p> <p>For these purposes the beneficiaries must make a showing of their identity to the Secretariat of State for Security by means of the respective document.</p> <p>Family members of petitioners who as of the date of the signing of this agreement have died should file the legally required documentation confirming the corresponding Declaration of Heirs for the Secretariat of State for Security to proceed subsequently to make the corresponding payment.</p> <p>The amounts provided for include in their entirety any damages 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 from any reparation for the facts as well as any present or future claim that may derive from this agreement; and it is also agreed that any judicial or international responsibility of the State of Honduras for any reparation is extinguished. If any other person should come forward claiming a right to compensation for these same facts in relation to those beneficiaries who as of the date of the signing of this agreement had died, this will be recognized and paid directly by the beneficiaries.</p>	Total²

¹ IACHR, Report No. 288/22, Case 12.961 I. Friendly Settlement. Tránsito Edgardo Arriaga López and Others. Honduras, November 8, 2022. Available at: https://www.oas.org/en/iachr/decisions/2022/HNSA_12.961I_EN.PDF

² IACHR, Report No. 288/22, Case 12.961 I. Friendly Settlement. Tránsito Edgardo Arriaga López and Others. Honduras, November 8, 2022. Available at: https://www.oas.org/en/iachr/decisions/2022/HNSA_12.961I_EN.PDF

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared full compliance with the case and the ceasing of the follow-up of the friendly settlement agreement in the Homologation Report No. 288/22.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- The State paid financial compensation to the 34 beneficiaries of the friendly settlement agreement of a total amount of 16,600,000L (sixteen million six hundred thousand lempiras) or approximately \$673,759.97 (six hundred seventy-three thousand seven hundred and fifty-nine dollars and ninety-seven cents).³

³ Conversions to American dollars are derived from the free Google converter search available on the market dated September 1st, 2022