

López Álvarez v. Honduras

ABSTRACT¹

This case is about the harassment and judicial persecution of the leader of an organization of indigenous peoples in Honduras whose land was encroached upon and seized by foreign investors. Mr. Alfredo López Álvarez was a member of a Honduran Garifuna community. He was arrested for drug possession and illegal trafficking on April 27, 1997 and was acquitted of the charges in January of 2003, but remained in custody until August 2003. The State of Honduras was found to have violated the American Convention on Human Rights in the treatment of Mr. López Álvarez.

I. FACTS

A. Chronology of Events

1990s: Mr. Alfredo López Álvarez lives in the village of Triunfo de La Cruz in the city of Tela, with his partner and children.² He serves as a leader of the Garifuna community as part of the Honduras Black Fraternal Organization (“OFRANEH”), the Confederation of Indigenous People of Honduras (“CONPAH”), and the Lands Defense Committee of Triunfo de la Cruz (“CODETT”).³

The municipality of Tela sells Garifuna community land to the Marbella Company.⁴ Foreign investors begin to develop Garifuna land, which threatens the Garifuna’s political, economic, and cultural ways.⁵ Disputes arise between community members and the new landowners.⁶

1. Maya Rozov, Author; Elise Cossart-Daly, Heather Hassan, Grace Kim, and Sascha Meisel, Editors; Sarah Frost, Chief Articles Editor; Cesare Romano, Faculty Advisor.

2. López Álvarez v. Honduras, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 141 ¶¶ 54(4)-(5) (Feb. 1, 2006).

3. *Id.* ¶ 2.

4. *Id.*

5. Hayes Ferguson, *Black Hondurans Try to Preserve Culture Emigration, Development Trouble Garifuna*, NEW ORLEANS TIMES PICAYUNE (Apr. 6, 1997).

6. López Álvarez v. Honduras, Merits, Reparations and Costs, ¶ 2.

As a result, community members are harassed.⁷ Community crops are destroyed, forcing the Garifuna to abandon their land.⁸ Fifty-two community leaders are murdered, and many who attempt to defend community land ownership are threatened and arrested.⁹ Community organizations, including the OFRANEH and CODETT, attempt to defend Triunfo de la Cruz land, but are threatened by people within and outside of the Garifuna community.¹⁰ Six people, including one child, die as a result of their attempts to defend the land.¹¹

As a result of his activism, Mr. López Álvarez receives numerous threats and survives an assassination attempt.¹²

April 27, 1997: The General Office of Criminal Investigation of the Office of the Public Prosecutor (“Office of Criminal Investigation”) receives an anonymous phone call indicating that drug dealers are going to meet near the Puerto Rico Hotel (“Hotel”) in the city of Tela.¹³ In response, a number of officers begin surveillance around the Hotel.¹⁴

At the same time, Mr. López Álvarez’s car stops working and is unable to be towed.¹⁵ A mechanic gives Mr. López Álvarez a ride to the area near the Hotel.¹⁶ The Officers see the two men, become suspicious, and check the mechanic’s car.¹⁷ They find two packages of white powder.¹⁸ The Officers detain and arrest Mr. López Álvarez and the mechanic without informing them of their rights or the charges against them.¹⁹ State agents keep Mr. López Álvarez at the Office of Criminal Investigation and force him to confess that he committed the crime he is charged with, though he does not know what the charges are.²⁰ His handcuffs are so tight that his wrists bleed.²¹

April 28, 1997: Mr. López Álvarez is charged with possession of and

7. *Id.*

8. *Id.*

9. *Id.* It is unclear from the Judgment who, exactly, committed these atrocities.

10. *Id.* ¶ 39(1)(b).

11. *Id.*

12. *Id.* ¶¶ 39(1)(a), (c).

13. *Id.* ¶ 54(9).

14. *Id.* ¶ 54(10).

15. *Id.*

16. *Id.*

17. *Id.* ¶ 54 (11).

18. *Id.*

19. *Id.*

20. *Id.* ¶ 54(14).

21. *Id.*

dealing cocaine, marijuana, and crack cocaine.²² Many believe that the accusations against him are contrived to deter him from his work as an activist,²³ and to drive him away from the Garifuna community land.²⁴

April 29, 1997: The Sectional Court of First Instance of Tela begins criminal proceedings against Mr. López Álvarez.²⁵ The Department of Forensic Medicine submits the white powder seized from the mechanic's car into evidence to determine its purity and whether it is for personal consumption or for dealing.²⁶

May 2, 1997: The Sectional Court of First Instance of Tela orders that Mr. López Álvarez be detained without the opportunity to post bail.²⁷ Throughout the entirety of his detention, Mr. López Álvarez is not held with inmates in preventative detention or separated from convicted criminals.²⁸

November 7, 2000: The Supreme Court of First Instance of Tela convicts Mr. López Álvarez, sentences him to fifteen years in the Criminal Center of Tela, and orders him to pay a fine of one million lempiras (about \$49,285 USD).²⁹ Mr. López Álvarez cannot speak at his trial because the Criminal Center banned members of the Garifuna population from speaking in their native tongue at the beginning of 2000.³⁰

March 22, 2001: Mr. López Álvarez is transferred from the Criminal Center of Tela to the National Penitentiary of Támara, in the city of Puerto Cortés.³¹ This transfer prevents him from continuing with his duties as a leader of CODIN.³²

In both detention centers, Mr. López Álvarez is subjected to degrading and unhealthy conditions.³³ The centers are overcrowded and

22. *Id.* ¶ 54(15).

23. *Id.* ¶ 39(1)(a).

24. *Id.* ¶ 40(1)(a).

25. *Id.* ¶ 54(16).

26. *Id.*

27. *Id.* ¶ 54(20).

28. *Id.* ¶ 54(47).

29. *Id.* ¶ 54(32).

30. *Id.* ¶ 54(49).

31. *Id.* ¶ 54(43).

32. *Id.* ¶ 54(44).

33. *Id.* ¶ 54(48).

unhygienic.³⁴ Mr. López Álvarez often has to sleep on the floor and does not receive an adequate diet or drinkable water.³⁵

May 2, 2001: The Appellate Court of the Cieba annuls the case against Mr. López Álvarez, and remands the case to a preliminary stage due to numerous procedural irregularities that occurred throughout the trial, including the fact that Mr. López Álvarez's participation in the crime was not determined and the investigation of facts was not exhausted.³⁶

January 13, 2003: The Sectional Court of First Instance of Tela issues an acquittal for Mr. López Álvarez because it is not clear that the white powder found in Mr. López Álvarez's possession is cocaine, thereby nullifying any notion that he committed a crime.³⁷

August 26, 2003: Mr. López Álvarez is released after being imprisoned for six years and four months.³⁸

B. Other Relevant Facts

The Garifuna community has a rich indigenous West Indian and African heritage.³⁹ The community originated in 1635, when European ships brought African slaves to the West Indies.⁴⁰ In 1797, the British exiled most of the Garifuna people to an island off the coast of Honduras.⁴¹ Eventually, the Garifuna migrated to mainland Honduras.⁴²

II. PROCEDURAL HISTORY

A. Before the Commission

December 13, 2000: OFRANEH submits a petition to the Commission on behalf of Mr. López Álvarez.⁴³

34. *Id.*

35. *Id.*

36. *Id.* ¶¶ 2, 54(33).

37. *Id.* ¶ 54(40).

38. *Id.*

39. Hayes Ferguson, *Black Hondurans Try to Preserve Culture Emigration, Development Trouble Garifuna*, NEW ORLEANS TIMES PICAYUNE (Apr. 6, 1997).

40. López Álvarez v. Honduras, Merits, Reparations and Costs, Judgment, ¶ 54(40).

41. *Id.*

42. *Id.*

43. *Id.* ¶ 5.

March 4, 2003: The Commission approves Merits Report No. 18/03.⁴⁴ In the Report, the Commission recommends that the State immediately release Mr. López Álvarez, investigate the irregularities that occurred in the arrest and processing of Mr. López Álvarez, reform current laws that restrict the right to release defendants on bail, determine reparations for the human rights violations Mr. López Álvarez suffered, and adopt the measures necessary to prevent such violations from occurring again in the future.⁴⁵

B. Before the Court

July 7, 2003: The Commission submits the application to the Court after the State failed to adopt its recommendations.⁴⁶

1. Violations Alleged by Commission⁴⁷

Article 5(1) (Right to Physical, Mental, and Moral Integrity)

Article 7 (Right to Personal Liberty)

Article 8 (Right to a Fair Trial)

Article 13 (Freedom of Thought and Expression)

Article 16 (Freedom of Association)

Article 24 (Right to Equal Protection)

Article 25 (Right to Judicial Protection)

all in relation to:

Article 1(1) (Obligation to Respect Rights) of the American Convention.

2. Violations Alleged by Representatives of the Victims⁴⁸

Same Violations Alleged by the Commission.

June 13, 2005: The Court issues Provisional Measures to ensure the safety of all witnesses who are facing danger because of their

44. *Id.* ¶ 8.

45. *Id.*

46. *Id.* ¶ 12.

47. *Id.* ¶ 55.

48. OFRANEH and the Center for Justice and International Law (CEJIL) represented the victims of the case; *Id.* ¶¶ 16, 56.

involvement in this case.⁴⁹ On the way to collect statements to be presented in an affidavit, Ms. Gregoria Flores, a leader of OFRANEH, is shot at while sitting in a car.⁵⁰ Mr. López Álvarez constantly faces threats for his activism in protecting the Garifuna lands.⁵¹ The Court holds that the State must adopt necessary measures to protect the lives of Mr. López Álvarez, his partner, Ms. Teresa Reyes Reyes, and Ms. Gregoria Flores.⁵²

September 21, 2005: The Court finds that the State failed to comply with the Provisional Measures of June 13, 2005, and that the order must be reiterated and expanded to also protect the mother and daughters of Ms. Flores.⁵³

III. MERITS

A. *Composition of the Court*⁵⁴

Sergio García Ramírez, President
Alirio Abreu Burelli, Vice-President
Oliver H. Jackman, Judge
Antônio Augusto Cançado Trindade, Judge
Cecilia Medina Quiroga, Judge
Manuel E. Ventura Robles, Judge

Pablo Saavedra Alessandri, Secretary
Emilia Segares Rodríguez, Deputy Secretary

B. *Decision on the Merits*

February 1, 2006: The Court issues its Judgment on Merits, Reparations and Costs.⁵⁵

49. *Id.* ¶¶ 34, 56.

50. *Id.*

51. López Álvarez v. Honduras, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), ¶ 17 (Jan. 26, 2009).

52. López Álvarez v. Honduras, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) (June 13, 2005).

53. López Álvarez v. Honduras, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) (Sept. 21, 2005).

54. Judge Diego García-Sayán recused himself from the case due to *force majeure*.

55. López Álvarez v. Honduras, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 141 (Feb. 1, 2006).

The Court found unanimously that Honduras had violated:

Article 7(1) (Right To Personal Liberty and Security), 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law), 7(3) (Prohibition of Arbitrary Arrest or Imprisonment), 7(4) (Right to Be Informed of Reasons of Arrest and Charges) and 7(6) (Right to Have Recourse Before a Competent Court), in relation to Article 1(1) of the Convention, to the detriment of Mr. López Álvarez,⁵⁶ because:

Mr. López Álvarez was not informed of the reasons behind his arrest or of the charges being brought against him.⁵⁷ Article 7 (Right to Personal Liberty) guarantees that no person shall be deprived of their physical liberty by arbitrary arrest, imprisonment or excessive detainment.⁵⁸ Article 7 (Right to Personal Liberty) also requires that the individual arrested be informed of the reasons behind their arrest or detention and promptly be brought before a judge.⁵⁹

Article 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law) states that authorities must have an arrest warrant when arresting someone, unless there is a crime ensuing at the time.⁶⁰ Mr. López Álvarez's arrest was legal because those arresting him had a reasonable belief that the substance accompanying Mr. López Álvarez at the time was cocaine.⁶¹ However, upon processing the seized substance at a later time, it became unclear whether the substance was actually cocaine.⁶² Despite this finding, the tribunal did not evaluate this issue within a timely manner, and as a result, Mr. López Álvarez was detained for a grossly excessive amount of time.⁶³

Article 7(3) (Prohibition of Arbitrary Arrest or Imprisonment) prohibits disproportionate arrest and imprisonment.⁶⁴ Preventative detention

56. *Id.* “Declares” ¶ 1.

57. *Id.* ¶ 86.

58. *Id.* ¶ 58.

59. *Id.*

60. *Id.* ¶ 63.

61. *Id.*

62. *Id.* ¶¶ 63, 65, 72.

63. *Id.* ¶¶ 69, 72-74.

64. *Id.* ¶ 66.

requires an analysis of the measure to be in proportion to the evidence and facts presented in the case.⁶⁵ A violation occurs when a person's criminality is not established and yet he is imprisoned for an unwarranted and disproportionate amount of time.⁶⁶ Here, the white powder was not properly evaluated for five years after the original incident.⁶⁷ Mr. López Álvarez was in preventative detention for a long time without evidence that the purpose behind his detention was valid, and therefore the Court found that the State was in violation of his rights.⁶⁸

Article 7(4) (Right to Be Informed of Reasons of Arrest and Charges) requires that a person who is arrested and detained be informed of the charges brought against him as well as what his rights are.⁶⁹ The State authorities failed to do so with Mr. López Álvarez, so the Court found that the State violated Article 7(4).⁷⁰

The Court also found that the State was in violation of Article 7(6) (Right to Have Recourse Before a Competent Court) because there were no existing effective remedies to stop the preventative detention of Mr. López Álvarez.⁷¹

Article 5 (Right to Humane Treatment), in relation to Article 1(1) of the Convention,⁷² to the detriment of Mr. López Álvarez, because:

The Court previously established that someone who is unlawfully detained is at a greater risk of having his rights violated.⁷³ Additionally, international human rights organizations have determined that prisoners have the right to live in conditions that do not infringe on their personal dignity and that it is the State's obligation to ensure a prisoner's personal dignity remains intact.⁷⁴ The State did not fulfill its obligation to guarantee the rights of Mr. López Álvarez while he was a

65. *Id.* ¶ 68.

66. *Id.* ¶ 69.

67. *Id.* ¶¶ 72-74.

68. *Id.* ¶ 75.

69. *Id.* ¶¶ 83-84.

70. *Id.* ¶ 86.

71. *Id.* ¶ 98.

72. *Id.* "Decides" ¶ 2.

73. *Id.* ¶ 104.

74. *Id.* ¶ 105.

*detainee.*⁷⁵ *Mr. López Álvarez was detained in an overpopulated prison that did not provide essential living conditions for its detainees.*⁷⁶ *Mr. López Álvarez was forced to sleep on the floor for a long period of time due to the extremely crowded cells, and he was not provided with a satisfactory diet or drinkable water while detained.*⁷⁷

*Further, the State failed to comply with the Article 5(4) (Right of Accused to Be Segregated from Convicted Persons) because Mr. López Álvarez was detained with convicted persons prior to being convicted of any crime.*⁷⁸

Article 5(1) (Right to Physical, Mental, and Moral Integrity) in relation to Article 1(1) of the Convention, to the detriment of Mr. López Álvarez's next of kin,⁷⁹ because:

*Mr. López Álvarez's next of kin experienced great difficulty watching him suffer in prison.*⁸⁰ *As a result, the Court found that the State violated Article 5(1) (Right to Physical, Mental, and Moral Integrity).*⁸¹

Articles 13 (Freedom of Thought and Expression) and 24 (Right to Equal Protection) in relation to Article 1(1) of the Convention, to the detriment of Mr. López Álvarez,⁸² because:

*The right to speak and the right to use your language of choice when speaking are one in the same.*⁸³ *Restricting an individual from speaking in their language of choice is a limit on one's right to freedom of*

75. *Id.* ¶ 106.

76. *Id.* ¶ 108.

77. *Id.*

78. *Id.* ¶¶ 111-113.

79. *Id.* ¶ 120.

80. *Id.* ¶¶ 118-120. The next of kin to whose detriment the violation was found are: Teresa Reyes Reyes, partner of Mr. López-Álvarez; Alfa Barauda López Reyes, Suamein Alfred López Reyes, and Gustavo Narciso López Reyes, children of Ms. Reyes Reyes and Mr. López Álvarez; Alfred Omalý López Suazo, Deikel Yanell López Suazo, Iris Tatiana López Bermúdez, José Álvarez Martínez, and Joseph López Harolstohn, children of the alleged victim, and of José Jaime Reyes Reyes, and María Marcelina Reyes Reyes, children of Ms. Teresa Reyes Reyes, who will also be considered children of the alleged victim; of Apolonia Álvarez Aranda and Catarino López, parents of Mr. López Álvarez, and of his sisters and his brother: Alba Luz, Rina Maribel, Marcia Migdali, Mirna Suyapa, and Joel Enrique, all with the surnames García Álvarez.

81. *Id.*

82. *Id.* "Decides" ¶ 4.

83. *Id.* ¶ 164.

expression.⁸⁴ *The State prohibited Mr. López Álvarez from speaking in his native tongue, the Garifuna language.*⁸⁵ *The Court found that this prohibition violated his right to speak and express his thoughts, his personal dignity, and his right to identify as a Garifuna.*⁸⁶ *Further, the Court held that prohibiting the Garifuna language discriminated specifically against the Garifuna, which also violates the Convention.*⁸⁷

The Court found by five votes to one that Honduras had violated:

Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), 8(2) (Right to be Presumed Innocent), 8(2)(b) (Right to Have Prior Notification of Charges), 8(2)(d) (Right to Self-Defense or Legal Assistance and to Communicate Freely with Counsel), 8(2)(g) (Right Not to Self-Incriminate) and 25(1) (Right of Recourse Before a Competent Court), in relation to Article 1(1) of the Convention, to the detriment of Mr. López Álvarez,⁸⁸ because:

*Under Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), a reasonable amount of time is analyzed according to the entire duration of the criminal process starting with the first procedural act against a defendant and concluding with the issuing of a judgment.*⁸⁹ *The State did not solve the controversy in regards to Mr. López Álvarez within a reasonable amount of time.*⁹⁰ *Mr. López Álvarez's apprehension was the first procedural act in this case, and the first issuing of a judgment was over five years later.*⁹¹ *Article 8(1)(Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) provides that the amount of time that is considered reasonable depends on the complexity of the individual case, the procedural activity of the party, and the action of the judicial authorities.*⁹² *Here, the case was not complex, and Mr. López Álvarez did not create any barriers that delayed the process; rather, the delay came from those administering justice.*⁹³

84. *Id.*

85. *Id.* ¶ 169.

86. *Id.* ¶¶ 164-169.

87. *Id.* ¶ 172.

88. *López Álvarez v. Honduras, Merits, Reparations and Costs*, ¶ 225.3.

89. *Id.* ¶ 129.

90. *Id.* ¶ 128.

91. *Id.* ¶¶ 130, 131.

92. *Id.* ¶ 132.

93. *Id.* ¶¶ 133-135.

The Court also found that the State failed to provide Mr. López Álvarez with an effective judicial recourse in violation of Article 25 (Right to Judicial Protection) due to his six-year detention.⁹⁴ The State violated Article 8(2) (Right to be Presumed Innocent) by not first presuming Mr. López Álvarez was innocent.⁹⁵ Further, as Mr. López Álvarez was never notified of the charges brought against him, he could not properly exercise his right to a defense.⁹⁶ Mr. López Álvarez gave his preliminary examination statement without notification of charges; therefore the State violated of Article 8(2)(b) (Right to Have Prior Notification of Charges).⁹⁷ The Court found that the State violated of Article 8(2)(g) (Right Not to Self-Incriminate) because State agents mistreated Mr. López Álvarez in order to coerce him into incriminating himself.⁹⁸

The Court found that the State had not violated:

Article 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time), in relation to Article 1(1) of the Convention,⁹⁹ because:

Article 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time) requires that an arrested or detained person must be brought in front of a competent judge without a time delay.¹⁰⁰ The Court found that the State brought Mr. López Álvarez in front of a competent judge without delay, and therefore the State did not violate Article 7(5).¹⁰¹

The Court did not rule on Article 16 (Freedom of Association),¹⁰² because:

The facts argued did not properly correspond to a violation of this Article.¹⁰³

94. López Álvarez v. Honduras, Merits, Reparations and Costs, ¶¶ 137-139.

95. *Id.* ¶ 144.

96. *Id.* ¶¶ 149-150.

97. *Id.*

98. *Id.* ¶ 155.

99. *Id.* ¶ 87.

100. *Id.*

101. *Id.* ¶ 91.

102. *Id.* ¶ 178.

103. *Id.*

C. Dissenting and Concurring Opinions

1. Concurring Opinion of Judge Sergio García Ramírez

Judge García Ramírez applauded the Court for changing the criteria for proper *in flagrante* arrests.¹⁰⁴ He agreed with the majority that the State must have a motive to arrest someone, and that the detainee must be informed of the reasons for his arrest.¹⁰⁵ Judge García Ramírez also looked at Mr. López Álvarez's prolonged detention and reiterated that the entire procedure surrounding a case such as this one must have continued supporting evidence in order to sustain such a detention; otherwise the State violates the Convention.¹⁰⁶ Judge García Ramírez explained that preventive detention that does not consider all information surrounding the alleged crime in order to assess the legitimacy of the detention contradicts the ideal of presuming a person innocent until proven guilty.¹⁰⁷

2. Concurring Opinion of Judge Antônio Augusto Cançado Trindade

Judge Cançado Trindade's argument focused on the inseparability of access to justice, as stated in Article 8 (Right to a Fair Trial), and the guarantee of due process of the law, as stated in Article 25 (Right to Judicial Protection).¹⁰⁸ He commended the Court for finally recognizing the importance of effective recourse and access to justice.¹⁰⁹ Judge Cançado Trindade contended that without an effective recourse, due process does not function properly.¹¹⁰ For example, Article 8 (Right to a Fair Trial) requires that an individual be brought in front of a tribunal within a "reasonable time", which is directly related to the right to have "prompt recourse" in front of a court, as in Article 25 (Right to Judicial Protection).¹¹¹

104. López Álvarez v. Honduras, Merits, Reparations and Costs, Separate Opinion of Judge García Ramírez, Inter-Am. Ct. H.R. (ser. C) No. 141 (Feb. 1, 2006), ¶ 14.

105. *Id.*

106. *Id.* ¶ 17.

107. *Id.* ¶ 22.

108. López Álvarez v. Honduras, Merits, Reparations and Costs, Separate Opinion of Judge Cançado Trindade, Inter-Am. Ct. H.R. (ser. C) No. 141 (Feb. 1, 2006).

109. *Id.* ¶ 16.

110. *Id.*

111. *Id.* ¶ 18.

3. Dissenting Opinion of Judge Cecilia Medina Quiroga

Though Judge Medina Quiroga generally agreed with the Court's decision, she disagreed with the finding regarding Article 25 (Right to Judicial Protection).¹¹² Contrary to Judge Cançado Trindade's beliefs, Judge Medina Quiroga saw great importance in treating Article 8 (Right to A Fair Trial) and 25 (Right to Judicial Protection) as completely separate from one another.¹¹³ She stated that the Court's characterization of the two articles implies that Article 25 (Right to Judicial Protection) and the right to recourse is the only way to effectively protect the rights of the Convention.¹¹⁴ Instead, Judge Medina Quiroga argued that to accomplish the goal of freedom in human rights, the Court must not depend solely on Article 25 (Right to Judicial Protection).¹¹⁵

IV. REPARATIONS

A. *Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)*

1. Investigate the Facts of the Case

The Court held that the State must investigate the facts of the case within a reasonable amount of time.¹¹⁶

2. Publish the Judgment

The Court ruled that the State must publish the Judgment in the State's official newspaper and in another newspaper that circulates nationally in Honduras within six months.¹¹⁷

3. Improve Criminal Center Conditions and Train Prison Officers

112. López Álvarez v. Honduras, Merits, Reparations and Costs, Dissenting Opinion of Judge Medina Quiroga, Inter-Am. Ct. H.R. (ser. C) No. 141 ¶ 1 (Feb. 1, 2006).

113. *Id.* ¶ 3.

114. *Id.*

115. *Id.* ¶ 34.

116. López Álvarez v. Honduras, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 141 ¶ 207 (Feb. 1, 2006).

117. *Id.* ¶ 206.

The Court held that the State must take appropriate measures to ensure that inmates have an adequate diet, medical attention, and sanitary conditions that comply with international standards.¹¹⁸ The Court also required the State to adopt a training program on human rights for the officers working in the penitentiary centers.¹¹⁹

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

The Court awarded Mr. López Álvarez \$25,000 for income he lost while in detention.¹²⁰ Additionally, the Court awarded \$2,000 to his partner, Ms. Reyes Reyes for the expenses she incurred while traveling to visit Mr. López Álvarez.¹²¹ The Court also awarded \$8,000 for travel expenses, food, and lodging spent to visit Mr. López Álvarez to be distributed equally between his siblings, Alba Luz, Rina Maribel, Marcia Migdali, Mirna Suyapa, and Joel Enrique, all with the surnames García Álvarez.¹²²

2. Non-Pecuniary Damages

The Court awarded \$15,000 to Mr. López Álvarez for enduring inhumane treatment and unhealthy living conditions for over six years.¹²³ Upon her partner's arrest, Ms. Reyes Reyes was forced to assume the care of all of their children by herself.¹²⁴ She was pregnant at the time of Mr. López Álvarez's arrest and had to give birth and raise that child alone, without the support of her partner. For this anguish, the Court awarded Ms. Teresa Reyes Reyes, \$10,000.¹²⁵

The Court awarded \$4,000 to each of Mr. López Álvarez's ten children who suffered greatly without having a father figure.¹²⁶ The

118. *Id.* ¶ 209.

119. *Id.* ¶ 210.

120. *Id.* ¶ 194.

121. *Id.* ¶ 194(a).

122. *Id.* ¶ 194(b).

123. *Id.* ¶ 202(a).

124. *Id.* ¶ 202(b).

125. *Id.*

126. The names of the children are: Alfa Barauda López Reyes, Suamein Alfred López

Court ordered the State to pay the parents of Mr. López Álvarez, Ms. Apolonia Álvarez Aranda and Mr. Catarino López, \$7,000 for the suffering they incurred observing their son's suffering while imprisoned.¹²⁷ Finally, the Court awarded \$1,000 to each of Mr. López Álvarez's six siblings who also suffered due to their brother's condition in prison.¹²⁸

3. Costs and Expenses

The Court awarded Mr. López Álvarez \$10,000 to be distributed to OFRANEH and CEJIL to compensate for the expenses and losses incurred during Mr. López Álvarez's absence.¹²⁹

4. Total Compensation (including Costs and Expenses ordered):

\$123,000

C. Deadlines

The Court holds that the State must conduct the investigation of facts within a reasonable amount of time.¹³⁰ The State must publish the Judgment within six months of notification of the Judgment.¹³¹ The Court will monitor the State's compliance with the judgment and the State must submit a report to the Court on the measures it has adopted to comply with the Judgment within a year.¹³²

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

Reyes, Gustavo Narciso López Reyes, Alfred Omary López Suazo, Deikel Yanell López Suazo, Iris Tatiana López Bermúdez, José Álvarez Martínez, Joseph López Harolstohn, José Jaime Reyes Reyes, and María Marcelina Reyes Reyes. *Id.* ¶ 202(c).

127. *Id.* ¶ 202(d).

128. The siblings are: Alba Luz García Álvarez, Rina Maribel García Álvarez, Marcia Migdali García Álvarez, Mirna Suyapa García Álvarez, and Mr. Joel Enrique García Álvarez. *Id.* ¶ 202(e).

129. *Id.* ¶ 215.

130. *Id.* ¶ 207.

131. *Id.* ¶ 208.

132. *Id.* p.73.

February 6, 2008: The State fully complied with its duty to publish the relevant parts of the Judgment.¹³³ The Court also found that the State paid all beneficiaries.¹³⁴ The Court determined that the State must inform the Court of the steps it has taken to investigate the facts of the case, since there is no evidence that it has done so at this point.¹³⁵ Though the State provided the Court with the measures it has taken to improve some of the conditions in State penitentiary centers, the Court asked for more information from the State regarding the human rights programs it is implementing for its officers.¹³⁶

January 26, 2009: The Court rescinds the previous Provisional Measures because the witnesses no longer face danger as the case is over.¹³⁷ The Provisional Measures are issued to protect these individuals in their capacity as witnesses, and since the situation has changed, the protective measures are no longer needed.¹³⁸ Accordingly, the Court lifts the previous Provisional Measures.¹³⁹

May 29, 2013: Though the State provided the Court with information on its progress towards compliance with the Judgment, the Court determined that compliance remained pending.¹⁴⁰ The Court required the State to submit updated information regarding the status of investigation of the facts of the case and to submit a report on the actions and goals for improving prison conditions and training prison officials in human rights.¹⁴¹

VII. LIST OF DOCUMENTS

A. *Inter-American Court*

133. López Álvarez v. Honduras, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. ¶ 14, 16 (Feb. 6, 2008).

134. *Id.* ¶ 21.

135. *Id.* ¶¶ 13, 26.

136. *Id.* ¶ 20.

137. López Álvarez v. Honduras, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E) ¶ 17 (Jan. 26, 2009).

138. *Id.*

139. *Id.*

140. López Álvarez v. Honduras, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. ¶ 19 (May 29, 2013).

141. *Id.* ¶ 19(a)-(b).

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

[López Álvarez v. Honduras, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 141 \(Feb. 1, 2006\).](#)

[López Álvarez v. Honduras, Concurring Opinion of Judge García Ramírez, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 141 \(Feb. 1, 2006\).](#)

[López Álvarez v. Honduras, Concurring Opinion of Judge Cançado Trindade, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 141 \(Feb. 1, 2006\).](#)

[López Álvarez v. Honduras, Dissenting Opinion of Judge Medina Quiroga, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 141 \(Feb. 1, 2006\).](#)

3. Provisional Measures

[López Álvarez v. Honduras, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Jan. 26, 2009\).](#)

[López Álvarez v. Honduras, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Sept. 21, 2005\) \(Available only in Spanish\).](#)

[López Álvarez v. Honduras, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(June 13, 2005\) \(Available only in Spanish\).](#)

4. Compliance Monitoring

[López Álvarez v. Honduras, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Feb. 6, 2008\).](#)

[López Álvarez v. Honduras, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(May 29, 2013\).](#)

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[None]

2. Report on Admissibility

[López Álvarez v. Honduras, Admissibility Report, Report No. 124/01, Inter-Am. Comm'n. H.R., Case No. 12.387, ¶ 1 \(Dec. 3, 2001\).](#)

3. Provisional Measures

[None]

4. Report on Merits

[None]

5. Application to the Court

[None]

VIII. BIBLIOGRAPHY

Hayes Ferguson, *Black Hondurans Try to Preserve Culture Emigration, Development Trouble Garifuna*, NEW ORLEANS TIMES PICAYUNE (Apr. 6, 1997).

Denise Gilman, *A "Bilingual" Approach to Language Rights: How Dialogue Between U.S. and International Human Rights Law May Improve the Language Rights Framework*, 24 HARV. HUM. RTS. J. 1 (2011).

Bryan T. Shipp & Fermina Carrión, *Updates from the Regional Human Rights Systems*, HUM. RTS. BR. 49 (Spring 2006).