

# Luna López v. Honduras

## ABSTRACT<sup>1</sup>

*This case is about the murder of an environmental activist who challenged logging companies deforesting Honduras. The killing of Mr. Luna López is just one of several similar murders, in similar circumstances, that took place between 1996 and 2006. As in the case *Kawas Fernández v. Honduras*, another environmental activist assassinated in Honduras, the Court found violation of several articles of the American Convention.*

## I. FACTS

### A. Chronology of Events

**1982:** Mr. Carlos Luna López, an activist for several movements in the Liberal Party, supports local farmers in the struggle for their land.<sup>2</sup>

**1997:** Mr. Luna López is elected as Eighth Member of the City Council of Catacamas for the 1998-2002 term.<sup>3</sup>

**January 25, 1998:** Mayor Alejandro Fredy Salgado Cardona of the Catacamas Municipality appoints Mr. Luna López to the Municipal Environmental Commission, with the recommendation to review all land titles in anticipation of the Municipality's upcoming lumber auction.<sup>4</sup> In his official capacity, Mr. Luna López files complaints with judicial authorities regarding the illegal exploitation of the forest by the companies *Productos Forestales Figueroa* ("PROFOFI"), "IMARA" and La Fosforera, and the use of phantom cooperatives, known as "Quedabra de Catacamas."<sup>5</sup>

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2. Luna López v. Honduras, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 269, ¶ 24 (Oct. 10, 2013).

3. *Id.* ¶ 25.

4. *Id.* ¶ 26.

5. *Id.* ¶ 27.

**February 26, 1998:** Mr. José Ángel Rosa, a lumber merchant and rancher, threatens Mr. Luna López by pointing a gun to his head and firing into the air.<sup>6</sup> Mr. Luna López reports this to the Public Prosecutor's office, who calls a meeting during which Mr. Ángel Rosa apologizes to Mr. Luna López, explaining he was inebriated at the time he made the threat.<sup>7</sup> The Prosecutor, however, made no record of this meeting, and made no follow up investigation.<sup>8</sup>

**March 7, 1998:** An article appears in *El Heraldo*, a national newspaper, in which Mr. Luna López publicizes the death threats he received after making public comments about irregularities detected in the pine forest.<sup>9</sup> He notes that these death threats came from Mr. Ángel Rosa, a part owner of PROFOFI, which has a direct financial interest in deforestation.<sup>10</sup>

**April 4, 1998:** Mr. Ángel Rosa phones Mr. Luna López and tells him he has "the money, the weapons, and the people to kill him and all of his family."<sup>11</sup> Mr. Luna López calls the Public Prosecutor's office to report the threat, but the State denies the existence of this call.<sup>12</sup>

**April 21, 1998:** Mr. Luna López is appointed as head of the Catacamas Environmental Unit.<sup>13</sup>

**May 1998:** Mr. Luna López conducts an investigation of the Quebrada de Catacamas in the presence of an officer of the Public Prosecutor's Office.<sup>14</sup> In the course of this inspection, Mr. Luna López learns that Mr. Jorge Adolfo Chávez and Mr. Roberto Núñez, lumber merchants involved with the Quebrada de Catacamas, said that if Mr. Luna López went to the mountains, "he would come back dead."<sup>15</sup>

**May 13, 1998:** Mr. Adolfo Chávez points a gun to Mr. Luna López's

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6. *Id.* ¶ 28.

7. *Id.*

8. *Id.*

9. *Id.* ¶ 29.

10. *Id.*

11. *Id.* ¶ 30.

12. *Id.*

13. *Id.*

14. *Id.* ¶ 31.

15. *Id.*

head and threatens his life.<sup>16</sup>

**May 14, 1998:** Mr. Luna López calls the Committee of Families of the Detained-Disappeared in Honduras (*Comité de Familiares de Detenidos Desparecidos en Honduras*, “COFADEH”) to report a plan to murder him and the likely perpetrators.<sup>17</sup> Representatives at COFADEH urge Mr. Luna López to arrange a press conference at its office and to attempt a meeting with the President of Congress to stop the plan.<sup>18</sup> They schedule the conference for May 20, 1998, the earliest day Mr. Luna López can manage due to work commitments.<sup>19</sup>

**May 15, 1998:** Mr. Adolfo Chávez tells Congressman Miguel Rafael Madrid López, a cousin of Mr. Luna López, that he “did not know who he was dealing with, that he had confiscated a large quantity of lumber, that he did not have “horchata” running in his veins (i.e. he could not be pushed around) and that he was [an] ex-soldier.”<sup>20</sup>

**May 18, 1998:** Mr. Luna López tells his wife, Ms. Rosa Margarita Valle Hernández, that “he knew they were paying fifty thousand *lempiras* to kill him and that someone was following him.”<sup>21</sup> Later, at approximately 10:45 p.m., two young men open fire at him as he leaves a city council session with Ms. Silvia Gonzales and Mr. Fausto Roveló.<sup>22</sup> Mr. Luna López returns fire, sending one of the assailants running.<sup>23</sup> Ms. Gonzales suffers a bullet wound to her head and Mr. Luna López receives a bullet in his back.<sup>24</sup>

Those at the scene lift the victims into Mayor Salgado Cardona’s vehicle and transport them to the Campos Clinic, a local health center, but arrive to find that it is closed.<sup>25</sup> Instead, they take the wounded to the San Francisco Hospital in Juticalpa, approximately forty-five minutes away from the Campos Clinic.<sup>26</sup> A doctor pronounces Mr. Luna López dead, while Ms. Gonzales is in critical condition.<sup>27</sup> No autopsy is per-

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16. *Id.* ¶ 32.

17. *Id.* ¶ 33.

18. *Id.*

19. *Id.*

20. *Id.* ¶ 34.

21. *Id.* ¶ 35.

22. *Id.* ¶¶ 39-40.

23. *Id.* ¶ 40.

24. *Id.* ¶ 41.

25. *Id.* ¶¶ 42-43.

26. *Id.* ¶¶ 43-44.

27. *Id.* ¶ 44.

formed on Mr. Luna López.<sup>28</sup> His family takes his body to his mother's house to hold his wake.<sup>29</sup>

Mr. Ramón Everardo Calix Urtecho and Mr. Oscar Palacios, both City Council members return to the scene of the incident with a National Police lieutenant and collect the bullet shells.<sup>30</sup>

**May 19, 1998:** Judge Juan Carlos Castillo Sermeno of the Catacamas Magistrates Criminal Court orders an inquiry into the murder of Mr. Luna López.<sup>31</sup> The Judge visits the crime scene and observes the presence of bloodstains and bullet holes.<sup>32</sup> In addition, officials of the Criminal Investigations Division of the Public Prosecutor's Office interview Mr. Luna López's son, Mr. César Augusto Luna López, who shares what he believed to be the motives for his father's murder.<sup>33</sup>

At 9:45 a.m., medical examiner Ms. Claudia Suyapa Martínez supervises the removal of Mr. Luna López's body at the wake held at his mother's home.<sup>34</sup> She determines that the "apparent cause of death was abdominal trauma caused by a gunshot, with probable damage to the large blood vessels."<sup>35</sup>

Later, at 3:50 p.m., agents of the Criminal Investigations Division, a Judge, a Prosecutor, a Lieutenant, and evidence collection technicians arrive at the scene of the crime where they find no one had been placed in charge of the crime scene, and it had become contaminated by pedestrians and vehicles moving through it.<sup>36</sup> The technicians nevertheless collect forensic evidence and take photographs.<sup>37</sup> The Criminal Investigation Division also recovers the bullet removed from Mr. Luna López by the doctor at the hospital.<sup>38</sup>

**May 1998:** An investigation is opened into the presumed involvement of Mr. Oscar Aurelio Rodríguez Molina, Mr. Adolfo Chávez, Mr. Ángel Rosa, Mr. Ítalo Iván Lemus, Mr. Marcos Morales, and Mr. Wilfredo Pérez for the crimes of murder and attempted murder of Mr. López and Ms. Gonzales respectively.<sup>39</sup>

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28. *Id.* ¶ 49.

29. *Id.* ¶ 46.

30. *Id.* ¶ 45.

31. *Id.* ¶ 47.

32. *Id.*

33. *Id.* ¶ 48.

34. *Id.* ¶ 49.

35. *Id.*

36. *Id.* ¶ 50.

37. *Id.*

38. *Id.*

39. *Id.* ¶ 54.

**June 1998 - July 1998:** Forensic ballistics reports show no link between the bullets found at the crime scene and two firearms belonging to Mr. Ángel Rosa and Mr. Manuel Antonio Picado.<sup>40</sup>

**July 23, 1998:** The police submit their report to Mr. Adrian Octavio Rosales, the Prosecutor in charge of the case.<sup>41</sup> The report establishes that Mr. Rodríguez Molina is supposedly responsible for the murder of Mr. Luna López.<sup>42</sup>

**October 22 1998:** In a statement to police, Mr. Rodríguez Molina states that he did not shoot Mr. Luna López and that no one contracted him to do so.<sup>43</sup> The police subsequently place him under arrest.<sup>44</sup>

**October 26, 1998:** During a confrontation proceeding against Mr. Rodríguez Molina, a security guard positively identifies him as one of the individuals who shot Mr. Luna López.<sup>45</sup>

**September 6, 1999:** The Prosecutor's Office submits a report naming Congressman Lincoln Figueroa, also a part owner of PROFOFI, as a probable suspect, but he is never indicted.<sup>46</sup> Evidence in possession of the Prosecutor's Office also suggests Mayor Salgado Cardona offered money to Mr. Luna López to stop analyzing the "mischief" going on in the municipality.<sup>47</sup>

**February 19, 2001:** Mr. Rodríguez Molina states before the Civil Court that Mr. Iván Lemus, Mr. Morales, Mr. Pérez, and Mr. Adolfo Chávez were responsible for Mr. Luna López's death because Mr. Luna López confiscated lumber from Mr. Adolfo Chávez.<sup>48</sup>

**November 5, 2001:** Pursuant to a warrant issued on August 2, 2001, Mr. Adolfo Chávez is arrested.<sup>49</sup>

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40. *Id.* ¶ 51.

41. *Id.* ¶ 53.

42. *Id.*

43. *Id.* ¶ 58.

44. *Id.*

45. *Id.* ¶ 59.

46. *Id.* ¶ 106.

47. *Id.* ¶ 107.

48. *Id.* ¶ 66. In a later statement on June 15, 2004, Mr. Rodríguez Molina states that Mr. Morales and Mr. Pérez do not exist. *Id.* ¶ 105.

49. *Id.* ¶ 76.

**December 11, 2002:** The Civil Court issues a judgment of first instance, sentencing Mr. Rodríguez Molina to twenty years' imprisonment for the murder of Mr. Luna López and six years' imprisonment for the crime of serious injuries to the detriment of Ms. Gonzales.<sup>50</sup>

**June 15, 2004:** Mr. Rodríguez Molina makes another statement before the Civil Court, claiming that Mr. Ángel Rosa and Mr. Fredy Salgado, the "son" of Mayor Salgado Cardona, hired Mr. Alberto Isidoro Calix and Mr. Iván Lemus to kill Mr. Luna López.<sup>51</sup> Mr. Rodríguez Molina is subsequently transferred because he has received death threats and fears for his life.<sup>52</sup>

**September 10, 2004:** Mr. Adolfo Chávez is acquitted of the murder of Mr. Luna López and attempted murder of Ms. Gonzales.<sup>53</sup> The acquittal is appealed.<sup>54</sup>

**April 25, 2005:** The Third Court of Appeals sentences Mr. Adolfo Chávez to seventeen years' imprisonment for the murder of Mr. Luna López and seven years and two months for the attempted murder of Ms. Gonzales.<sup>55</sup> The Court finds that although there is no direct evidence, there is sufficient evidence to establish he assisted in the plan to kill Mr. Luna López.<sup>56</sup> Mr. Adolfo Chávez appeals.<sup>57</sup>

**June 16, 2006:** The Supreme Court absolves Mr. Adolfo Chávez of liability stating he lacked time, place, and payment or reward for committing the crime.<sup>58</sup>

**June 28, 2006:** Mr. Rodríguez Molina is murdered by gunfire while serving his term in the "Escorpión" Maximum Security Cells.<sup>59</sup>

**2007:** The State creates the "Group for the Investigation of Environmentalists' Deaths" which has exclusive jurisdiction over the deaths of

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50. *Id.* ¶ 68.

51. *Id.* ¶ 70.

52. *Id.*

53. *Id.* ¶ 85.

54. *Id.* ¶ 86.

55. *Id.*

56. *Id.*

57. *Id.* ¶ 87.

58. *Id.*

59. *Id.* ¶ 72.

environmentalists in the State.<sup>60</sup>

**March 26, 2007:** After a series of arrests and proceedings against Mr. Ángel Rosa between 2001 and 2006 for the murder of Mr. Luna López, the Civil Court drops the case against Mr. Ángel Rosa.<sup>61</sup>

**November 1, 2007:** The Third Court of Appeals reverses the decision dropping all charges against Mr. Ángel Rosa, and again orders his detention.<sup>62</sup> However, there is no evidence of compliance with the detention order.<sup>63</sup>

**April 29, 2008:** Mr. Iván Lemus is arrested for the murder of Mr. Luna López and the attempted murder of Ms. Gonzales.<sup>64</sup>

**June 30, 2008:** Mr. Ángel Rosa is murdered outside his home.<sup>65</sup>

**November 12, 2009:** The Civil Court acquits Mr. Iván Lemus of the charges of murder against him.<sup>66</sup>

**June 4, 2010:** The Third Court of Appeals reverses and sentences Mr. Iván Lemus to eighteen years' imprisonment for the murder of Mr. Luna López and eight years and eight months for the attempted murder of Ms. Gonzales.<sup>67</sup> However, given that the Civil Court released Mr. Iván Lemus, he remains at large at the time of the Judgment.<sup>68</sup>

### *B. Other Relevant Facts*

Between 1991 and 2011, at least sixteen environmentalists are killed in the State.<sup>69</sup> These deaths are all linked to organizations with direct financial interests in the destruction of the forests, water, land, or mines, which said environmentalists are protecting.<sup>70</sup>

On February 21, 2005, the United Nations Committee on Human

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60. *Id.* ¶ 23. The Court, however, lacks information regarding the period when this group was operational. *Id.*

61. *Id.* ¶ 93.

62. *Id.* ¶ 94.

63. *Id.* ¶¶ 94, 96.

64. *Id.* ¶ 98.

65. *Id.* ¶ 96.

66. *Id.* ¶ 102.

67. *Id.* ¶ 103.

68. *Id.* ¶ 104.

69. *Id.* ¶ 20.

70. *Id.*

Rights declares that between 1990 and 2001, many Honduran villagers who defended natural resources and the environment were murdered.<sup>71</sup> These murders go unpunished.<sup>72</sup>

On April 3, 2009, in *Kawas Fernández v. Honduras*, the Court establishes the responsibility of the State for the deaths of several high profile environmentalists between 1996 and 2006.<sup>73</sup>

The judicial proceedings of this case were peculiar because there were ten changes of prosecutors and fourteen changes of judges throughout the course of the domestic proceedings.<sup>74</sup>

## II. PROCEDURAL HISTORY

### A. Before the Commission

**January 13, 2003:** The Team for Analysis, Investigation and Communication (“ERIC”) and the Center for Justice and International Law (“CEJIL”) file an initial petition before the Commission on behalf of Mr. Luna López and his next of kin.<sup>75</sup>

**October 13, 2004:** The Commission approves Report on Admissibility No. 63/04.<sup>76</sup>

**July 22, 2011:** The Commission approves Report on the Merits No. 100/11, declaring that the State violated the rights of Mr. Luna López under Articles 4 (Right to Life) and 23 (Right to Participate in Government) of the American Convention, and the rights of Mr. Luna López and his next of kin with respect to Articles 5 (Right to Humane Treatment), 8 (Right to a Fair Trial), and 25 (Right to Judicial Protection) of the American Convention.<sup>77</sup> The Commission recommends that the State: (1) make adequate reparations for the aforementioned violations; (2) conduct a proper judicial investigation of the events; (3) order disciplinary action for the acts and omissions of state actors; and (4) adopt various legislative, institutional, and legal protections for human rights defenders.<sup>78</sup>

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71. *Id.* ¶ 17.

72. *Id.*

73. *Id.* ¶ 18; *See generally* *Kawas Fernández v. Honduras*, Merits, Reparations and Costs, Judgment, (ser. C) No. 196 (Apr. 3, 2009).

74. *Luna López v. Honduras*, Merits, Reparations, and Costs, Judgment, ¶ 109.

75. *Id.* ¶ 2(a).

76. *Id.* ¶ 2(b).

77. *Id.* ¶ 2(c).

78. *Id.*

*B. Before the Court*

**November 10, 2011:** The Commission submits the case to the Court after the State fails to adopt its recommendations.<sup>79</sup>

1. Violations Alleged by Commission<sup>80</sup>

Article 4 (Right to Life)  
Article 5 (Right to Humane Treatment)  
Article 8 (Right to a Fair Trial)  
Article 23 (Right to Participate in Government)  
Article 25 (Right to Judicial Protection)  
*all in relation to:*  
Article 1(1) (Obligation to Respect Rights)

2. Violations Alleged by Representatives of the Victims<sup>81</sup>

Same Violations Alleged by the Commission.

III. MERITS

*A. Composition of the Court*

Diego García-Sayán, President  
Manuel E. Ventura Robles, Vice-President  
Alberto Pérez Pérez, Judge  
Eduardo Vio Grossi, Judge  
Roberto de Figueiredo Caldas, Judge  
Humberto Antonio Sierra Porto, Judge  
Eduardo Ferrer Mac-Gregor Poisot, Judge

Pablo Saavedra Alessandri, Secretary  
Emilia Segares Rodríguez, Deputy Secretary

*B. Decision on the Merits*

**October 10, 2013:** The Court issues its Judgment on the Merits, Repara-

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79. *Id.* ¶ 2(f).

80. *Id.* ¶ 2(c).

81. ERIC and CEJIL serve as representatives of the victims. *Id.* ¶ 2(a).

tions and Costs.<sup>82</sup>

The Court found unanimously that Honduras had violated:

Article 4 (Right to Life), in relation to Article 1(1) of the Convention, to the detriment of Mr. Luna López,<sup>83</sup> because:

*The State was aware of a real and imminent danger to Mr. Luna López, and a special risk to environmentalists, and failed to adopt effective measures to guarantee his right to life.<sup>84</sup> Article 4 (Right to Life) requires States to adopt reasonable measures to protect individuals' lives from third party criminal acts, provided that the State is aware of the danger.<sup>85</sup>*

*Given the numerous recent murders of environmental protectors and observations by the United Nations, the Court found it was clear that a special risk existed to environmental defenders in the State.<sup>86</sup> Furthermore, a real and imminent danger existed to Mr. Luna López's life as he was placed at gunpoint and received numerous death threats prior to his murder.<sup>87</sup> Mr. Luna López informed the proper authorities, who took almost no action to protect his life.<sup>88</sup> While the State's Code of Criminal Procedure allowed the Prosecutor's Office to take no action where there was "insufficient evidence" of a real threat to life, the Court noted that taking no action after being placed at gunpoint is not an appropriate mechanism for responding to a death threat.<sup>89</sup> The Prosecutor's Office failed to open any preliminary investigations into the threat, which is peculiar given Mr. Luna López's public civil duties and defense of the environment.<sup>90</sup>*

*Accordingly, the Court found the State did not adequately adopt measures to protect the real and imminent threat on Mr. Luna López's life, and accordingly violated his Article 4 (Right to Life) rights.<sup>91</sup>*

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82. *Id.* ¶ 1.

83. *Id.* ¶¶ 138-139.

84. *Id.* ¶ 138.

85. *Id.* ¶¶ 110, 118-120.

86. *Id.* ¶ 121.

87. *Id.* ¶ 125.

88. *Id.* ¶ 128.

89. *Id.* ¶¶ 133-134.

90. *Id.* ¶ 135.

91. *Id.* ¶¶ 138-139.

Article 5 (Right to Humane Treatment), in relation to Article 1(1) of the Convention, to the detriment of the next of kin of Mr. Luna López,<sup>92</sup> because:

*The State failed to adequately protect Mr. Luna López's right to life, which caused his next of kin psychological, personal, and emotional trauma.<sup>93</sup> The next of kin of victims who suffer human rights violations often face their own suffering, anguish, insecurity, frustration, and impotence due to the failure of the State to investigate the facts.<sup>94</sup> Accordingly, suffering of psychological and moral integrity can constitute a violation of Article 5 (Right to Humane Treatment) to the detriment of the victim's next of kin.<sup>95</sup>*

*Here, based on statements of the family and psychological experts, the Court determined that the facts establish that Mr. Luna López's family was "close knit."<sup>96</sup> Furthermore, from testimony and expert opinions, it was clear that the family faced fear and stress following the violent threats and the ultimate murder of Mr. Luna López.<sup>97</sup> Given the aforementioned failure of the State to ensure Mr. Luna López's right to life, the Court found the State violated Article 5 (Right to Humane Treatment) to the detriment of the victim's next of kin.<sup>98</sup>*

The Court found unanimously that the State had not violated:

Article 23 (Right to Participate in Government), in relation to Article 1(1) of the Convention, to the detriment of Mr. Luna López,<sup>99</sup> because:

*There was no proof of direct and deliberate infringement by the State in relation to Mr. Luna López's activities as a councilman.<sup>100</sup> Article 23 (Right to Participate in Government) not only protects a person's right to be elected to public office, but also protects the right to have a real opportunity to serve in the position to which he was elected.<sup>101</sup>*

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92. *Id.* ¶ 212.

93. *Id.*

94. *Id.* ¶ 202.

95. *Id.*

96. *Id.* ¶ 205.

97. *Id.* ¶ 206.

98. *Id.* ¶ 212.

99. *Id.* ¶ 144.

100. *Id.*

101. *Id.* ¶ 142.

However, in the immediate case, there was no evidence of the direct responsibility of the State for the death of Mr. Luna López.<sup>102</sup> As no State agents committed the murder, the deprivation of Mr. Luna López's ability to participate in government was an indirect result of his death.<sup>103</sup> As such, the Court found that the State had not violated Mr. Luna López's Article 23 (Right to Participate in Government) rights.<sup>104</sup>

Article 8 (Right to a Fair Trial) and Article 25 (Right to Judicial Protection), in relation to Article 1(1) of the Convention, to the detriment of Mr. Luna López,<sup>105</sup> because:

*The State opened an adequate investigation into the facts of the murder, and given the complexity of the case, the State had not exceeded a reasonable time for adjudication under the Convention.*<sup>106</sup>

*Judicial guarantees require the State to provide effective judicial remedies for victims of human rights violations and to ensure due process of law.*<sup>107</sup> *The investigation into the facts of the human rights violation must not be pretextual, but must be serious, impartial, effective, and designed to uncover the truth.*<sup>108</sup> *Effective investigation must be carried out without regard to the identity of the alleged criminal.*<sup>109</sup> *The adjudications must be carried out without undue delay.*<sup>110</sup>

*With regard to the preliminary investigation the State performed the following duties: (1) initiated investigations the day after the death of Mr. Luna López; (2) carried out forensics investigations including photographing the scene and collecting blood samples; (3) performed ballistics investigations; and (4) investigated the murder in the context of the complaint failed by Mr. Luna López against PROFOFI, IMARA, and La Fosforera.*<sup>111</sup> *While some of the evidence was lost due to the failure to properly section off the scene, international responsibility must be as-*

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102. *Id.* ¶ 144.

103. *Id.*

104. *Id.*

105. *Id.* ¶¶ 187, 193.

106. *Id.*

107. *Id.* ¶ 154.

108. *Id.* ¶ 155.

109. *Id.*

110. *Id.* ¶ 156.

111. *Id.* ¶¶ 160-162.

essed in light of the entirety of the investigations.<sup>112</sup> Accordingly, given the investigation efforts of the State and the lack of sufficient evidence to establish the State's role in the murder, the Court found the State had not violated Articles 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) in the context of the preliminary investigations.<sup>113</sup>

With regard to the criminal proceedings, the Court noted that there were multiple changes of judges and prosecutors, an irregularity that must be analyzed in the context of the entire proceedings.<sup>114</sup> Here, the two identified individuals who carried out the physical act of murder were sentenced to imprisonment, a presumed mastermind of the crime was acquitted by the Supreme Court, and one accused mastermind was murdered and consequently the proceeding was closed.<sup>115</sup> For the remaining alleged perpetrators, the Court determined the evidence was insufficient to support a finding of guilt.<sup>116</sup> Accordingly, the State did not violate Articles 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) with respect to the criminal proceedings; however, should new evidence surface, the State has its ordinary obligation to proceed in accordance with domestic law.<sup>117</sup>

With regard to conducting the judicial proceedings within a reasonable amount of time, the Court noted the various complexities of the case that extended the time of the proceedings.<sup>118</sup> These factors included: (1) the motive for killing Mr. Luna López in relation to his work defending the environment; (2) the numerous witness statements; (3) the numerous accused individuals; (4) the masterminds of the murder in relation to the hired gunmen; (4) the numerous judges that withdrew from the case; and (5) the status of one of the accused as a fugitive from justice.<sup>119</sup> Particularly, given the appeals process, the good faith delay in arresting some individuals due to flight or other circumstances, and the extradition of one individual not occurring until 2008, the Court determined the State had not violated Article 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection) through an unreasonable time delay in judicial proceedings.<sup>120</sup>

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112. *Id.* ¶ 165.

113. *Id.* ¶¶ 165, 167.

114. *Id.* ¶ 169.

115. *Id.* ¶ 186.

116. *Id.*

117. *Id.* ¶ 187.

118. *Id.* ¶ 191.

119. *Id.*

120. *Id.* ¶ 193.

The Court found unanimously that it was unnecessary to rule on:

Article 5 (Right to Humane Treatment), in relation to Article 1(1) of the Convention, to the detriment of Mr. Luna López,<sup>121</sup> because:

*The violations relating to Article 5 (Right to Humane Treatment) had already been fully analyzed under the Court's discussion of Article 4 (Right to Life).<sup>122</sup> Accordingly, the Court deemed it unnecessary to rule on a violation of Mr. Luna López's right to humane treatment.<sup>123</sup>*

#### IV. REPARATIONS

The Court ruled unanimously that the State had the following obligations:

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

###### 1. Acknowledgement of International Responsibility

The Court ordered the State to make a public act, acknowledging its international responsibility, making reference to the Court's decision and reaffirming the importance of protecting human rights defenders.<sup>124</sup> The implementation of this must be agreed upon with the victims within six months of notification of Judgment.<sup>125</sup>

###### 2. Publish the Judgment

The Court ordered the State to publish the following: (1) an official summary of the Judgment prepared by the Court in an official gazette; (2) the same official summary in a national newspaper with wide circulation; and (3) the Judgment, in its entirety, on the official State website for at least an entire year.<sup>126</sup>

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121. *Id.* ¶ 140.

122. *Id.*

123. *Id.*

124. *Id.* ¶ 227.

125. *Id.*

126. *Id.* ¶ 230.

### 3. Reform Legislation

The Court ordered the State to adopt all legal, administrative and other measures necessary to protect human rights defenders in the exercise of their human rights, in compliance with the obligations to respect and guarantee rights enshrined in Article 1(1) (Obligation to Respect Rights) and 2 (Obligation to Give Domestic Legal Effect to Rights) of the Convention.<sup>127</sup>

### 4. Enact Public Policy

The Court ordered the State adopt various public policies aimed at the protection of human rights defenders including: (1) the participation of human rights defenders in the formulation of standards that would regulate the industry in question; (2) a special system for monitoring complaints made by human rights defenders; (3) the creation of a risk model analysis to analyze the risk to particular groups of human rights defenders; (4) the creation of an information technology system to prevent harm to human rights defenders; (5) the promotion of a culture that protects the work of human rights defenders; and (6) the allotment of sufficient human and financial resources to respond to the needs and protection of human rights defenders.<sup>128</sup>

### 5. Provide Medical Treatment

The Court ordered the State immediately provide free medical and psychological care to the victims.<sup>129</sup> The Court further ordered this free care to continue as long as necessary and to take place in medical centers or the victims' residence.<sup>130</sup>

## *B. Compensation*

The Court awarded the following amounts:

### 1. Pecuniary Damages

The Court ordered the State to pay the victims \$200,000 based on

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127. *Id.* ¶ 234.

128. *Id.* ¶¶ 243-244.

129. *Id.* ¶ 224.

130. *Id.*

Mr. Luna López lost future earnings and funeral expenses.<sup>131</sup>

## 2. Non-Pecuniary Damages

The Court ordered the State pay \$50,000 for the State's failure to act with due diligence to counter the threat to Mr. Luna López's life.<sup>132</sup> Furthermore, for the violations of Article 5 (Right to Humane Treatment) with respect to Mr. Luna López's next of kin, the Court ordered the State pay \$7,000 to each of Mr. Luna López' seven next of kin.<sup>133</sup>

## 3. Costs and Expenses

The Court ordered the payment of \$20,000 for the domestic proceedings and proceedings before the Inter-American system.<sup>134</sup>

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

\$326,000

## *C. Deadlines*

The State's obligations to publicly acknowledge international responsibility and publish the Judgment must be completed within six months of notification of the Judgment.<sup>135</sup>

The victims must notify the State of requested medical services within six months of notification of Judgment.<sup>136</sup>

The State must pay pecuniary damages, non-pecuniary damages, and costs and expenses ordered within one year of notification of the Judgment.<sup>137</sup>

## V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

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131. *Id.* ¶ 250.

132. *Id.* ¶ 253.

133. *Id.* ¶ 256.

134. *Id.*

135. *Id.* ¶¶ 227, 230.

136. *Id.* ¶ 224.

137. *Id.* ¶ 261.

## VI. COMPLIANCE AND FOLLOW-UP

**January 27, 2015:** In a compliance report, the State asserted that it had complied with all remaining pecuniary and non-pecuniary obligations, except the payment to Mr. Luna López’s mother (a next of kin), who passed away.<sup>138</sup> The Court clarified that after the passing of Mr. Luna López’s mother, the funds should be distributed to the remaining victims according to domestic law.<sup>139</sup> Given this clarification, the Court deemed it necessary for the State to submit a new compliance report.<sup>140</sup>

## VII. LIST OF DOCUMENTS

*A. Inter-American Court*

## 1. Preliminary Objections

[None]

## 2. Decisions on Merits, Reparations and Costs

[Luna López v. Honduras, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 269 \(Oct. 10, 2013\).](#)

## 3. Provisional Measures

[None]

## 4. Compliance Monitoring

[Luna López v. Honduras, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Jan. 27, 2015\) \(Available only in Spanish\).](#)

## 5. Review and Interpretation of Judgment

[None]

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138. *Luna López v. Honduras, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. “Considerando Que”* ¶ 10 (Jan. 27, 2015) (Available only in Spanish).

139. *Id.* “Considerando Que” ¶ 23.

140. *Id.* “Considerando Que” ¶ 24.

*B. Inter-American Commission*

## 1. Petition to the Commission

[None]

## 2. Report on Admissibility

[Luna López v. Honduras, Admissibility Report, Report No. 63/04, Inter-Am. Comm'n H.R. Case No. 12.472 \(Oct. 13, 2004\).](#)

## 3. Provisional Measures

[None]

## 4. Report on Merits

[Luna López v. Honduras, Report on the Merits, Report No. 100/11, Inter-Am. Comm'n H.R., Case No. 12.472 \(July 22, 2011\) \(Available only in Spanish\).](#)

## 5. Application to the Court

[None]

## VIII. BIBLIOGRAPHY

*Honduras: Country Reports on Human Rights Practices*, U.S. DEPT. OF STATE (Mar. 6, 2007), [http://www.justice.gov/eoir/vll/country/DOS\\_HRR/2006/honduras.pdf](http://www.justice.gov/eoir/vll/country/DOS_HRR/2006/honduras.pdf).

*Protection of Human Rights Defenders in Honduras*, PROTECTION INTERNATIONAL, available at [http://www.ishr.ch/sites/default/files/article/files/22\\_upr\\_protection\\_of\\_human\\_rights\\_defenders\\_in\\_honduras-2.pdf](http://www.ishr.ch/sites/default/files/article/files/22_upr_protection_of_human_rights_defenders_in_honduras-2.pdf).