

López Lone et al. v. Honduras

ABSTRACT¹

This case is about the dismissal of four judges in Honduras from the judiciary. They were members of the Association of Judges for Democracy and had protested the ousting of President Zelaya Rosales in the 2009 military coup. Eventually, the Court found Honduras in violation of several articles of the American Convention.

I. FACTS

A. Chronology of Events

1. Events pertaining to Mr. Adán Guillermo López Lone

February 20, 2002: Mr. Adán Guillermo López Lone (“Mr. López Lone”) becomes a judge in the San Pedro Sula Sentencing Court.² Mr. López Lone is both a founding member and the president of the Association of Judges for Democracy (“AJD”).³ The AJD is an association of judges and justices with the objectives of protecting and upholding the rule of law, and respecting the judiciary’s independence.⁴

March 23, 2009: Mr. José Manuel Zelaya Rosales (“Mr. José Zelaya Rosales”), the President of Honduras at that time, approves Executive Decree PCM-05-2009. The Decree adds a ballot during the upcoming November general election where voters will vote for a revision of the Constitution.⁵ Opponents to Mr. Zelaya Rosales believe that he is trying to revise the Constitution in an effort to eliminate the single four-year term limit on the office of the president so he can remain in power.⁶

1. Anne-Marie Rouche, Author; Emily Williams, Editor; Megan Venanzi, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (sec. C) Case No. 302, ¶ 86 (Oct. 5, 2015).

3. *Id.*

4. *Id.* ¶ 68.

5. *Id.* ¶ 44.

6. Elizabeth Malkin, *Honduras President Is Ousted in Coup*, THE NEW YORK TIMES (June 28, 2009), <http://www.nytimes.com/2009/06/29/world/americas/29honduras.html>. 015

May 26, 2009: Mr. Zelaya Rosales repeals the decree, and issues Executive Decrees PCM-19-2009 and PCM-20-2009, making the referendum non-binding.⁷ It would say: “Do you agree that in the generally elections of 2009, a forth ballot box should be installed in which the people decide on the convocation of a National Constituent Assembly?”⁸

June 24, 2009: The National Congress passes the “Special Law Regulating Referendums and Plebiscites,” which bans the use of the popular referendum, and any other similar administrative act, for 180 days before and after general elections.⁹

June 25, 2009: The Honduran Supreme Court declares the referendum unconstitutional, yet Mr. Zelaya Rosales moves forward with his referendum plan stating that he has the right to consult the people.¹⁰

June 28, 2009: The Honduran Supreme Court issues an arrest warrant for Mr. Zelaya Rosales on the basis that he did not obey the decision declaring the referendum unconstitutional.¹¹ On the morning of the poll for the non-binding referendum, the military follows orders from the Honduran Supreme Court to surround Mr. Zelaya Rosales’s residence and take him into exile in Costa Rica.¹² The military also removes all referendum materials at the polling locations.¹³ The Honduran National Congress then names the President of Congress, Mr. Roberto Micheletti (“Mr. Michelletti”), the President of Honduras for the rest of Mr. Zelaya Rosales’s term, which is to end on January 27, 2010.¹⁴ Upon assuming office, Mr. Micheletti declares a state of emergency and imposes curfews.¹⁵

July 5, 2009: Mr. López Lone participates in a demonstration near the Toncontin Airport,¹⁶ where protesters are denouncing the military coup

7. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations and Costs, ¶ 45; PETER MEYER, CONG. RESEARCH SERV., R41064, HONDURAN POLITICAL CRISIS, JUNE 2009-JANUARY 2010, page 2 (2010).

8. PETER MEYER, *supra* note 8, page 2.

9. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations and Costs, ¶ 46.

10. PETER MEYER, *supra* note 8, page 3.

11. *Id.*

12. *Id.* page 4.

13. *Id.*

14. *Id.*

15. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations and Costs, ¶ 50.

16. *Id.* ¶ 87.

and demanding the restoration of democratic institutions.¹⁷ He participates in the protest, not in his official capacity as judge, but rather as a private citizen.¹⁸ The demonstration becomes violent when military forces repel the crowd with tear gas and by firing shots, leading to a stampede.¹⁹ The stampede causes Mr. López Lone to fracture his left leg so severely that he is unable to work for more than 90 days.²⁰ Newspapers report his attendance at the protest and his injury.²¹

July 22, 2009: The Secretary of State for National Defense files a complaint against Mr. López Lone before the Supreme Court of Justice for participating in a demonstration that supports the former president's actions.²² The Inspectorate General of Courts and Tribunals investigates Mr. López Lone and finds that his participation in a political protest is incompatible with his responsibilities as a judge.²³

October 30, 2009: The Deputy Director of Personnel Management summons Mr. López Lone to appear before the Personnel Management Directorate on November 5, 2009 to be heard in the proceedings against him.²⁴ However, he claims that he does not have the adequate means or time to defend himself.²⁵

December 3, 2009: After being granted an extension, Mr. López Lone offers evidence, and answers the charges against him at the hearing.²⁶

December 9, 2009: Mr. López Lone files an *amparo* action of unconstitutionality before the Personnel Management Directorate regarding “the prohibition for judicial authorities to intervene in meetings, demonstrations or other acts of a political nature,” which is established in Article 3

17. *López Lone and others v. Honduras*, GLOBAL FREEDOM OF EXPRESSION COLOMBIA UNIVERSITY, page 3, <https://globalfreedomofexpression.colombia.edu/cases/lópez-lone-others-v-honduras/>; *López Lone et al. v. Honduras*, Case 975-10, Inter-Am. Comm'n H.R., Report No. 70/11, UNIVERSITY OF MINNESOTA HUMAN RIGHTS LIBRARY, ¶ 7.

18. *Id.*

19. *López Lone et al. v. Honduras*, Preliminary Objections, Merits, Reparations and Costs, ¶ 87.

20. *López Lone et al. v. Honduras*, Case 975-10, Inter-Am. Comm'n H.R., Report No. 70/11, ¶ 7.

21. *López Lone et al. v. Honduras*, Preliminary Objections, Merits, Reparations and Costs, ¶ 87.

22. *Id.* ¶ 89.

23. *Id.*

24. *Id.* ¶ 91.

25. *Id.*

26. *Id.*

of the Law on the Organization and Faculties of the Courts.²⁷ The following day, the Directorate states it is unable to hear the appeal since it does not pertain to a judicial proceeding, but rather to an administrative one.²⁸

April 6, 2010: In response to the Directorate's decision, Mr. López Lone files an appeal, which the Directorate rejects a few days later due to its inability to intervene in unconstitutionality actions.²⁹

May 5, 2010: The Supreme Court of Justice approves the Directorate's recommendation, and removes Mr. López Lone from his position as a judge.³⁰

May 21, 2010: Mr. López Lone, along with other victims, presents a joint request to the Supreme Court of Justice to reconsider their dismissal because they learn of the Court's decision through the media without receiving the corresponding resolutions.³¹

June 16, 2010: The Supreme Court of Justice issues a ruling explaining its reason for dismissing Mr. López Lone and states that participation in a political protest is not compatible with the ethics and laws that govern the conduct of judicial officials.³²

June 30, 2010: Mr. López Lone files an appeal before the Judicial Service Council demanding his reinstatement as a judge.³³ At the time of the proceeding, five members of the Council disqualify themselves due to the fact that they are unfit to hear this proceeding; as members of the Supreme Court of Justice, they have either heard of Mr. López Lone's case for dismissal, or are unfit based on a familial or amicable relationship.³⁴

February 28, 2011: The Judicial Service Council holds a hearing where Mr. López Lone says he is "unaware of [and therefore uncomfortable with] the probable composition of the Judicial Service Council who

27. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 92.

28. *Id.*

29. *Id.*

30. *Id.* ¶ 94.

31. *Id.*

32. *Id.* ¶ 95.

33. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 96.

34. *Id.*

would examine his appeal and the evidence.”³⁵ Mr. López Lone also addresses the due process violation during the disciplinary proceedings.³⁶

March 22, 2011: The Judicial Service Council is disbanded, given that several members have been disqualified, and a request is sent to the Supreme Court of Justice’s President for guidance for incorporating members into the Judicial Service Council.³⁷ The President of the Supreme Court decides that since he is one of the members that had ruled on the dismissal being contested, he was not in the best position to choose members for the Council.³⁸ Therefore, he states that the appropriate method to follow in replacing the disqualified members is governed by Article 16 of the internal rules of procedure of the Judicial Service and, by analogy, Article 72(3) of the Law on the Organization and Faculties of the Courts, and Article 15(d) of the rules of procedure of the Supreme Court of Justice.³⁹ Two additional members disqualify themselves, and two substitute members are appointed.⁴⁰

August 24, 2011: The Council declares Mr. López Lone’s appeal inadmissible.⁴¹

December 12, 2011: The Judicial Service Council archives the proceedings because no appeal is filed within the sixty days granted to the parties by the Constitutional Justice Act.⁴²

2. Events pertaining to Tirza del Carmen Flores Lanza

June 11, 2002: Mrs. Tirza del Carmen Flores Lanza (“Mrs. Flores Lanza”), wife of Mr. López Lone, becomes judge of the District Appellate Court of San Pedro Sula.⁴³ She is also a founding member of the AJD, and a member of the association’s Honor Tribunal.⁴⁴

June 30, 2009: Mrs. Flores Lanza files an *amparo* remedy before the

35. *Id.*

36. *Id.*

37. *Id.* ¶ 97.

38. *Id.*

39. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 97.

40. *Id.* ¶ 98.

41. *Id.* ¶ 99.

42. *Id.* ¶ 104.

43. *Id.* ¶ 105.

44. *Id.*

Constitutional Chamber of the Supreme Court of Justice to protect the President and Mr. Zelaya Rosales, and against the Chairman of the Joint Chiefs of Staff of the Armed Forces for allegedly violating the State Constitution and the American Convention (i.e. Articles 7(1) (Right to Personal Liberty and Security), 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law), 11(2) (Prohibition of Arbitrary Interference with Private Life, Family, Home, Correspondence, and of Unlawful Attacks on Honor, and Dignity) and 22(5) (Prohibition of Expulsion from, or Denial of Return to, State of Nationality)).⁴⁵ The Constitutional Chamber admits the *amparo*.⁴⁶

Additionally, Mrs. Flores Lanza, along with several other individuals, files a criminal complaint before the Prosecutor General, alleging that members of the Joint Chiefs of Staff of the Armed Forces of Honduras, who took part in the removal of the President from office and abused their authority by forging public documents and invading homes, are guilty of treason, rebellion, terrorism, and crimes against the government and senior State officials.⁴⁷

July 1, 2009: The Inspector General of Courts and Tribunals opens an investigation against Mrs. Flores Lanza.⁴⁸

July 30, 2009: The Inspector General concludes that Mrs. Flores Lanza was in Tegucigalpa, the capital, on June 30, 2009, without permission.⁴⁹ Furthermore, the Inspector General declares that Mrs. Flores Lanza's actions are contrary to the performance of the duties of a judge unless they were for an immediate family member.⁵⁰ Therefore, the Inspector General finds her actions are within the provisions of Article 53(g) of the Judicial Service Act, and the Supreme Court of Justice should take appropriate disciplinary measures.⁵¹

August 12, 2009: Mrs. Flores Lanza submits a request for a declaration of nullity in the proceedings regarding her application for *amparo*.⁵²

45. López Lone et. al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 106; López Lone et al. v. Honduras, UNIVERSITY OF MINNESOTA HUMAN RIGHTS LIBRARY, *supra* note 18, ¶ 7.

46. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 106.

47. *Id.* ¶ 107.

48. *Id.* ¶ 108.

49. *Id.*

50. *Id.*

51. *Id.* ¶ 109.

52. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 110.

September 9, 2009: The Constitutional Chamber finds that Mrs. Flores Lanza’s request for a declaration of nullity is inadmissible, because the request amounts to the practice of law by a judge, which is prohibited by Article 108 of the Law on the Organization and Faculties of the Courts.⁵³

September 16, 2009: The Regional Inspectorate of Courts and Tribunals refuse Mrs. Flores Lanza’s request for photocopies of the file against her, because the investigation is not yet final and receiving photocopies is not provided for in the Judicial Service Act.⁵⁴

October 20, 2009: The Personnel Management Directorate opens a disciplinary proceeding against Mrs. Flores Lanza.⁵⁵

January 7, 2010: Mrs. Flores Lanza’s hearing is held, in which she answers the charges against her, and presents evidence.⁵⁶

April 20, 2010: The Directorate recommends that the Supreme Court of Justice dismiss Mrs. Flores Lanza from office since she: (1) participated in activities incompatible with her position while she was in the capital without permission; (2) improperly engaged in the practice of law; (3) listed her court offices as the address to receive information on actions unrelated to her primary duties; (4) took part in endeavors, which are impermissible for a justice, such as “appearing before the Prosecutor General and filing a complaint against agents of the State based on the supposed perpetration of offenses”; and inappropriately commented on actions of other judicial bodies.⁵⁷

May 5, 2010: The Supreme Court of Justice approves the Directorate’s recommendation to dismiss Mrs. Flores Lanza from office.⁵⁸ The President and the Secretary of the Supreme Court sign a resolution, allegedly following the orders of the plenum of the Supreme Court of Justice, and set out the approved bases with the date of the plenary meeting.⁵⁹

May 21, 2010: Mrs. Flores Lanza is not informed of the resolution, but

53. *Id.*

54. *Id.* ¶ 111.

55. *Id.* ¶ 112.

56. *Id.*

57. *Id.* ¶ 113.

58. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 114.

59. *Id.*

rather finds out about it through the media.⁶⁰ She files a joint request along with other victims before the Supreme Court for reconsideration of the dismissal of the justices.⁶¹

June 4, 2010: The Supreme Court of Justice issues a ruling on the dismissal of Mrs. Flores Lanza stating that her aforementioned actions are incompatible with the ethics and laws that govern the conduct of judicial officials.⁶²

June 30, 2010: Following the Court's decision, Mrs. Flores Lanza files an appeal before the Judicial Service Council seeking to be reinstated as a justice.⁶³ During the proceeding, five members of the Council disqualify themselves due to the fact that they are unfit to hear this proceeding since; as members of the Supreme Court of Justice, they have either heard of Mrs. Flores Lanza's case for dismissal, or are unfit based on familial or amicable relationship.⁶⁴

February 17, 2011: The Judicial Service Council holds a hearing where Mrs. Flores Lanza says she is not aware of the Judicial Service Council members who will decide her appeal.⁶⁵ She also addresses the due process violation during the disciplinary proceedings.⁶⁶

March 22, 2011: The Judicial Service Council is disbanded, given that several members have been disqualified, and the President of the Supreme Court of Justice is asked for guidance.⁶⁷ Four additional members disqualify themselves, and substitutes are appointed.⁶⁸

August 24, 2011: The Council declares Mrs. Flores Lanza's appeal inadmissible.⁶⁹

August 24, 2011: Mrs. Flores Lanza's claim is declared inadmissible by the Judicial Service Council.⁷⁰ Additionally, according to Article 31 of

60. *Id.*

61. *Id.*

62. *Id.* ¶ 115.

63. *Id.* ¶ 116.

64. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 116.

65. *Id.*

66. *Id.*

67. *Id.* ¶ 117.

68. *Id.*

69. *Id.* ¶ 118.

70. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶

the rules of procedure of the Judicial Service Council, the decision is not subject to appeal.⁷¹

December 12, 2011: The Judicial Service Council archives the proceedings because no appeal is filed within the sixty days granted to the parties by the Constitutional Justice Act.⁷²

3. Events pertaining to Luis Alonso Chévez de la Rocha

March 27, 2008: Mr. Luis Alonso Chévez de la Rocha (“Mr. Chévez de la Rocha”) becomes a “Special Judge” on the Tribunal Against Domestic Violence of San Pedro Sula, as well as a member of the AJD.⁷³

August 12, 2009: Mr. Chévez de la Rocha is near the Multiplaza Mall in the Circunvalación Avenue of San Pedro Sula as a march opposing the coup d’état passes.⁷⁴ Mr. Chévez de la Rocha watches the demonstration and states that police forces are using tear gas bombs.⁷⁵ He then identifies himself as a public official, which allegedly displeases the police, resulting in them taking him to the First Police Station of San Pedro Sula.⁷⁶ Mr. Chévez de la Rocha states that he is attacked physically and verbally by State agents, and is also not informed of his rights.⁷⁷ A *habeas corpus* petition is filed in favor of the individuals arrested at the demonstration, including Mr. Chévez de la Rocha.⁷⁸ The arresting officers are ordered to present warrant and give a report of the facts surrounding the arrest.⁷⁹ The Executing Magistrate notes that the station’s logbook does not contain a record of the reason Mr. Chévez de la Rocha, or any other person who had been arrested that day, was detained.⁸⁰ The Executing Magistrate orders that all those arrested that day be immediately released since there

118.

71. *Id.* ¶ 122.

72. *Id.*

73. *Id.* ¶ 123; López Lone et al. v. Honduras, UNIVERSITY OF MINNESOTA HUMAN RIGHTS LIBRARY, *supra* note 18, ¶ 7.

74. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 124.

75. *Id.*

76. *Id.*; López Lone et al. v. Honduras, UNIVERSITY OF MINNESOTA HUMAN RIGHTS LIBRARY, *supra* note 18, ¶ 7.

77. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 124.

78. *Id.* ¶ 125.

79. *Id.*

80. *Id.*

are no warrants justifying their arrests.⁸¹

August 13, 2009: Following the publication of a newspaper article, which reports Mr. Chévez de la Rocha's arrest, the Inspectorate General of Courts and Tribunals calls for an investigation to be opened against Mr. Chévez de la Rocha.⁸²

August 19, 2009: The investigation against Mr. Chévez de la Rocha is joined with the investigation of Mr. Ramón Enrique Barrios Maldonado, and other judicial officials.⁸³

September 10, 2009: The District Appellate Court of San Pedro Sula deems the *habeas corpus* application admissible.⁸⁴ The decision also mandates that a copy be sent to the Ombudsman⁸⁵ so that he could also file criminal actions and send the proceedings to the Constitutional Chamber.⁸⁶

September 11, 2009: Mr. Chévez de la Rocha learns of the complaint's contents.⁸⁷ However, his request to receive a photocopy of his file is denied since he has been informed verbally as to the matters being investigated.⁸⁸

September 14, 2009: Mr. Chévez de la Rocha makes a statement before the Inspectorate, where he is asked about his arrest, his role in the strike, and if he has disrespected other administrators.⁸⁹

September 16, 2009: The Regional Inspectors of Courts and Tribunals submits its report to the Inspectorate General, concluding that the Mr. Chévez de la Rocha actions are adverse to the "dignity of the administration of justice, pursuant to the provisions of [A]rticle 53(b) and 44 of the Judicial Service Act;" however, there is no mention of Mr. Chévez de la

81. *Id.*

82. *Id.* ¶ 127.

83. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 127.

84. *Id.* ¶ 126.

85. An ombudsman is an appointed government official who represents "the interest of the public by investigating and addressing complaints of maladministration or a violation of rights." *Ombudsman*, WIKIPEDIA <https://en.wikipedia.org/wiki/Ombudsman> (last updated Feb. 22, 2017).

86. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations and Costs, ¶ 126.

87. *Id.* ¶ 128.

88. *Id.*

89. *Id.*

Rocha's arrest.⁹⁰ The following day, the Inspector General ratifies the report and forwards the file to the Directorate, as well as forwards a copy to the Supreme Court of Justice.⁹¹

October 9, 2009: The Personnel Management Directorate opens a disciplinary hearing against Mr. Chévez de la Rocha, and he is summoned to answer the charges.⁹²

December 3, 2009: Mr. Chévez de la Rocha's hearing is held, in which he rebuts the charges against him and presents evidence.⁹³

April 20, 2010: The Directorate issues its final report, recommending the removal of Mr. Chévez de la Rocha from his position.⁹⁴

May 5, 2010: The plenum of the Supreme Court of Justice approves the recommendation to dismiss Mr. Chévez de la Rocha.⁹⁵ A resolution, signed by the President and the Secretary of the Supreme Court, allegedly following the orders of the plenum of the Supreme Court of Justice, sets out the approved bases with the date of the plenary meeting.⁹⁶ Mr. Chévez de la Rocha is not made aware of this resolution.⁹⁷

May 21, 2010: Mr. Chévez de la Rocha, along with other victims, files a joint request for the reconsideration of their removal before the Supreme Court of Justice.⁹⁸

June 4, 2010: The Supreme Court of Justice issues a ruling dismissing Mr. Chévez de la Rocha from his position as judge of the Special Court for cases involving domestic violence.⁹⁹

June 30, 2010: Mr. Chévez files a complaint before the Judicial Service Council looking to be reinstated.¹⁰⁰ At the time of the proceeding, five

90. *Id.* ¶ 129.

91. *Id.*

92. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations and Costs, ¶ 130.

93. *Id.*

94. *Id.*

95. *Id.* ¶ 131.

96. *Id.*

97. *Id.*

98. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations and Costs, ¶ 131.

99. *Id.* ¶ 132.

100. *Id.* ¶ 133.

members of the Council disqualify themselves due to the fact that they are unfit to hear this proceeding since, as members of the Supreme Court of Justice, they have either heard of Mr. Chévez de la Rocha's case for dismissal, or are unfit based on familial or amicable relationship.¹⁰¹

March 22, 2011: The Judicial Service Council is disbanded, given that several members have been disqualified, and the President of the Supreme Court of Justice is asked for guidance.¹⁰² At least one more member disqualifies himself, and substitutes are appointed.¹⁰³

August 24, 2011: The Judicial Service Council declares Mr. Chévez de la Rocha's claim admissible.¹⁰⁴ However, the Council refuses to reinstate him, because of the proof that he questioned his role in the judiciary, making the employment relationship undesirable, and furthermore, his replacement has already been appointed.¹⁰⁵ The Council thus decides to compensate Mr. Chévez de la Rocha.¹⁰⁶

4. Events pertaining to Ramón Enrique Barrios Maldonado

June 2, 2003: Mr. Ramón Enrique Barrios Maldonado ("Mr. Barrios Maldonado") becomes a judge of the First Chamber of the Sentencing Court of the San Pedro Sula Judicial District.¹⁰⁷ He is also a founding member of the AJD, and a professor of constitutional law at the *Universidad Autónoma de Honduras*.¹⁰⁸

August 19, 2009: Mr. Barrios Maldonado gives a lecture on the coup d'état.¹⁰⁹

August 28, 2009: The newspaper *El Tiempo* publishes an article titled "*No hubo sucesión constitucional*" (in English, "This was not a constitutional succession"), stating that the article is authored by Mr. Barrios Maldonado, a "sentencing judge and chair of constitutional law."¹¹⁰ The

101. *Id.*

102. *Id.*

103. *Id.* ¶ 133.

104. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 134.

105. *Id.* ¶ 137.

106. *Id.*

107. *Id.* ¶ 139.

108. *Id.*

109. López Lone et al. v. Honduras, UNIVERSITY OF MINNESOTA HUMAN RIGHTS LIBRARY, *supra* note 18, ¶ 7.

110. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶

article explains that no constitutional succession occurred, but rather an unlawful military coup d'état.¹¹¹ The article also states that it is a summary of a lecture Mr. Barrios Maldonado gave to fellow employees and colleagues.¹¹² Mr. Barrios Maldonado, however, claims that the article was written by the Dean of the School of Journalism.¹¹³ After being informed of the article, the Inspector of Courts adds it to an open investigation against several judicial officials.¹¹⁴

September 16, 2009: Three Regional Inspectors of Courts and Tribunals submit a report to the Inspectorate General stating that Mr. Barrios Maldonado claims the article discusses his legal opinion based on his constitutional law chair position.¹¹⁵

September 17, 2009: The Inspector General ratifies the report and sends the file to the Directorate indicating that the article violates prohibited involvement in activities outside of the law's provisions.¹¹⁶

October 9, 2009: The Directorate opens a disciplinary hearing against Mr. Barrios Maldonado, and he is summoned to answer the charges.¹¹⁷

December 7, 2009: Mr. Barrios Maldonado's hearing is held, in which he rebuts the charges and presents evidence.¹¹⁸

April 20, 2010: The Directorate issues its final report, recommending the removal of Mr. Barrios Maldonado.¹¹⁹

May 5, 2010: The plenum of the Supreme Court of Justice approves the recommendation to dismiss Mr. Barrios Maldonado.¹²⁰ A resolution, signed by the President and the Secretary of the Supreme Court, sets out the approved bases with the date of the plenary meeting.¹²¹ Mr. Barrios

140.

111. *Id.*

112. *Id.*

113. *Id.*

114. *Id.* ¶ 141.

115. *Id.* ¶ 142.

116. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations and Costs, ¶ 142.

117. *Id.* ¶ 143.

118. *Id.*

119. *Id.*

120. *Id.* ¶ 144.

121. *Id.*

Maldonado is not aware of this resolution.¹²²

May 21, 2010: Mr. Barrios Maldonado, along with other victims, files a joint request for reconsideration of their removal before the Supreme Court of Justice.¹²³

June 16, 2010: The Supreme Court of Justice issues a ruling dismissing Mr. Barrios Maldonado from his post, stating that his lecture goes beyond his duties as a teacher and gives personal judgments, thus making it political.¹²⁴

June 30, 2010: In response to the decision calling for his removal, Mr. Barrios Maldonado files a complaint before the Judicial Service Council seeking reinstatement as a judge.¹²⁵ At the time of the proceeding, five members of the Council disqualify themselves because they are unfit to hear this proceeding since, as members of the Supreme Court of Justice, they have either heard of Mr. Barrios Maldonado's case for dismissal, or are unfit based on familial or amicable relationship.¹²⁶

March 22, 2011: The Judicial Service Council is disbanded, given that several members have been disqualified, and the President of the Supreme Court of Justice is asked for guidance.¹²⁷ Another member disqualifies himself, and a substitute member is appointed.¹²⁸

August 24, 2011: The Council revokes Mr. Barrios Maldonado's dismissal, because it has been proven that he did not write the newspaper article, and taking into account the right to freedom of expression, the Inspectorate of Courts and Tribunals' investigation is not sufficient to support the basis for dismissal.¹²⁹ Therefore, Mr. Barrios Maldonado retains his post of sentencing judge.¹³⁰

122. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations and Costs, ¶ 144.

123. *Id.*

124. *Id.* ¶ 145.

125. *Id.* ¶ 146.

126. *Id.*

127. *Id.*

128. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations and Costs, ¶ 146.

129. *Id.* ¶ 147.

130. *Id.*

B. Other Relevant Facts

[None]

II. PROCEDURAL HISTORY

A. Before the Commission

July 6, 2010: The Center for Justice and International Law (“CEJIL”) and the Association of Judges for Democracy (“AJD”) present a petition on behalf of the victims to the Inter-American Commission on Human Rights (“the Commission”).¹³¹

March 31, 2011: The Commission issues Admissibility Report No. 70/11.¹³²

November 5, 2013: The Commission issues Report on Merits No. 103/13.¹³³ The Commission concludes that the State violated Articles 8 (Right to a Fair Trial), 9 (Freedom from *Ex Post Facto* Laws), 13 (Freedom of Thought and Expression), 16 (Freedom of Association), 23 (Right to Participate in Government), and 25 (Right to Judicial Protection) of the American Convention, to the detriment of Mr. López Lone, Mr. Barrios Maldonado, Mr. Chévez de la Rocha and Mrs. Flores Lanza, and Article 15 (Right of Peaceful Assembly) of the American Convention to the detriment of Mr. López Lone.¹³⁴

The Commission recommends the State re-instate the victims to the courts, and that they be given the same benefits, salary, and a similar level position as the one they would have had but for their dismissals, and if their reinstatement is not possible, the State ought to compensate the victims.¹³⁵ Furthermore, the State must remedy the consequences of the violations, including providing pecuniary and non-pecuniary damages.¹³⁶ As for the legal system, the Commission recommends the State promptly make the necessary amendments to the law such that disciplinary proceedings for judges are competently conducted to ensure impartiality and independence, and are conducted for the purpose of guaranteeing that the

131. *Id.* ¶ 2.

132. *Id.*

133. *Id.*

134. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 2.

135. *Id.*

136. *Id.*

basis for such disciplinary actions and sanctions are consistent with legal principles.¹³⁷

B. Before the Court

March 17, 2014: The Commission submits the case to the Court after the State failed to adopt its recommendations.¹³⁸

1. Violations Alleged by Commission¹³⁹

Article 8 (Right to a Fair Trial)

Article 9 (Freedom from *Ex Post Facto* Laws)

Article 13 (Freedom of Thought and Expression)

Article 15 (Right of Peaceful Assembly)

Article 16 (Freedom of Association)

Article 23 (Right to Participate in Government)

Article 25 (Right to Judicial Protection)

all in relation to:

Article 1(1) (Obligation of Non-Discrimination)

Article 2 (Obligation to Give Domestic Legal Effect to Rights) of the American Convention.

2. Violations Alleged by Representatives of the Victims¹⁴⁰

Same Violations Alleged by Commission, plus:

Article 5 (Right to Humane Treatment)

Article 7 (Right to Personal Liberty)

Article 11 (Right to Privacy)

Article 13(1) (Right to Seek, Receive, and Impart Information and Ideas)

Article 15 (Right of Peaceful Assembly)

Article 16(1) (Freedom of Association for Any Purpose)

Article 23(1)(a) (Right to Participate in Public Affairs) and

Article 25 (Right to Judicial Protection) of the American Convention.

137. *Id.*

138. *Id.* ¶ 3.

139. *Id.* ¶ 2. Article 15 (Right of Peaceful Assembly) pertains to *only* Mr. López Lone, whereas the other articles listed pertain to all victims.

140. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 6. The Center for Justice and International Law (“CEJIL”) and the Association of Judges for Democracy (“AJD”) served as representatives of the victims. *Id.* Article 7 (Right to Personal Liberty) pertains to only Judge Chévez de la Rocha, whereas the other articles listed pertain to all victims.

September 25, 2014: The State files preliminary objections.¹⁴¹ The State contends that domestic remedies have not been exhausted – specifically, the contentious administrative action and the application for *amparo*.¹⁴² However, in regards to the contentious administrative action, the Court points out that an objection to the lack of exhaustion of domestic remedies must be made during the Commission’s admissibility proceeding.¹⁴³ Furthermore, the Court concludes that it would be unreasonable to require the victims to exhaust an application for *amparo* as a requirement for admissibility, because Article 31 of the Rules of Procedure of the Judicial Service Council states that “[n]o ordinary or special appeal shall be admissible against the final decisions of the [Judicial Service] Council,” while the Constitution and the Constitutional Justice Act provide for the option of filing an application for *amparo*; this uncertainty could be interpreted as making it impossible to file an application for *amparo*.¹⁴⁴ Additionally, the Court emphasizes that the burden of showing what domestic remedies are still available and adequate is on the State, and here, the State fails to sufficiently demonstrate that Article 31 is not applicable in practice.¹⁴⁵ Therefore, the State’s preliminary objection is rejected.¹⁴⁶

January 25 – February 18, 2015: Ms. Gilma Tatiana Rincón Covelli, a collaborator of the Justice and Democracy Research Unit of the Universidad del Rosario; *Corporación Fundamental, Centro para la Justicia y los Derechos Humanos*; *Magistrats Européens pour la démocratie et les libertés* (“MEDEL”); *Jueces para la Democracia, Unión Progresista de Físcales*, Spain, and *Neue Richter Vereinigung*, Germany; *Asociación por los Derechos Civiles* (“ADC”) and *Asociación Civil por la Igualdad y la Justicia* (“ACIJ”), Argentina; Roberto Garretón Merino; *Red Iberoamericana de Jueces* (“REDIJ”); and the International Affairs Committee of the National Lawyers Guild, United States of America submit *amicus curiae* briefs to the Court.¹⁴⁷

III. MERITS

A. Composition of the Court

141. *Id.* ¶ 7.

142. *Id.* ¶¶ 7, 22.

143. *Id.* ¶ 20.

144. *Id.* ¶ 28.

145. *Id.*

146. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations and Costs, ¶ 29.

147. *Id.* ¶ 10.

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

Pablo Saavedra Alessandri, Secretary
 Emilia Segares Rodríguez, Deputy Secretary

B. Decision on the Merits

October 5, 2015: The Court issues its Judgment on Preliminary Objections, Merits, Reparations and Costs.¹⁴⁸

The Court found unanimously to dismiss the preliminary objection.¹⁴⁹

The Court found unanimously that the State had violated:

Article 13(1) (Right to Seek, Receive, and Impart Information and Ideas), 15 (Right of Peaceful Assembly), and 23 (Right to Participate in Government), in relation to Article 1(1) of the Convention, to the detriment of Mr. López Lone,¹⁵⁰ because:

The State's disciplinary proceeding against Mr. López Lone and his subsequent removal from office constituted an infringement on his right to participate in politics, his right of freedom of expression, and his right of assembly.¹⁵¹ The right to participate in government requires the State to allow its citizens the chance to exercise their political rights through a broad range of activities.¹⁵² Article 23 (Right to Participate in Government) grants every citizen the right to participate in public affairs as well as the right to vote or be elected through the will of the voters, thus plac-

148. *Id.* ¶ 1.

149. *Id.* ¶ 1.

150. *Id.* "Declares," ¶ 2.

151. *Id.* ¶ 178.

152. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations and Costs, ¶¶ 162-63.

ing the State in the position to guarantee the rights of freedom of expression and assembly.¹⁵³ Regarding freedom of expression, Article 13 (Freedom of Thought and Expression) confers the right of each individual to “seek, receive and impart ideas and information of all kinds,” as well as a collective right to access all information.¹⁵⁴ Related to these rights is the right to peacefully assemble, stated in Article 15,¹⁵⁵ which is a cornerstone of exercising one’s right of freedom of expression.¹⁵⁶ The only circumstance that warrants any disciplinary penalty for participating in a lawful demonstration is when the individual acted unlawfully.¹⁵⁷

The Court noted that although these political rights are guaranteed to every person, these rights are not absolute and are subject to restrictions that are consistent with the Convention.¹⁵⁸ Therefore, given their duties, judges may be subject to certain restrictions.¹⁵⁹ The Court referenced the United Nations Basic Principles on the Independence of the Judiciary, which states, “judges shall always conduct themselves in such a manner as to preserve the dignity of their office and the impartiality and independence of the judiciary.”¹⁶⁰ Consequently, protecting the right of others to an independent and impartial tribunal justifies limiting certain conduct of judges.¹⁶¹ The Court stressed that the restriction of a judge’s participation in political parties’ activities should not be interpreted in such a way that prevents them from participating in any political discourse.¹⁶² The Court acknowledged that a situation may arise that causes a judge to feel he has “a moral duty to speak out,” for instance, a situation in which democracy is threatened.¹⁶³

The Court concluded that in times when democracy is threatened, such as the case at hand involving a coup d’état, the restrictions that are usually placed on judges with regard to their participation in political matters are not appropriate when their actions defend democracy and order.¹⁶⁴ Furthermore, Article 3 of the State Constitution says, “[n]o one

153. *Id.* ¶¶ 161, 164.

154. *Id.* ¶ 166.

155. *Id.* ¶ 167.

156. *Id.*

157. *Id.*

158. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations and Costs, ¶ 169.

159. *Id.*

160. *Id.* ¶ 170.

161. *Id.* ¶ 171.

162. *Id.* ¶ 172.

163. *Id.* ¶ 173.

164. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations and Costs, ¶

owes obedience to a government that has usurped power,” “[a]cts carried out by such authorities are null,” and citizens are entitled to “resort to insurrection in defense of the constitutional order.”¹⁶⁵ Therefore, the judges here did not act in a manner that was inconsistent with their obligations as judges, but rather were lawfully exercising their political rights guaranteed by the freedom to express, assemble, and protest.¹⁶⁶

Article 13(1) (Right to Seek, Receive, and Impart Information and Ideas), 15 (Right of Peaceful Assembly), and 23 (Right to Participate in Government), in relation to Article 1(1) of the Convention, to the detriment of Mr. Chévez de la Rocha,¹⁶⁷ because:

For similar reasons as described for Mr. López Lone,¹⁶⁸ the Court determined that Mr. Chévez de la Rocha’s participation in a protest against the coup d’état, his subsequent arrest, and his comments to the other justices about the actions of the Judiciary opposing the coup d’état constituted the exercise of his right to participate in the government, his right to freedom of expression, and his right of assembly.¹⁶⁹

Article 13(1) (Right to Seek, Receive, and Impart Information and Ideas) and 23 (Right to Participate in Government), in relation to Article 1(1) of the Convention, to the detriment of Mrs. Flores Lanza,¹⁷⁰ because:

For similar reasons as described for Mr. López Lone,¹⁷¹ the Court decided Mrs. Flores Lanza’s filing of a criminal complaint and an application for amparo in favor of President Zelaya Rosales constituted an instance in which these were appropriate devices for disseminating ideas.¹⁷² The restriction typically placed on justices was not appropriately applied here, because Mrs. Flores Lanza was defending the State’s democracy, thus, her actions were a legitimate exercise of her political rights as a citizen.¹⁷³

174.

165. *Id.* ¶ 175.

166. *Id.* ¶ 174.

167. *Id.* “Declares,” ¶ 3.

168. *Id.* fns.154-69.

169. *Id.* ¶¶ 179-80.

170. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations and Costs, “Declares,” ¶ 4.

171. *Id.* fns.154-69.

172. *Id.* ¶ 181.

173. *Id.*

Article 13(1) (Right to Seek, Receive, and Impart Information and Ideas) and 23 (Right to Participate in Government), in relation to Article 1(1) of the Convention, to the detriment of Mr. Barrios Maldonado,¹⁷⁴ because:

*The Court concluded that despite the fact Mr. Barrios Maldonado was never actually dismissed from his post as a judge, but the mere fact that there was a disciplinary proceeding initiated against him based on his lecture about the coup d'état was a violation of his freedom of expression and right to participate in government, for similar reasons as described for Mr. López Lone.*¹⁷⁵

Article 16 (Freedom of Association), in relation to Article 1(1) of the Convention, to the detriment of Mr. López Lone, Mrs. Flores Lanza, and Mr. Chévez de la Rocha,¹⁷⁶ because:

*The State's dismissal of Mr. López Lone, Mrs. Flores Lanza, and Mr. Chévez de la Rocha made it so that they could not be part of the AJD, thus improperly restricting their right to freedom of association.*¹⁷⁷

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), in relation to Articles 1(1), 2, and 23(1)(c) of the Convention, to the detriment of Mr. López Lone, Mrs. Flores Lanza, Mr. Chévez de la Rocha, and Mr. Barrios Maldonado,¹⁷⁸ because:

*The State Constitution established that after the Judicial Service Council recommends for a judge to be removed, the Supreme Court appointed and removed judges.¹⁷⁹ In contrast, the State Judicial Service Act and its regulations¹⁸⁰ provided for a decision heard before the Personal Management Directorate regarding a judge or justice's removal to then be heard on appeal to the Judicial Service Council.¹⁸¹ The Court concluded that the latter procedure was the appropriate procedure here.*¹⁸²

174. *Id.* “Declares,” ¶ 5.

175. *Id.* ¶ 183.; *Id.* fns.154-69.

176. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, “Declares” ¶ 6.

177. *Id.* ¶ 186.

178. *Id.* “Declares,” ¶ 7.

179. *Id.* ¶ 208.

180. *Id.*

181. *Id.*

182. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶

However, a combination of the two procedures was in fact implemented.¹⁸³ First, after the Directorate recommended it, the Supreme Court decided on the dismissal of the victims.¹⁸⁴ Meanwhile the Judicial Service Council acted as an appellate, or second instance body, instead of as an advisory body.¹⁸⁵ In the appeals against the dismissals, which were filed before the Judicial Service Council, instead of having the Supreme Court act as the “respondent party,” it was the Directorate who took that role, despite the fact that the appeal was against the dismissal decided by the Supreme Court and not the recommendation of the dismissals made by the Directorate.¹⁸⁶ The Court added that the State has an obligation to domestically adopt and integrate effective laws that enforce the rights and freedoms in the Convention,¹⁸⁷ and the State failed to do so.¹⁸⁸ Additionally, the Court concluded that the Judicial Service Council lacked the competence to decide issues of appeal against decisions of the Supreme Court,¹⁸⁹ since the function of the Judicial Service Council is to help the Supreme Court of Justice with policy on personnel management, and resolve any conflicts in the application of Judicial Service Council law and regulations.¹⁹⁰

Next, the Court examined the bias of the Judicial Service Council,¹⁹¹ pointing out that there were no clear records as to the procedures used in the composition of the Judicial Service Council.¹⁹² Although the State argued that the permanent or substitute members of the Council who were in danger of compromising the impartiality disqualified themselves and substitute members were rightfully appointed as replacements,¹⁹³ the Court concluded that was not a sufficient insurance of impartiality because the victims needed to have the ability to question the suitability and competence of the prosecuting body.¹⁹⁴

209.

183. *Id.* ¶ 208.

184. *Id.*

185. *Id.*

186. *Id.*

187. *Id.* ¶¶ 213-14.

188. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 215.

189. *Id.* ¶ 221.

190. *Id.* ¶ 217.

191. *Id.* ¶ 222.

192. *Id.* ¶¶ 222-23.

193. *Id.* ¶ 226.

194. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 226.

Next, the Court concluded that the Supreme Court of Justice also did not meet the prerequisite objectivity of impartiality required to rule on the disciplinary proceedings of the victims, citing the United Nations High Commission for Human Rights report on the violations of human rights in the State since the coup d'état, which stated that the Supreme Court publicly described the coup as a "constitutional succession."¹⁹⁵

The Court concluded that the dismissal of Mr. López Lone, Mrs. Flores Lanza, and Mr. Chévez de la Rocha as a result of the disciplinary procedure was an arbitrary measure, since the procedure under which they were dismissed was not established by law nor did it respect the "guarantees of competence, independence and impartially."¹⁹⁶

Article 25(1) (Right to Recourse Before a Competent Court), in relation to Article 1(1) of the Convention, to the detriment of Mr. López Lone, Mrs. Flores Lanza, Mr. Chévez de la Rocha, and Mr. Barrios Maldonado,¹⁹⁷ because:

The victims did not have access to a remedy in which to respond to the due process violations committed by the Judicial Service Council.¹⁹⁸ Remedies deemed illusory are not effective remedies, for example, an instance in which the Judiciary lacks the requisite independence to rule with impartiality.¹⁹⁹ Here, the mechanism of filing an application for amparo – in order to challenge the decisions of the Judicial Service Council – was likely ineffective due to Article 31 of the Rules of Procedure of the Judicial Service Council, which states that "[n]o ordinary or special appeal shall be admissible against the final decisions of the [Judicial Service] Council."²⁰⁰ Furthermore, any application for amparo against the decision of the Judicial Service Council would have needed to be decided by the Constitutional Chamber of the Supreme Court, who had already taken part in the disciplinary proceedings against the victims.²⁰¹ By law, the Supreme Court could not have ruled on the application for amparo in the same proceeding.²⁰² Given that the corrective procedure to be used in

195. *Id.* ¶¶ 232-34.

196. *Id.* ¶¶ 236, 238.

197. *Id.* "Declares," ¶ 8.

198. *Id.* ¶ 246.

199. *Id.* ¶ 247.

200. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 248.

201. *Id.* ¶ 249.

202. *Id.*

*such a circumstance, which requires substitution of all the justices, is unsettled, the remedy is not effective because there is no guarantee as to the impartiality of the judges.*²⁰³

Article 9 (Freedom from *Ex Post Facto* Laws), in relation to Article 1(1) and 2 of the Convention, to the detriment of Mr. López Lone, Mrs. Flores Lanza, Mr. Chévez de la Rocha, and Mr. Barrios Maldonado,²⁰⁴ because:

The State's use of excessive discretion in implementing the sanction of dismissal, and the ambiguous and broad scope with which the disciplinary measures were established and applied to the victims, constituted a violation of Article 9,²⁰⁵ which establishes the right of legal certainty. ²⁰⁶ The right to judicial tenure is guaranteed in State domestic law, thus, the removal of a judge from his post should have been the most severe punitive measure, with its operation clearly set out and predictable.²⁰⁷ Article 64(a) of the Judicial Service Act extends the sanction of dismissal to minor offenses when there is a lack of compliance with or violation of rights.²⁰⁸ This broad authorization affected the predictability of the application of the dismissal sanction, and gave excessive discretionary power to those charged with applying the sanction.²⁰⁹

In regards to the disciplinary sanctions the victims received,²¹⁰ the Court pointed out that the purpose is to evaluate the suitability, conduct, and performance of judges.²¹¹ Accordingly, the conduct or behavior must be specifically indicated, along with reasoning to justify that the conduct was sufficiently serious to warrant dismissal.²¹² The Court concluded that the Judicial Service Council and Supreme Court's dismissal decisions did not adequately detail the relationship between punishable conduct and violated norms.²¹³ This made a thorough examination of the requirement

203. *Id.*

204. *Id.* "Declares," ¶ 9.

205. *Id.* ¶ 276.

206. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 258.

207. *Id.* ¶¶ 259-60.

208. *Id.* ¶ 263.

209. *Id.* ¶ 264.

210. *Id.* ¶ 265.

211. *Id.* ¶ 267.

212. López Lone et al. V. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 267.

213. *Id.* ¶ 270.

*of the substantive legality of the norms that were allegedly violated impossible.*²¹⁴ Furthermore, the Court indicated that when vague concepts such as the “dignity of the administration of justice” are used, objective criteria must be specifically provided in order to guide the interpretation and limit discretion in the application of sanctions to avoid arbitrary application.²¹⁵

The Court found unanimously that the State had not violated:

Article 16 (Freedom of Association) and 23(1)(c) (Right to Have Access to Public Service), in relation to Article 1(1) of the Convention, to the detriment of Mr. Barrios Maldonado,²¹⁶ because:

*The Court determined that the State was not responsible for restricting Mr. Barrios Maldonado’s freedom of association or for violating his due process in the disciplinary proceedings because his dismissal was never put into effect.*²¹⁷

The Court did not rule on:

Articles 13(3) (Prohibition of Restriction of Freedom of Expression by Indirect Means),²¹⁸ 5 (Right to Humane Treatment), and 11 (Right to Privacy) to the detriment of Mr. López Lone, Mrs. Flores Lanza, Mr. Chévez de la Rocha, and Mr. Barrios Maldonado,²¹⁹ because:

*The Court previously addressed Article 13(3) (Prohibition of Restriction of Expression by Indirect Means) in its discussion of Article 13(1) (Right to Seek, Receive, and Impart Information and Ideas),²²⁰ and Articles 5 (Right to Humane Treatment) and 11 (Right to Privacy) would be considered when ordering reparations.*²²¹

Article 7 (Right to Personal Liberty) to the detriment of Mr. Chévez de la Rocha,²²² because:

214. *Id.* ¶ 271.

215. *Id.* ¶¶ 272, 274.

216. *Id.* “Declares,” ¶ 10.

217. *Id.* ¶¶ 186, 238.

218. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, “Declares,” ¶ 12.

219. *Id.* ¶ 14.

220. *Id.* ¶ 184.

221. *Id.* ¶ 285.

222. *Id.* “Declares” ¶ 13.

*The Court decided that it was unnecessary to rule on the alleged failure of the State to investigate the detention and purported deprivation of liberty of Mr. Chévez de la Rocha due to the effectiveness of the application for habeas corpus and the length of his detention.*²²³

C. Dissenting and Concurring Opinions

[None]

IV. REPARATIONS

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

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

1. Judgment as a Form of Reparation

The Court indicated that the Judgment itself should be considered a *per se* reparation.²²⁴

2. Reinstatement

The State must reinstate Mr. López Lone, Mrs. Flores Lanza, and Mr. Chévez de la Rocha in posts similar to the ones they held at the time of the facts, with the same compensation, social benefits, and rank as that which they would have had, were they reinstated promptly.²²⁵ Furthermore, “the State must assume the amounts corresponding to the victims’ contributions to social benefits during the time they were excluded from the Judiciary.”²²⁶ In the event that their reinstatement is not possible, the State must compensate each of the victims \$150,000, or the equivalent in local currency.²²⁷

3. Publish the Judgment

The State must publish the official summary of the Judgment in the

223. *Id.* ¶¶ 281, 283.

224. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs “Establishes” ¶ 15.

225. *Id.* ¶ 298.

226. *Id.*

227. *Id.* ¶ 299.

official gazette as well as in a nationally circulated newspaper, and must publish the complete Judgment on an official website.²²⁸

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

The Court awarded \$162,000 to Mr. López Lone, \$214,000 to Mrs. Flores Lanza, and \$49,000 to Mr. Chévez de la Rocha for loss in earnings.²²⁹ Additionally, the Court awarded \$5,000 to Mr. López Lone, Mr. Chévez de la Rocha, Mr. Barrios Maldonado and Mrs. Flores Lanza, each, for consequential damages.²³⁰

2. Non-Pecuniary Damages

The Court awarded \$10,000 each to Mr. López Lone, Mr. Chévez de la Rocha, Mr. Barrios Maldonado, and Mrs. Flores Lanza for the moral harm caused to the victims as a result of the disciplinary proceedings and their termination.²³¹

3. Costs and Expenses

The Court awarded \$12,057.06 to the Association of Judges for Democracy and \$41,423.75 to CEJIL, as reimbursement for costs and expenses.²³² The Court also retained the right to order the State to reimburse the victims or their representatives for reasonable costs determined in monitoring of compliance with the Judgment.²³³

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

\$538,480.81

228. *Id.* ¶ 303.

229. *Id.* ¶ 318.

230. *López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs*, ¶ 318.

231. *Id.* ¶ 325.

232. *Id.* ¶ 334.

233. *Id.*

C. Deadlines

The State must reinstate Mr. López Lone, Mrs. Flores Lanza, and Mr. Chévez within one year, and if their reinstatement is impossible, the State must compensate each victim within six months, or upon the expiration of the one-year period.²³⁴

The State must comply with the publishing orders within six months.²³⁵ The website should keep the Judgment available for one year.²³⁶

The State must provide the required compensation and reimbursements within one year of the Judgment.²³⁷ If the State is late on its payments, it should also pay interest.²³⁸

Within one year from the Judgment, the State should give the Court a report on compliance measures adopted.²³⁹

V. INTERPRETATION AND REVISION OF JUDGMENT

February 8, 2016: The victims' representatives submitted a request for interpretation regarding the amounts granted in the Judgment for material damages.²⁴⁰

A. Composition of the Court²⁴¹

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

Pablo Saavedra Alessandri, Secretary
 Emilia Segares Rodríguez, Deputy Secretary

234. *Id.* ¶¶ 298-99.

235. *Id.* ¶ 303.

236. López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 303.

237. *Id.* ¶ 335.

238. *Id.* ¶ 340.

239. *Id.* "Establishes," ¶ 19.

240. López Lone et al. v. Honduras, Interpretation of Preliminary, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (sec. C) Case No. 302, ¶ 3 (Sep. 2, 2016).

241. *Id.*

B. Merits

The Court dismissed the victims' representatives' questioning of the amounts established in the Judgment for loss of income as unwarranted.²⁴² The Court held it had properly determined the victims' loss of income independently, rather than jointly as the representatives requested, and held that the matter did not require further details.²⁴³ The Court also found unanimously to declare the State's request of "restatement of resolution or interlocutory sentence" inadmissible.²⁴⁴ Finally, the Court instructed the Secretariat of the Court to notify the State, the representatives of the victims, and the Commission of the Interpretation of the Judgment.²⁴⁵

C. Dissenting and Concurring Opinions

[None]

VI. COMPLIANCE AND FOLLOW-UP

[None]

VII. LIST OF DOCUMENTS

A. Inter-American Court

1. Preliminary Objections

[López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) Case No. 302 \(Oct. 5, 2015\).](#)

2. Decisions on Merits, Reparations and Costs

[López Lone et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) Case No. 302 \(Oct. 5, 2015\).](#)

242. *Id.* "Decides," ¶ 2.

243. *Id.* ¶ 24.

244. *Id.* "Decides," ¶ 1.

245. *Id.* "Decides," ¶ 3.

3. Provisional Measures

[López Lone et al. v. Honduras, Order of the Court, Inter-Am. Ct. H.R. \(ser. C\) Case No. 302 \(Jan. 26, 2015\).](#)

[López Lone et al. v. Honduras, Order of the President, Inter-Am. Ct. H.R. \(ser. C\) Case No. 302 \(Dec. 10, 2014\).](#)

4. Compliance Monitoring

[None]

5. Review and Interpretation of Judgment

[López Lone et al. v. Honduras, Interpretation of Preliminary, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) Case No. 302 \(Sep. 2, 2016\).](#)

B. Inter-American Commission

1. Petition to the Commission

[Not Available]

2. Report on Admissibility

[López Lone et al. v. Honduras, Admissibility Report, Report No. 70/11, Inter-Am. Comm'n H.R. \(Mar. 31, 2011\).](#)

3. Provisional Measures

[None]

4. Report on Merits

[Not Available]

5. Application to the Court

[López Lone et al. v. Honduras, Letter of Submission, Inter-Am. Ct. H.R. \(ser. C\) Case No. 302 \(Mar. 17, 2014\).](#)

VIII. BIBLIOGRAPHY

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