

HONDURAS

I) RELEVANT LEGAL EVENTS

MEMBER OF THE ORGANIZATION OF AMERICAN STATES SINCE: JANUARY 13, 1950

RATIFIED AMERICAN CONVENTION: SEPTEMBER 5, 1977

Recognition of competence (from <http://www.cidh.org/basicos/english/Basic4.Amer.Conv.Ratif.htm>)

On 9 September 1981, presented at the General Secretariat of the OAS, an instrument recognizing the jurisdiction of the Inter-American Court of Human Rights in accordance with Article 62 of the Convention.

ACCEPTED JURISDICTION OF THE IA COMMISSION FOR “INTERSTATE COMMUNICATIONS” (ART. 45): SEPTEMBER 8, 1977

ACCEPTED JURISDICTION OF IACHR (ART. 62): SEPTEMBER 9, 1981

II) DECISIONS, JUDGMENTS AND ORDERS

A) CASES

I) Case of Velásquez Rodríguez v. Honduras

This is the first case decided by the Inter-American Court of Human Rights. The Velásquez Rodríguez case, together with the Godínez Cruz, and Fairén Garbi and Solís Corrales cases, all considered by the Court around the same time, form a trio of landmark cases targeting forced disappearance practices by the Honduran government during the early 1980s.

Key Words: *Access to Legal Procedures; Arbitrary Arrest and Detention; Life (Right to); Due Process Rights; Extrajudicial Killing; Forced Disappearances; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits

Judgment of July 29, 1988. Series C No. 4

Monitoring Compliance with Judgment

[None]

II) Case of Godínez Cruz v. Honduras

On the morning of July 22, 1982, Saúl Godínez, a teacher's group leader, disappeared. While there was no evidence that the disappearance was tied to government agents, various other instances of disappeared persons followed a similar pattern, in the same era, known to be undertaken by the Honduran military personnel. The State's only attempt to explain the disappearance was to suggest that Mr. Godínez had gone to Cuba or had joined subversive groups. The Court found that the State

violated the American Convention on Human Rights. This case is notable in that it is one of the first where the Court discussed obligations States have under Article 1.1 of the Convention, and how States should pay compensations.

Key Words: *Arbitrary Arrest and Detention; Human Rights Activists; Life (Right to); Forced Disappearances; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits

Judgment of January 20, 1989. Series C No. 5

Monitoring Compliance with Judgment

[None]

III) Case of Fairén Garbi and Solís Corrales v. Honduras

On December 11, 1981, Costa Rican citizens, Francisco Fairén Garbi, a student and public employee, and Yolanda Solís Corrales, a teacher, disappeared in Honduras, while traveling to Mexico, via Nicaragua, Honduras and El Salvador. Honduran officials denied they entered Honduras. However, the Government of Nicaragua certified that the two travelers had indeed left Nicaragua for Honduras on the date of disappearance, and later submitted photocopies of the immigration cards in the travelers' handwriting. This is one of the few cases in which the Court could not find the State at fault because there was insufficient evidence to relate the disappearances of the victims to Honduras's practice of forced disappearances for political motives prevailing at that time in the State.

Key Words: *Arbitrary Arrest and Detention; Forced Disappearances; Due Process Rights; Life (Right to); Extrajudicial Killing*

Merits

Judgment of March 15, 1989. Series C No. 6

Monitoring Compliance with Judgment

[None]

IV) Case of Juan Humberto Sánchez v. Honduras

This case concerns the forced disappearance and extrajudicial killing of a left-wing political activist during the Salvadoran Civil War. Mr. Juan Humberto Sánchez was detained twice by the Honduran armed forces for his alleged ties with the Farabundo Martí National Liberation Front (FMLN) of El Salvador. On July 22, 1992, following the second detention, Mr. Humberto Sánchez's next of kin found his body in the Río Negro. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Abduction; Arbitrary Arrest and Detention; Civil War and Unrest; Civil and Political Rights; Assembly (Freedom of); Association (Freedom of); Extrajudicial Killing; Life (Right to); Judicial Protection (Right to); Freedom from Torture and other Cruel, Inhumane and Degrading Treatment; Due Process Rights*

Preliminary Objection, Merits, Reparations and Costs

Judgment of June 7, 2003. Series C No. 99

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of November 17, 2004
- 2) Order of the Inter-American Court of Human Rights of September 12, 2005 (Available only in Spanish)
- 3) Order of the Inter-American Court of Human Rights of November 21, 2007
- 4) Order of the President of the Inter-American Court of Human Rights of May 22, 2009 (Available only in Spanish)
- 5) Order of the Inter-American Court of Human Rights of February 20, 2012
- 6) Order of the Inter-American Court of Human Rights of August 22, 2013

V) Case of López Álvarez v. Honduras

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.

Key Words: *Arbitrary Arrest and Detention; Access to Legal Procedures; Civil and Political Rights; Prison and Detention Conditions; Discrimination*

Merits, Reparations and Costs

Judgment of February 1, 2006. Series C No. 141

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of February 6, 2008
- 2) Order of the Inter-American Court of Human Rights of May 29, 2013

VI) Case of Servellón García et al. v. Honduras

Between September 15 and 16, 1995, a preventive detention operation was carried out by the Public Security Force and they arrested Marco Antonio Servellón García, Rony Alexis Betancourth Vásquez, Orlando Álvarez Ríos, and Diomedes Obed García Sánchez, two of whom were minors. State agents extrajudicially killed the victims and their bodies were found on September 17, 1995 out in the open in different places throughout the city of Tegucigalpa. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Arbitrary Arrest and Detention; Forced Disappearances; Extrajudicial Killing; Prison and Detention Conditions; Compensation and Remedies (Right to); Life (Right to); Minors/Children; Freedom from Torture and other Cruel, Inhumane and Degrading Treatment*

Merits, Reparations and Costs

Judgment of September 21, 2006. Series C No. 152

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of January 29, 2008
- 2) Order of the Inter-American Court of Human Rights of August 5, 2008
- 3) Order of the Inter-American Court of Human Rights of November 22, 2011

VII) Case of Kawas Fernández v. Honduras

On February 6, 1995, Ms. Blanca Jeannette Kawas Fernández, president of the Foundation for the Protection of Lancetilla, Punta Sal, Punta Izopo and Texiguat was murdered. The organization was created to improve the quality of life for people who live within the watersheds of the Bahía de Tela region. Ms. Kawas Fernández denounced attempts by private individuals and entities to illegally appropriate Punta Sal, as well as the contamination of the lakes and the depredation of the forests in the region. The Court found that the State was directly responsible for Ms. Kawas Fernández's death and the subsequent lack of investigation that took place, violating the American Convention on Human Rights.

Key Words: *Criminal Justice; Freedom of Expression; Association (Freedom of); Assembly (Freedom of); Economic, Social, and Cultural Rights; Civil and Political Rights*

Merits, Reparations and Costs

Judgment of April 3, 2009. Series C No. 103

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of February 27, 2012
- 2) Order of the Inter-American Court of Human Rights of October 23, 2012

VIII) Case of Pacheco Teruel et al. v. Honduras

In May 2004, 107 suspected MS-13 gang members died in a fire in the San Pedro Sula Prison in Honduras. This case highlights states' obligation to protect prison inmates, and diverges from other cases because the Court agreed to keep specific sums awarded as reparations confidential pursuant to a friendly settlement. The Court found violations on the American Convention on Human Rights.

Key Words: *Prison and Detention Conditions*

Merits, Reparations and Costs

Judgment of April 27, 2012. Series C No. 241

Monitoring Compliance with Judgment

[None]

IX) Case of Luna López v. Honduras

On May 18, 1998, Mr. Carlos Antonio Luna López, a human rights advocate and member of the city council of Catacamas, Olancho Province, Honduras, was murdered as he left a meeting at the Mayor's Office. The State failed to take immediate steps to protect the crime scene or conduct an autopsy, and later failed to properly investigate evidence that indicated state official involvement. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Human Rights Activists; Access to Legal Procedures; Criminal Justice; Life (Right to); Politicians*

Merits, Reparations and Costs

Judgment of October 10, 2013. Series C No. 269

Monitoring Compliance with Judgment

- 1) Order of the Inter-American Court of Human Rights of January 27, 2015 (Available only in Spanish)

X) Case of López Lone et al. v. Honduras

In 2009, a coup unseated President José Manuel Zelaya Rosales. Four judges (the victims in this case) opposed the coup, and supported the preservation of democracy in the State, in line with the views of the General Assembly of the United Nations and the Permanent Council of the Organization of American States. The judges actively spoke out against the coup, and performed various judicial actions in support of democracy. After the coup, all four judges were subject to disciplinary proceedings and were removed from their positions. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Arbitrary Arrest and Detention; Censorship; Due Process Rights; Independence of Judiciary; Participation in Government (Right to); Political Organizations*

Merits, Reparations and Costs

Judgment of October 10, 2013. Series C No. 302 (Available only in Spanish)

Monitoring Compliance with Judgment

[None]

XI) Case of Garífuna Punta Piedra Community and its Members v. Honduras

The Garífuna Punta Piedra Community is an indigenous community in Honduras. In 1920, the Community was given ownership of a collective farming area. This area did not comprise the entirety of their ancestral lands. In the 1990s, the Community petitioned the State to recognize ownership of its other ancestral lands. However, by this time, there were numerous other claims to the ancestral lands of the Community. The State entered into an agreement in 2001, allocating some land to the Community and allocating other ancestral lands to third parties who were not part of the Community. The State did not fulfill all of its obligations of the 2001 agreement, and members of the Community clashed with the third parties on their ancestral lands, which resulted in the death of one of the members of the Community. The State failed to properly investigate this death, and in 2014, further

harmed the Community by selling their titled land to a mining corporation. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Access to Legal Procedures; Compensation and Remedies (Right to); Economic, Social, and Cultural Rights; Housing, Land, and Property Rights; Indigenous Peoples' Rights; Judicial Protection (Right to); Property*

Merits, Reparations and Costs

Judgment of October 8, 2015. Series C No. 304 (Available only in Spanish)

Monitoring Compliance with Judgment

[None]

XII) Case of Garífuna Triunfo de la Cruz Community and its Members v. Honduras

The Garífuna Triunfo de la Cruz Community is a rural indigenous community that lives in Honduras. The State granted the group ownership of various parcels of its ancestral lands throughout the 1940s to 2000s. However, the State failed to respect the autonomy of the indigenous community's land by expanding urban developments into the community's lands, selling or otherwise transferring the community's land for industrial and tourism purposes, and creating a protected national park on the community's land. The Court found that the State violated the American Convention on Human Rights.

Key Words: *Compensation and Remedies (Right to); Economic, Social, and Cultural Rights; Housing, Land, and Property Rights; Indigenous Peoples' Rights; Property*

Merits, Reparations and Costs

Judgment of October 8, 2015. Series C No. 305 (Available only in Spanish)

Monitoring Compliance with Judgment

[None]

B) Provisional Measures (Art 63.2)

- 1) Case of Velásquez-Rodríguez v. Honduras [January 15, 1988] (Available only in Spanish)
- 2) Case of Velásquez-Rodríguez v. Honduras [January 19, 1988] (Available only in Spanish)
- 3) Case of López-Álvarez v. Honduras [June 13, 2005] (Available only in Spanish)
- 4) Case of López-Álvarez v. Honduras [September 21, 2005] (Available only in Spanish)
- 5) Case of Juan Humberto Sánchez v. Honduras [February 7, 2006]
- 6) Matter of Kawas Fernández regarding Honduras [November 29, 2008]
- 7) Case of López-Álvarez v. Honduras [January 26, 2009]
- 8) Matter of Gladys Lanza Ochoa regarding Honduras [September 2, 2010]
- 9) Matter of José Luis Galdámez Álvarez et al. regarding Honduras [December 22, 2010]
- 10) Matter of José Luis Galdámez Álvarez et al. regarding Honduras [February 22, 2011]
- 11) Case of Kawas-Fernandez v. Honduras [July 5, 2011]
- 12) Matter of Gladys Lanza Ochoa regarding Honduras [January 23, 2012] (Available only in Spanish)
- 13) Matter of Gladys Lanza Ochoa regarding Honduras [June 28, 2012]

- 14) Matter of José Luis Galdámez Álvarez et al. regarding Honduras [October 24, 2012]
- 15) Case of Pacheco Teruel et al. regarding Honduras [August 21, 2013]
- 16) Matter of Garífuna Community of Barra Vieja regarding Honduras [October 14, 2014]
(Available only in Spanish)
- 17) Matter of Community of Punta Piedra and its members regarding Honduras [November 14, 2014] (Available only in Spanish)
- 18) Case of Kawas Fernández v. Honduras [June 23, 2015] (Available only in Spanish)