

# Garífuna Punta Piedra Community and its Members v. Honduras

## I. COMPLIANCE AND FOLLOW-UP ADDENDUM<sup>1</sup>

**September 1, 2016:** The Court gave an update on the State’s obligation to comply with the order to reimburse the Legal Assistance Fund for the amounts that the Court ordered in the judgments issued.<sup>2</sup> The Court found that the State partially complied with this obligation by making payments by bank transfer on July 11, 2016.<sup>3</sup> The State’s payments were \$15 short for each victim because the bank charged an international transfer fee, and the State failed to pay interest after it made payments late.<sup>4</sup> Therefore, the Court ordered the State to pay the remaining outstanding reimbursement fees including all corresponding interest for late payments.<sup>5</sup>

**May 14, 2019:** The Court gave an update on the State’s compliance.<sup>6</sup> It found that the State fully complied with its obligations to halt the Punta Piedra II exploration project and implement coordination mechanisms between institutions to improve decision-making and to ensure the effectiveness of measures provided.<sup>7</sup> The State’s creation of the Inter- Institutional Commission for Compliance with International Judgments (“CICSI”) fully satisfied this obligation.<sup>8</sup>

The State partially complied with its obligation to publish an official summary of the Judgment in the Official Gazette and a newspaper with wide circulation, and complied with its obligation to disseminate the

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1. Katie Grossbard, Author; Kevin Zipser, Editor; Elizabeth Russo, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Garífuna Punta Piedra Community and its Members v. Honduras, Refund to the Victims Legal Assistance Fund, Resolution of the Inter-American Court of Human Rights, Inter-Am. Ct. H.R. “Considering That” ¶ 1 (Sept. 1, 2016).

3. *Id.* ¶¶ 2-3.

4. *Id.* ¶ 3.

5. *Id.* “Resolves” ¶¶ 1-2.

6. Garífuna Punta Piedra Community and its Members v. Honduras, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. “Resolves” (May 14, 2019).

7. *Id.* “Resolves” ¶ 1.

8. *Id.* ¶ 25.

Judgment by radio broadcast with wide coverage.<sup>9</sup> However, the State failed to comply with its obligations to publish the Judgment on an official government website for one year, and disseminate the broadcast of the official summary in the Garifuna language.<sup>10</sup> Therefore, the Court ordered the State to publish the Judgment on an official website, and publish and broadcast the official summary in the Garifuna language.<sup>11</sup>

The Court also kept open the proceeding for monitoring compliance with regard to: (1) guaranteeing the use and enjoyment of traditional Garifuna lands through sanitation; (2) creating a community development fund; (3) adopting necessary measures and mechanisms for regulation of the Property Registration system; (4) investigating the death of Mr. Félix Ordóñez Suazo and punish those responsible; and (6) reimbursing all costs and expenses.<sup>12</sup>

The Court found that the State failed to comply with its obligation to guarantee the use and enjoyment of traditional Garifuna lands because the State failed to act with immediacy and did not use extreme diligence.<sup>13</sup> The State failed to carry out the scheduled activities and exceeded the reasonable time limit for sanitation.<sup>14</sup> Thus, the Court deferred the obligation to create a community development until the State fully complied with its obligation to guarantee the use and enjoyment of the land through sanitation because the State's inaction caused ongoing territorial rights violations.<sup>15</sup>

Further, the Court acknowledged the State's efforts to reform the General Mining Law for the purpose of adapting the law to the appropriate international standard regarding the right to consultation.<sup>16</sup> The Court found that it lacked adequate information to determine the degree of progress that the State made thus far because it failed to provide details regarding the content of its reform initiative, and did not yet provide information about the state of the legislative process.<sup>17</sup>

The Court also recognized the progress that the State made regarding regulation of the Land Registry system to prevent future similar

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9. *Id.* "Resolves" ¶ 2.

10. *Id.* ¶ 37.

11. *Id.*

12. *Garifuna Punta Piedra Community and its Members v. Honduras, Monitoring Compliance with Judgment, Order of the Court, "Resolves" ¶ 3.*

13. *Id.* ¶ 7.

14. *Id.*

14. *Id.* ¶¶ 13, 14.

15. *Id.* ¶ 22.

16. *Id.* ¶ 45.

17. *Garifuna Punta Piedra Community and its Members v. Honduras, Monitoring Compliance with Judgment, Order of the Court, ¶ 45.*

effects on the right to property in rural areas.<sup>18</sup> However, it requested that the State continue to report on measures taken because the State's progress failed to satisfy full compliance with its obligation.<sup>19</sup>

The State also failed to comply with its obligation to investigate the death of Mr. Ordóñez Suazo because it only completed preliminary actions, which the Court considered to be a bare minimum effort.<sup>20</sup> Further, the State did not provide a report explaining the preliminary findings or any conclusion reached as to who was responsible for Mr. Ordóñez Suazo's death.<sup>21</sup>

The Court found that the State failed to reimburse the Board of Directors of the Black Fraternal Organization of Honduras (OFRANEH) for remaining costs and expenses.<sup>22</sup> The State started the process of consignment of the reimbursement of costs and expenses, but it has not yet submitted documentation indicating that the consignment is complete.<sup>23</sup>

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18. *Id.* ¶ 49.

19. *Id.*

20. *Id.* ¶ 54.

21. *Id.*

22. *Id.* ¶ 58.

23. *Garífuna Punta Piedra Community and its Members v. Honduras, Monitoring Compliance with Judgment, Order of the Court, ¶ 60.*