

Escaleras Mejía et al. v. Honduras

ABSTRACT¹

This case is about the assassination of a human rights and environmental defender. Honduras admitted its failure to properly investigate the assassination and prosecute those responsible. The Court found Honduras in violation of several articles of the American Convention.

I. FACTS

A. Chronology of Events

Before 1995: Born in Tocoa, Honduras in 1958, Mr. Escaleras Mejía is one of six siblings and among the most well-known environmental leaders of the Aguán Valley.² Mr. Escaleras Mejía leads several environmental organizations, and is active at his school, where he is a member of the Students' Revolutionary Front and the Progressive Student Movement.³ Due to the political climate in Honduras, Mr. Escaleras Mejía frequently receives threats of death and bodily harm.⁴

Mr. Escaleras Mejía marries Marta Alvarenga Reyes in 1979.⁵ They have six children together: Omar Josué, Marta Agripina, Carlos Andrés, Douglas Arnaldo, Emerson Alexander, and Alvin, who died very young.⁶

Starting in the early 1990s, the widespread exploitation of the Honduran environment sparks a movement of activism in the country.⁷ Environmental defenders organize to protect ecosystems and natural resources from illegal logging practices in watersheds and forests.⁸ However, people who oppose this work retaliate by subjecting many of these environmentalists to harassment, threats, and homicide.⁹

1995: Starting in 1995 and throughout the next decade, Honduras reports numerous acts of increased aggression towards environmentalists and defenders of human rights.¹⁰ Many people are even murdered for their dedication to their cause,¹¹ while the perpetrators often go unpunished.¹² Several well-known cases arise from this era of persecution, including the case of Mr. Carlos Escaleras Mejía.¹³

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² Escaleras Mejía et al. v. Honduras, Admissibility Report, Report No. 15/05, Inter-Am. Comm'n H.R., Case No. 59/03, ¶ 7 (September 26, 2018); Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 361, ¶ 34 (September 26, 2018).

³ Escaleras Mejía et al. v. Honduras, Report on Merits, Report No. 43/14, Inter-Am. Comm'n H.R., Case 12.492, ¶ 52 (July 17, 2014).

⁴ *Id.* ¶¶ 62, 65; Escaleras Mejía et al. v. Honduras, Admissibility Report, ¶ 7.

⁵ Escaleras Mejía et al. v. Honduras, Report on Merits, ¶ 53.

⁶ *Id.*

⁷ *Id.* ¶¶ 43-44.

⁸ Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 28.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Escaleras Mejía et al. v. Honduras, Report on Merits, ¶ 44.

¹² Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 30.

¹³ Escaleras Mejía et al. v. Honduras, Report on Merits, ¶ 44.

Before October 18, 1997: Mr. Escaleras Mejía creates the Coordinating Committee of Peoples’ Organizations of Aguán (“COPA”), a social movement that has a high level of credibility for its defense of human rights.¹⁴ Along with leading the organization, Mr. Escaleras Mejía also creates relationships with environmental movements and community organizations to oppose activities by companies that are harming the valley’s ecosystem.¹⁵

One such project that Mr. Escaleras Mejía opposes is a project to install a palm oil extraction plant on the edge of the Tocoa River, which would threaten to contaminate the river with toxic waste.¹⁶ Mr. Miguel Facussé, who manages the plant project, incurs major financial loss when the protests interfere with a World Bank loan.¹⁷ When asked to desist from his opposition to the project, Mr. Escaleras Mejía refused.¹⁸

Simultaneously, Mr. Escaleras Mejía is chosen as a mayoral candidate for the municipality of Tocoa, representing the Democratic Unification Party.¹⁹ He continues to be threatened, bribed, and pressured to withdraw from both his fight for environmental protection as well as the electoral campaign.²⁰ Mr. Escaleras Mejía turns down all bribes offered to him, including several from Mr. Facussé and opposing mayoral candidate, Mr. Hernán Banegas.²¹

Lastly, Mr. Escaleras Mejía begins protesting against Colonel Aldo Augusto Aldana, a commander of the Infantry Battalion, who had plans to build military facilities that would block access to water for residents of different towns.²²

October 18, 1997: At around 6 pm, two men enter the Escaleras’ family establishment, called “Lubricentro Escaleras,” and buy soft drinks.²³ Mr. Escaleras Mejía soon returns from a political event in Tegucigalpa.²⁴ The two men witness Mr. Escaleras Mejía arrive home, and affirm his identity with a center guard on the premises.²⁵ Immediately after, at approximately 6:30 p.m., Mr. Escaleras Mejía is shot twice in the back by the two men (hereinafter the “perpetrators”).²⁶ Ms. Marta Alvarenga hears the gunshots, witnesses the perpetrators flee, and finds her husband injured.²⁷

Mr. Escaleras Mejía is taken to the CEMECO clinic before being transferred to D’Antoni Hospital in La Ceiba to undergo surgery.²⁸ However, Mr. Escaleras Mejía does not survive the surgery and dies a few hours later.²⁹

October 20, 1997: The Sectional Court of First Instance of Tocoa hears the criminal proceeding for Mr. Escaleras Mejía’s murder.³⁰

¹⁴ Escaleras Mejía et al. v. Honduras, Report on Merits, ¶ 55.

¹⁵ *Id.*

¹⁶ *Id.* ¶ 57.

¹⁷ *Id.* ¶¶ 57-58.

¹⁸ *Id.* ¶¶ 59-60.

¹⁹ *Id.* ¶ 62.

²⁰ Escaleras Mejía et al. v. Honduras, Report on Merits, ¶ 62.

²¹ *Id.* ¶¶ 63-65.

²² *Id.* ¶ 66.

²³ Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 37.

²⁴ Escaleras Mejía et al. v. Honduras, Report on Merits, ¶ 67.

²⁵ *Id.* ¶ 69.

²⁶ *Id.*

²⁷ *Id.* ¶ 70.

²⁸ *Id.*

²⁹ *Id.* ¶¶ 70-71.

³⁰ Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 40, n.31.

November 13, 1997: The Court orders a judicial police inspection of Lubricentro Escaleras.³¹ However, by then the shell casings from the bullets that killed Mr. Escaleras Mejía had been removed, and rain had washed away his blood stains.³²

November 21, 1997: Mr. Oscar Sosa is identified as a possible participant in Mr. Escaleras Mejía's murder and is arrested.³³

March 4, 1998: Mr. Sosa gives a statement that he heard three versions of what happened to Mr. Escaleras Mejía: that Congressman Salomón Martínez had ordered his death, that Mr. Facussé's private company ordered his death and that Colonel Aldana had him murdered after threatening him.³⁴ Mr. Sosa was then released without prejudice due to a lack of sufficient facts to order his incarceration.³⁵

June 1, 1999: In response to a request by the prosecution, the court requests a forensic report on Mr. Escaleras Mejía's body, but the report never appears in his case file.³⁶

August 12, 1999: The General Directorate of Criminal Investigation (Dirección General de Investigación Criminal; "DGIC") issues a report on the investigation regarding Mr. Escaleras Mejía's murder.³⁷ The report includes a statement by Mr. José Echeverría Natarén that Mr. Orlando Martínez told him twice in confidence that he was paid to kill Mr. Escaleras Mejía.³⁸ Mr. Martínez thus hired two people to execute the murder and gave them weapons.³⁹ The two individuals are eventually identified as hitman Mr. Lucas Suazo Rosales and petty gang member Mr. Leodán Machado Fernández.⁴⁰

September 16, 1999: Mr. Suazo Rosales and Mr. Machado Fernández are arrested as suspects of Mr. Escaleras Mejía's murder.⁴¹

December 8, 1999: Lucas García Alfaro is arrested for the murder of Mr. Escaleras Mejía.⁴² On the same day, the prosecution submits to the court a notebook found in a search is carried out in Mr. Oscar Sosa's home.⁴³ The notebook contains the names of two people who allegedly participated in Mr. Escaleras Mejía's death, Lucas Aguilera and another name which was forgotten by the police officer.⁴⁴ The notebook also names Orlando Martínez, Oscar Escobar, Lucas García Alfaro, and others.⁴⁵

January 11, 2000: Ms. Alvarenga identifies Mr. García Alfaro as the person who bought soft drinks from her right before her husband's murder.⁴⁶

³¹ Escaleras Mejía et al. v. Honduras, Report on Merits, ¶ 80.

³² *Id.* ¶ 81.

³³ *Id.*

³⁴ *Id.* ¶ 84.

³⁵ *Id.* ¶ 85.

³⁶ *Id.* ¶ 86.

³⁷ Escaleras Mejía et al. v. Honduras, Report on Merits, ¶ 87.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.* ¶ 88.

⁴¹ *Id.*

⁴² *Id.* ¶ 90.

⁴³ Escaleras Mejía et al. v. Honduras, Report on Merits, ¶ 91.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.* ¶ 92.

November 13, 2000: Mr. Escaleras Mejía’s brother, Mr. Eldyn Escaleras Mejía, files a criminal charge against Mr. Sosa, Congressman Salomón Martínez (hereinafter “Congressman Martínez”), and Mr. Facussé, who he alleges are responsible for the murder.⁴⁷ Mr. Eldyn Escaleras Mejía also reports the existence of a photocopied check for 250,000 lempiras (approximately USD \$ 16,483), endorsed to Mr. Sosa, issued by Mr. Facussé’s agricultural company, Lexus de Honduras, and issued to Congressman Martínez on September 21, 1997.⁴⁸ Mr. Eldyn Escaleras Mejía claims that the check proves that the three men entered into a transaction to murder Mr. Escaleras Mejía, which is corroborated by Father Pedro Marchetti.⁴⁹

November 15, 2000: The First Instance Court accepts Mr. Eldyn Escaleras Mejía’s accusation.⁵⁰ On the same day, Mr. García Alfaro gives a statement to the Committee for the Defense of Human Rights.⁵¹ The statement relays information from Mr. Martínez, implicating Mr. Sosa, Mr. Facussé, and Congressman Martínez in Mr. Escaleras Mejía’s death.⁵² According to the statement, Mr. Escaleras Mejía was killed because his activism ruined the palm oil plant project and its corresponding business deal for several congressmen, Colonel Aldana, and Mr. Facussé.⁵³

December 3, 2000: Mr. García Alfaro resubmits his statement to the DGIC.⁵⁴ He later adds other statements with additional information, including that Mr. Martínez confessed to being paid by Facussé to kill Mr. Escaleras Mejía; that, hours after this confession, Mr. Martínez was killed by Mr. Sosa for “talking;”⁵⁵ and that Congressman Martínez’s attorney, Ms. Irene de Jesús Castri Reyes, repeatedly visited Mr. García Alfaro to demand his silence.⁵⁶

March 28, 2001: Prosecutor Luis Cantillano expands the criminal accusation to include Mr. Oscar Escobar and Mr. José Santos Manueles Hernández as suspects, and Congressman Juan Ramón Salgado and Irene de Jesús Castro Reyes are added as suspected organizers.⁵⁷

April 2, 2001: The First Instance Court admits the accusation.⁵⁸

July 18, 2001: By request of the First Instance Court, the prosecution formalizes the charge against Mr. García Alfaro and comments that Mr. Escaleras Mejía’s death seems to have resulted from his opposition to the palm-oil plant, which led to the World Bank cancelling its loan to Mr. Facussé’s company.⁵⁹

⁴⁷ Escaleras Mejía et al. v. Honduras, Report on Merits, ¶ 95.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.* ¶ 96.

⁵¹ *Id.*

⁵² *Id.*

⁵³ Escaleras Mejía et al. v. Honduras, Report on Merits, ¶ 96.

⁵⁴ *Id.* ¶ 97.

⁵⁵ *Id.*

⁵⁶ *Id.* ¶ 98.

⁵⁷ *Id.* ¶ 103.

⁵⁸ *Id.* ¶ 105.

⁵⁹ Escaleras Mejía et al. v. Honduras, Report on Merits, ¶ 106.

July 30, 2001: A judicial police inspection of Lexus de Honduras fails to find records of the check reported by Mr. Eldyn Escaleras Mejía.⁶⁰ The same day, Judge Francisco Sánchez relays the results of the inspection to the public through a radio broadcast, commenting that the check “clearly” did not exist and lacks value as evidence.⁶¹

August, 2001: On August 16, 2001, Mr. Eldyn Escaleras Mejía disputes Judge Sánchez’s claims that the check has no juridical value, which cannot be proven without any technical or scientific tests.⁶² According to Mr. Eldyn Escaleras Mejía, the Director of the DGIC had found the check when clearing in the Central Bank and had kept it in a safe at the DGIC.⁶³ He further states that on July 9, 2001, a former DGIC officer was allegedly pressured to cease investigation of Mr. Escaleras Mejía’s case after finding evidence implicating Mr. Facussé and Congressman Martínez.⁶⁴

The same day, Mr. Santos Figueroa Hernández claims that a DGIC officer was dismissed for finding evidence implicating Mr. Facussé and Congressman Martínez, and for speaking about Mr. Sosa.⁶⁵ Mr. Figueroa Hernández attests to the check’s authenticity.⁶⁶ However, on August 20, 2001, the court rules that the check never existed and resolves to commence investigations into whether the check was illegally falsified.⁶⁷

The same day, the court orders the dismissal of Mr. Facussé and Ms. Castro Reyes on the grounds that the allegations against them had “no direct or indirect relation” to the facts.⁶⁸ The court also rules that Mr. García Alfaro’s statement confessing his participation in Mr. Escaleras Mejía’s murder lacks credibility.⁶⁹ The prosecution launches an appeal against the dismissal, which is admitted and sent to the La Ceiba Court of Appeal on August 27.⁷⁰

November 14, 2001: The Court of Appeal in La Ceiba invalidates the lower court’s dismissal of Mr. Facussé and Ms. Castro Reyes, finding their statements indispensable to the case.⁷¹

February 13, 2002: Mr. Facussé and Ms. Castro Reyes submit an *amparo* request to the Constitutional Chamber of the Supreme Court of Justice, requesting reversal of the Court of Appeal’s decision.⁷²

October 16, 2002: Lucas García Alfaro is convicted for the murder of Mr. Escaleras Mejía and sentenced to seventeen years in prison.⁷³

March 14, 2003: Mr. Eldyn Escaleras Mejía’s legal representatives file a motion requesting the court to order Mr. Sosa’s arrest for participating in and organizing the murder.⁷⁴

⁶⁰ Escaleras Mejía et al. v. Honduras, Report on Merits, ¶ 108.

⁶¹ *Id.* ¶ 109.

⁶² *Id.* ¶ 111.

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.* ¶ 112.

⁶⁶ Escaleras Mejía et al. v. Honduras, Report on Merits, ¶ 112.

⁶⁷ *Id.* ¶ 113.

⁶⁸ *Id.* ¶ 114.

⁶⁹ *Id.*

⁷⁰ *Id.* ¶ 115.

⁷¹ *Id.* ¶ 116.

⁷² Escaleras Mejía et al. v. Honduras, Report on Merits, ¶ 116.

⁷³ *Id.* ¶ 117.

⁷⁴ *Id.* ¶ 119.

May 26, 2003: The court rejects the motion, and the representatives appeal the rejection.⁷⁵

October 14, 2003: Irene de Jesús Castro and Miguel Facussé give their statements before the court.⁷⁶ The court then files a resolution and dismisses the two individuals from the proceedings.⁷⁷

April 20, 2009: Leodán Machado Fernández is found to be an accomplice in Mr. Escaleras Mejía’s murder and sentenced to twelve years in prison by the First Instance Court of Tocoa based on extensive evidence from the investigation.⁷⁸ The court stated that Mr. Machado Fernández was at Lubricentro Escaleras on October 18, 1997 and bought the sodas.⁷⁹ Marta Alvarenga also recalls seeing Mr. Machado Fernández that evening, but did not see him shoot a gun.⁸⁰ The court concludes that Mr. Machado Fernández was with the men who shot Mr. Escaleras Mejía that evening and thus is an accomplice in the crime.⁸¹

II. PROCEDURAL HISTORY

A. Before the Commission

January 14, 2002: The Center for Justice and International Law (“CEJIL”) and the Reflection, Investigation, and Communication Team (“ERIC”) submit a petition on behalf of Mr. Escaleras Mejía to the Inter-American Commission on Human Rights (“the Commission”).⁸²

February 24, 2005: Commission issues Admissibility Report No. 15/05.⁸³

July 17, 2014: The Commission processes Merits Report No. 43/14 and issues it under Article 50 of the American Convention.⁸⁴ The Commission believes that the State violated the right to life established in Article 4(1) (Prohibition of Arbitrary Deprivation of Life); 5(1) (Right to Physical, Mental, and Moral Integrity); Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal); Article 16(1) (Freedom of Association for Any Purpose); Article 23 (Right to Participate in Government); and Article 25(1) (Right of Recourse Before a Competent Court) of the American Convention, all in relation to Article 1(1) (Obligation of Non-Discrimination).⁸⁵

In light of the foregoing violations, the Commission recommends that the State: (1) make a proper historical vindication of Mr. Escaleras Mejía’s human rights work as well as make reparations for the violation of human rights established; (2) complete a quick, effective, and impartial judicial investigation intended to identify all persons responsible for Mr. Escaleras Mejía’s murder and punish them accordingly; (3) order the relevant disciplinary, administrative, or criminal measures against officials that contributed to the injustices of this case; and (4) adopt rules to protect human rights defenders, including ecologists and

⁷⁵ Escaleras Mejía et al. v. Honduras, Report on Merits, ¶ 119.

⁷⁶ *Id.* ¶ 122.

⁷⁷ *Id.* ¶ 123.

⁷⁸ *Id.* ¶ 125.

⁷⁹ *Id.* ¶ 126.

⁸⁰ *Id.*

⁸¹ Escaleras Mejía et al. v. Honduras, Report on Merits, ¶ 127.

⁸² *Id.* ¶ 1.

⁸³ Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 2.

⁸⁴ *Id.*

⁸⁵ Escaleras Mejía et al. v. Honduras, Report on Merits, ¶ 217.

environmentalists, in dangerous circumstances, by; (4.1) creating protocols to strengthen the capacity to combat threats and killings of human rights activists and ensure effective investigations of human rights violations; (4.2) improving how family members, victims, and witnesses are protected due to the risks associated with their involvement in the investigations; and (4.3) providing effective protection to human rights defenders by creating quick and effective institutional response measures.⁸⁶

October 15, 2014: The Commission notifies the State of the Merits Report and gives it two months to comply with the above recommendations.⁸⁷

August 26, 2015: The petitioners and the State sign a “Friendly Agreement on Compliance” with the Commission’s recommendations.⁸⁸ The State made notable progress in complying with the compensation and satisfaction measures recommended by the Commission, but none with respect to the criminal investigations.⁸⁹

B. Before the Court

September 22, 2017: The Commission submits the case to the Court after the State fails to adopt its recommendations.⁹⁰

May 4, 2018: The State submits its answering brief along with a Friendly Settlement Agreement recognizing its responsibility for the violations of Articles 4(1), 5, 8, 16(1), 23, and 25.⁹¹ Along with acknowledging international responsibility, the State demonstrates that it will comply with the Commission’s recommendations.⁹²

May 18, 2018: Brazilian lawyer Ivonei Souza Trindade,⁹³ United Nations Special Reporter on human rights defenders Michel Forst⁹⁴, Senior Campaigner of the Land and Environmental Rights Defenders of the Global Witness Organization Ben Leather,⁹⁵ and the University of Santa Clara Human Rights Clinic Francisco submit amicus curiae briefs.⁹⁶

1. Violations Alleged by Commission⁹⁷

Article 4(1) (Prohibition of Arbitrary Deprivation of Life)

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

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal)

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

Article 23 (Right to Participate in Government)

Article 25(1) (Right of Recourse Before a Competent Court)

⁸⁶ Escaleras Mejía et al. v. Honduras, Report on Merits, ¶ 218.

⁸⁷ Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 2.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.* ¶ 3.

⁹¹ *Id.* ¶¶ 6, 12.

⁹² *Id.* ¶ 12.

⁹³ Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 9.

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.* ¶ 12.

⁹⁷ Escaleras Mejía et al. v. Honduras, Report on Merits, ¶ 217.

all in relation to:

Article 1 (1) (Obligation of Non-Discrimination) of the American Convention

2. Violations Alleged by Representatives of the Victims⁹⁸

Same Violations Alleged by Commission, plus:

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

III. MERITS

A. *Composition of the Court*⁹⁹

Eduardo Ferrer Mac-Gregor Poisot, President
 Eduardo Vio Grossi, Vice-President
 Humberto Antonio Sierra Porto, Judge
 Eugenio Raúl Zaffaroni, Judge
 L. Patricio Pazmiño Freire, Judge

Pablo Saavedra Alessandri, Secretary
 Emilia Segares Rodríguez, Deputy Secretary

B. *Decision on the Merits*

September 26, 2018: The Court issues its Judgement on Merits, Reparations, and Costs.¹⁰⁰

The Court found unanimously to:

*First, approve the Friendly Settlement Agreement between the representatives of the victims and the State of Honduras.*¹⁰¹ *Second, accept the State's acknowledgement of international responsibility made in the Friendly Settlement Agreement.*¹⁰²

The Court found unanimously that Honduras had violated:

Article 4(1) (Prohibition of Arbitrary Deprivation of Life), Article 16(1) (Freedom of Association for Any Purpose), and Article 23(1) (Right to Participate in Government), in relation to Article 1(1) of the Convention, to the detriment of Mr. Escaleras Mejía,¹⁰³ because:

The State acknowledged its responsibility for violating Article 4(1) of the Convention due to the lack of diligent investigation on Mr. Escaleras Mejía's case and the conduct of the agents

⁹⁸ Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 5. The Reflection, Investigation, and Communication Team of the Society of Jesus (ERIC) and the Center for Justice and International Law (CIEL) served as representatives of Mr. Escaleras Mejía.

⁹⁹ Due to force majeure, Judge Elizabeth Odio Benito did not participate in this Judgement's deliberation and signing. *Id.* at n.*.

¹⁰⁰ *Id.* ¶ 1.

¹⁰¹ *Id.* "Decide" ¶ 1.

¹⁰² *Id.* ¶ 2.

¹⁰³ *Id.* "Declares" ¶ 3.

involved.¹⁰⁴ The Court deemed that the State has a duty to protect human rights defenders when they are threatened, allow them a safe space to carry out their activities, avoid creating obstacles that inhibit their work, and effectively analyze crimes committed against them.¹⁰⁵ Without this protection, human rights defenders cannot fully exercise their rights.¹⁰⁶

The Court noted the fundamental, societal role of human rights defenders in strengthening law and democracy.¹⁰⁷ Thus, states must give special attention to forces hindering the work of human rights defenders.¹⁰⁸ The Court further noted that the United Nations General Assembly approved a United Nations Declaration in 1998, which emphasized protection and support to human rights defenders in their assembly, organizations, public affairs, etc.¹⁰⁹ The need to protect human rights defenders has since been recognized at the inter-American level, the European and African levels, and in Honduran national law.¹¹⁰ While there is no singular right to defend human rights, such activities are intertwined with the enjoyment of all other rights guaranteed under the Convention, making retaliatory action against a defender a violation.¹¹¹

When analyzing the right to freedom of association under Article 16(1), the Court noted the State's acknowledgment of responsibility.¹¹² Similarly to Article 4(1), the State admitted its failure to conduct an effective or thoughtful investigation to identify those responsible for Mr. Escaleras Mejía's murder.¹¹³ Article 16(1), as implied by the Court, guarantees freedom of association without hinderance by public authorities, and obligates states to both prevent and investigate any violation of that freedom.¹¹⁴

The Court noted that the activities of human rights defenders and freedom of association are closely related, as both can exist only when human rights are completely upheld.¹¹⁵ Freedom of association is also closely tied to the exercise of other rights, such as the Right to a Healthy Environment derived from Article 26.¹¹⁶ The Court recognized Mr. Escaleras Mejía's legitimate exercise of freedom of association through his participation as a human rights defender, advocate for the environment, and founder and president of COPA.¹¹⁷ The State failed to protect this freedom when it failed to properly investigate the facts of his murder and leads linked to his environmental activism.¹¹⁸ Specifically, his murder seemed to result from his association with environmental work that conflicted with the palm oil plant project and the military base construction.¹¹⁹ The Court commented that Mr. Escaleras Mejía's murder and the subsequent investigation created an environment of fear and intimidation, encouraged silence of human rights defenders, and inhibited their essential

¹⁰⁴ Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 53.

¹⁰⁵ *Id.* ¶ 54.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.* ¶ 56.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.* ¶¶ 57-58.

¹¹⁰ Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 59.

¹¹¹ *Id.* ¶ 60.

¹¹² *Id.* ¶ 62.

¹¹³ *Id.*

¹¹⁴ *Id.* ¶ 63.

¹¹⁵ *Id.* ¶ 62.

¹¹⁶ Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 65.

¹¹⁷ *Id.* ¶ 68.

¹¹⁸ *Id.*

¹¹⁹ *Id.*

work.¹²⁰ The Court thus found that the personal and social detriment of the State's conduct constituted a violation of the right to freedom of association.¹²¹

The State acknowledged responsibility for violating Mr. Escaleras Mejía's right to elect and be elected to government under Article 23.¹²² The State conceded that Mr. Escaleras Mejía suffered threats and harassment due to his human rights defense work and position as mayoral candidate for Tocoa.¹²³ The Court noted that Article 23 not only protects the right to be elected, but also accounts for other rights that encourage a stronger democracy and political pluralism.¹²⁴ Political participation is one means of defending human rights.¹²⁵ The Court recognized that after Mr. Escaleras Mejía became a candidate for the mayor of Tocoa, he was subjected to threats, pressure, bribery to withdraw, and was assassinated a month before the election.¹²⁶ Thus, the State should have accounted for the connection between the pending election and Mr. Escaleras Mejía's death when investigating for motives.¹²⁷ The State's failure to conduct a diligent investigation therefore constituted a violation of Mr. Escaleras Mejía's right to participate in politics and government.¹²⁸

Article 5(1) (Right to Physical, Mental, and Moral Integrity), Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), and Article 25(1) (Right of Recourse Before a Competent Court), in relation to Article 1(1) of the Convention, to the detriment of Ms. Ofelia Mejía Márquez, Ms. Marta Alvarenga Reyes, Mr. Douglas Arnaldo Escaleras Alvarenga, Mr. Emerson Alexander Escaleras Alvarenga, Mr. Carlos Andrés Escaleras Alvarenga, Ms. Martha Agripina Escaleras Alvarenga, Mr. Omar Josué Escaleras Alvarenga, Mr. Eldyn Escaleras Mejía, Mr. René Alberto Escaleras Mejía, Ms. Yolanda Escaleras Mejía, Mr. José Andrés Escaleras Mejía, Mr. Omar Escaleras Mejía, and Ms. Alma Indiana Escaleras Mejía,¹²⁹ because:

The State acknowledged its responsibility for violating Article 5(1) by causing Mr. Escaleras Mejía's relatives great distress when they were pursuing justice for his murder, which occurred during a painful and drastic change in their lives and without effective protection.¹³⁰ The Court held that the lack of a complete and effectual investigation into a loved one's murder during such a time of anguish constituted a violation of the relatives' right to integrity.¹³¹

The State also acknowledged responsibility for violating Article 8(1) and Article 25(1) of the Convention with its ineffective investigations and procedures which prevented access to justice, true facts, a means to find and punish the perpetrators, or remedies.¹³² The Court considered the State's obligation to guarantee timely, impartial, and exhaustive

¹²⁰ Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 69-70.

¹²¹ *Id.* ¶ 70.

¹²² *Id.* ¶ 71.

¹²³ *Id.*

¹²⁴ *Id.* ¶ 72.

¹²⁵ *Id.* ¶ 73.

¹²⁶ Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 76.

¹²⁷ *Id.* ¶ 77.

¹²⁸ *Id.* ¶ 78.

¹²⁹ *Id.* "Declares" ¶ 3.

¹³⁰ *Id.* ¶ 55.

¹³¹ *Id.*

¹³² Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 46.

investigations, especially regarding human rights defenders.¹³³ Furthermore, in cases where acts against human rights defenders are likely motivated by their activist work, authorities must take the context, consequences, and facts into account during a criminal investigation to determine the motives and perpetrators.¹³⁴

The State recognized that during Mr. Escaleras Mejía's murder investigation, the authorities failed to follow minimum initial procedures which resulted in noncompliance with inter-American standards.¹³⁵ During the investigation's development, there was considerable delay in handing down existing convictions, irregularities and omissions in the domestic process, and a lack of proper testing to determine if state authorities were linked to Mr. Escaleras Mejía's murder.¹³⁶ Investigations at the murder scene were belated, and evidence such as the shell casings and bloodstains were not preserved.¹³⁷ Additionally, there was an unjustifiable lag during the entire criminal process, and participants were not provided safety such as in the case of Mr. Martínez's murder and the pressure on officers from the DGIC.¹³⁸ Finally, the time period for proceedings spanned from 1997 to 2011, exceeding reasonable standards for delivering domestic justice.¹³⁹ The Court also noted that at the time of the Merits report, there was still partial impunity for Mr. Escaleras Mejía's case, with high nation-wide rates of impunity for crimes against human rights defenders overall.¹⁴⁰ For all these reasons, the Court found the State responsible for violating Articles 8(1) and 25(1) of the American Convention to the detriment of Mr. Escaleras Mejía's relatives.¹⁴¹

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. Judgement as a Form of Reparation

The Court stated that the judgement itself comprises a form of reparation.¹⁴²

2. Produce and Broadcast a Documentary on Mr. Escaleras Mejía

¹³³ Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 47.

¹³⁴ *Id.*

¹³⁵ *Id.* ¶ 48.

¹³⁶ *Id.* ¶¶ 48-49.

¹³⁷ *Id.* ¶ 48.

¹³⁸ *Id.* ¶ 50.

¹³⁹ Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 51.

¹⁴⁰ *Id.*

¹⁴¹ *Id.* ¶ 52.

¹⁴² *Id.* ¶ 110(5).

The State must produce and broadcast a ten-minute documentary created on Mr. Escaleras Mejía's life and his work as a human rights activist.¹⁴³ This documentary is to be broadcasted on State Channel 8, the National Television of Honduras.¹⁴⁴

3. Create a Trust for Mr. Escaleras Mejía's Children

In the Friendly Settlement Agreement, the State agreed to create a trust for \$30,000 for Mr. Escaleras Mejía's two children to pursue secondary and university education.¹⁴⁵ The State must satisfy the terms agreed upon in the trust for Mr. Escaleras Mejía's children, Ms. Marta Agripina Escaleras Alvarenga and Mr. Douglas Arnaldo Escaleras Alvarenga.¹⁴⁶

4. Obligation to Investigate, Prosecute, and Punish

The State is required to execute an exhaustive investigation on Mr. Escaleras Mejía's murder to determine responsibilities, clarify facts, and punish those responsible when appropriate.¹⁴⁷ To do this, the State must remove obstacles that create biases, report a progress of the investigation, and allow victims to participate in the investigation.¹⁴⁸ The Special Prosecutor for Human Rights of Honduras is to carry out the investigation.¹⁴⁹ The State must revoke any past, fraudulent decisions not to investigate, prosecute, or penalize perpetrators.¹⁵⁰ Further, the State agreed to inform Mr. Escaleras Mejía's relatives of the progress and results of the investigation at least every six months, and provide them with a report of the actions taken.¹⁵¹

In addition, the State must investigate any procedural deficiencies in the judicial process and identify, prosecute, and punish any state agents that it finds responsible.¹⁵²

5. Guarantees of Non-Repetition

The Court ordered the State to approve and enforce a due diligence protocol when investigating crimes against human rights defenders to prevent such investigative deficiencies.¹⁵³ The protocol must incorporate international standards and best practices in accordance with the type of crime; the intercultural perspective and gender in the crime investigation; the context in which human rights activists execute their work; and the risks inherent in human rights defenders' work.¹⁵⁴

Additionally, the State must report its compliance status and the actions that it adopts to implement said protocol, leading up to a final report.¹⁵⁵ In the Friendly Settlement Agreement, the State promised to create a group comprised of individuals from the Special Prosecutor for Human Rights of the Strategic Module for Criminal Prosecution of the Conventions and Internationals of the Public Ministry, members of the Special Prosecutor's

¹⁴³ Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 92.

¹⁴⁴ *Id.*

¹⁴⁵ *Id.* ¶¶ 96-97.

¹⁴⁶ *Id.* ¶ 110(6)(c).

¹⁴⁷ *Id.* ¶ 85.

¹⁴⁸ *Id.*

¹⁴⁹ Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 85.

¹⁵⁰ *Id.*

¹⁵¹ *Id.* ¶ 87.

¹⁵² *Id.* ¶ 89-91.

¹⁵³ *Id.* ¶ 98.

¹⁵⁴ *Id.*

¹⁵⁵ Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶¶ 100-101.

section on crimes against life, and investigation protocols specialists.¹⁵⁶ Further, the State is required to create a Commission to analyze the effectiveness of and propose reforms to the Witness Protection Law, a law that protects witnesses in criminal proceedings.¹⁵⁷ For the Witness Protection Law to be applied effectively, the Court ordered the State to accept and incorporate observations from organizations similar to the Inter-Institutional Commission.¹⁵⁸

Finally, the Court ordered the State to make a proposal that improves inter-institutional coordination when it comes to conducting investigations of crimes against human rights defenders.¹⁵⁹ The proposal must be presented to the organizations representing the victims within five months of May 15, 2015 and must assess and implement any observations received no longer than twelve months after receiving them.¹⁶⁰

*B. Compensation*¹⁶¹

The Court awarded the following amounts:

1. Pecuniary Damages

[None]

2. Non-Pecuniary Damages

[None]

3. Costs and Expenses

[None]

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

[None]

C. Deadlines

The State must comply with the measures adopted in the Judgment within one year of its notification and submit a report to the Court.¹⁶² The Court will monitor the State's compliance with this Judgment, exercising its powers and duties under the American Convention on Human Rights.¹⁶³ The case will be considered closed by the Court once the State has satisfied all the provisions noted herein.¹⁶⁴

¹⁵⁶ Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, ¶ 99.

¹⁵⁷ *Id.* ¶ 103.

¹⁵⁸ *Id.* ¶ 110(6)(g).

¹⁵⁹ *Id.* ¶¶ 106-107.

¹⁶⁰ *Id.* ¶ 107.

¹⁶¹ According to the Friendly Settlement Agreement, the State paid for costs and expenses, as well as pecuniary compensation, to Mr. Escaleras Mejía's relatives. The Court decided not to refer to nor supervise the compliance of these reparations since both parties have stated they had become effective. *Id.* ¶¶ 83, 110.

¹⁶² Escaleras Mejía et al. v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, "And Have" ¶ 7.

¹⁶³ *Id.* "And Have" ¶ 8.

¹⁶⁴ *Id.*

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

[None]

VII. LIST OF DOCUMENTS

A. Inter-American Court

1. Preliminary Objections

[None]

2. Decisions on Merits, Reparations and Costs

Escaleras Mejía et al. v. Honduras, Merits, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 361 (September 26, 2018).

3. Provisional Measures

[None]

4. Compliance Monitoring

[None]

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[None]

2. Report on Admissibility

Escaleras Mejía et al. v. Honduras, Admissibility Report, Report No. 15/05, Inter-Am. Comm'n H.R., Case No. 59/03 (September 26, 2018).

3. Provisional Measures

[None]

4. Report on Merits

Escaleras Mejía et al. v. Honduras, Report on Merits, Report No. 43/14, Inter-Am. Comm'n H.R., Case 12.492 (July 17, 2014).

5. Application to the Court

[None]

VIII. BIBLIOGRAPHY

[None]