

**TECHNICAL INFORMATION SHEET**  
**CASE 12.961J FAUSTINO GARCÍA CÁRDENAS AND ANOTHER**  
**FRIENDLY SETTLEMENT REPORT No. 205/21**  
**TOTAL COMPLIANCE**  
**(HONDURAS)**

**I. SUMMARY OF THE CASE**

**Victim(s):** Faustino García Cárdenas and Federico Ponce Sorto  
**Petitioner(s):** Hugo Ramón Maldonado and Gladys Ondina Matamoros  
**State:** Honduras  
**Beginning of the negotiation date:** November 2014  
**FSA signature date:** June 29, 2021  
**Admissibility Report N°:** 57/14, approved on June 21, 2014  
**Friendly Settlement Agreement Report N°:** 205/21, published on September 4, 2021  
**Estimated length of the negotiation phase:** 6 years, 10 months  
**Rapporteurship:** N/A  
**Topics:** Judicial guarantees / Judicial protection

**Facts:** The petitioners claimed that the State had violated the right to due process protected under Articles 8 and 25 of the American Convention, in as much as the alleged victims had been unjustifiably dismissed based on Decree 58-2001. According to the petitioners, this decree authorized the Honduran Congress to “dismiss police personnel without considerations of any kind.” In this regard, the petitioners stated that even though the ongoing purge of the National Police was necessary to improve its operation, the legal procedure established to that end should have been followed. Accordingly, they indicated that a regular administrative process, with all the guarantees of any criminal process, should have preceded the dismissal.

**Rights declared admissible:** On July 21, 2014, the IACHR issued the Admissibility Report No. 57/14 on Case 12.961 Juan Gonzalez and others, related to the different petitions that were accumulated in said case. In its report, the IACHR concluded that it was competent to examine the alleged violation of articles 8 (judicial guarantees) and 25 (judicial protection) of the American Convention on Human Rights in connection with articles 1.1 and 2 of said instrument.

**II. PROCEDURAL ACTIVITY**

1. The IACHR published the Friendly Settlement Agreement Report on September 4, 2021, accounting for the full compliance of the friendly settlement agreement and consequently decided to cease its supervision and closed the case.

### III. ANALYSIS OF COMPLIANCE WITH THE CLAUSES OF THE FRIENDLY SETTLEMENT AGREEMENT

| Clause of the Agreement   | Status of Implementation |
|---|--------------------------|
| <b>SIXTH: SATISFACTION OF THE PETITIONERS</b>   |                          |
| <p>The Petitioner considers that compliance with the economic commitments undertaken through this friendly settlement agreement implies satisfaction of its claims in the case of Juan González et al (IACHR Case No. 12.961). The State of Honduras and the petitioners, through their legal representatives, taking as a reference the scale to which the dismissed personnel belonged at the time Decree 58- 2001 was issued, recognize and accept as the amount to be compensated the individual sum detailed below, in favor of the petitioners:</p> <p style="padding-left: 40px;">Police and Administrative: L. 320,000.00<br/>Classes: L. 400,000.00<br/>Officers: L. 700.000.00</p> <p>The amount set forth above shall be made in a single payment to the petitioners who have elected to avail themselves of this agreement. As for the percentage of professional fees, these shall be borne by the petitioners based on the agreement they have reached with their attorney.</p> | <b>Total<sup>1</sup></b> |
| <b>SEVENTH: METHOD OF PAYMENT OF FINANCIAL REPARATION</b>   |                          |
| <p>Following the petitioner's request that the amount offered to be paid in a single payment, the State undertakes to pay the aforementioned amount through the Secretariat of State in the Office of Security in a single payment no later than August 30, 2021, which includes the amount of the financial compensation agreed upon and, therefore, with the payment thereof, the State of Honduras is completely released from any compensation for the alleged facts and any subsequent claim. [...]</p>  | <b>Total<sup>2</sup></b> |

#### IV. LEVEL OF COMPLIANCE OF THE CASE

2. The Commission declared full compliance with the case and the ceasing of the follow-up of the friendly settlement agreement in the Homologation Report 205/21.

#### V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

##### A. Individual outcomes of the case

- The State paid an economic compensation of 1,020,000L (one million twenty thousand lempiras) or approximately \$42,961.19 (forty-two thousand nine hundred and sixty-one U.S dollars and nineteen cents) to the two beneficiaries of the agreement.

<sup>1</sup> IACHR, Report No. 205/21, Case 12.961 J. Friendly Settlement. Faustino Garcia Cárdenas y Otro. Honduras. Honduras. September 4, 2021. <https://www.oas.org/en/iachr/decisions/2021/HOSA12.961JEN.pdf>

<sup>2</sup> IACHR, Report No. 205/21, Case 12.961 J. Friendly Settlement. Faustino Garcia Cárdenas y Otro. Honduras. Honduras. September 4, 2021. <https://www.oas.org/en/iachr/decisions/2021/HOSA12.961JEN.pdf>