

TECHNICAL INFORMATION SHEET
CASE 12.961 H JUAN GONZALEZ AND OTHERS
REPORT ON FRIENDLY SETTLEMENT N° [287/22](#)
TOTAL COMPLIANCE
(HONDURAS)

I. SUMMARY OF THE CASE

Victim(s): Juan Gonzalez y otros
Petitioner(s): Comité para la Defensa de los Derechos Humanos en Honduras/Gladis Matamoros
State: Honduras
Date of the start of negotiations: November 2014
Date of signature of the FSA: September 18, 2019
Admissibility Report N°: [57/14](#)
Friendly Settlement Agreement Report N°: [287/22](#), published on November 8, 2022
Estimated duration of the negotiation phase: 5 years
Related rapporteurship: N/A
Topics: Judicial Guarantees/Judicial Protection

Facts: The petitioners alleged that the presumed victims were unjustifiably dismissed based on Decree 58-2001. According to the petitioners, this decree authorized the Congress of the Republic to “dismiss the police personnel without considerations of any kind”. In this regard, the petitioners stated that although the permanent purge of the National Police was necessary for its better functioning, the legal procedure established for it must have been followed. In this regard, they indicated that a regular administrative process, which would have all the guarantees of any criminal process, should have preceded the dismissal. On the other hand, the petitioners pointed out that by resolutions of March 13, 2003, the Supreme Court of Justice of Honduras declared the unconstitutionality and inapplicability of Decree 58-2001. In this regard, they stated that although Article 316 (2) of the Honduran Constitution stipulates that when declaring the unconstitutionality of the law, it will be of general effect and of immediate application, the Supreme Court established that its ruling had no retroactive effect and that therefore, the declaration of unconstitutionality in favor of the alleged victims would not be applied. According to the petitioners, since the aforementioned decree was declared unconstitutional, it should also have been applied to the benefit of all the persons affected by it.

Rights declared admissible: On July 14, 2014, the IACHR declared the petition admissible in relation to articles 8 (fair trial) and 25 (judicial protection) of the American Convention, in relation to its articles 1.1 (obligation to respect rights) and 2 (domestic legal effects).

II. PROCEDURAL ACTIVITY

1. On September 18, 2019, the parties signed a friendly settlement agreement.
2. On November 8, 2022, the Commission approved the agreement signed by the parties, by means of Report No. 287/22.

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

Clauses of the agreement	Status of compliance
SIXTH: SATISFACTION OF THE PETITIONERS	
<p>The petitioning party considers that compliance with the economic commitments assumed by means of this friendly settlement agreement entails the full satisfaction of its claims in the Juan González et al. case (IACHR case No. 12.961) and its respective disaggregated cases.</p> <p>The State of Honduras and the petitioners through their legal representative, using 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 paid in compensation the individual sums detailed below in favor of each of the petitioners:</p> <p style="padding-left: 40px;">Police officers and administrators: L. 320,000.00</p> <p style="padding-left: 40px;">Classes: L. 400,000.00</p> <p style="padding-left: 40px;">Officials: L. 700,000.00</p> <p>The amount as stated will be paid in a single payment to each of the petitioners who have decided to adhere to this agreement.</p> <p>The percentage for professional fees will be assumed by the petitioners based on the agreement they have made with their representative.</p>	Total¹
SEVENTH: METHOD FOR PAYMENT OF ECONOMIC REPARATION	
<p>Seventh: Method for Payment of Economic Reparation: In accordance with the request made by the petitioners that the amount offered be paid in a single payment, the State agrees to make the above-indicated amounts effective through the intermediary of the State Secretariat's Security Office, in a single payment no later than October 15, 2019, fully covering the economic compensation agreed upon and thus payment thereof, and the State of Honduras is completely released from any restitution due to the alleged events and any subsequent claim. [...]</p>	Total²

IV. LEVEL OF COMPLIANCE OF THE CASE

3. The Commission declared full compliance with the case and the ceasing of the follow-up of the friendly settlement agreement in the Homologation Report No. 287/22.

V. INDIVIDUAL AND STRUCTURAL OUTCOMES OF THE CASE

A. Individual outcomes of the case

- The State paid financial compensation to the 27 beneficiaries of the friendly settlement agreement of a total amount of 11,686,666 L (eleven million, six hundred eighty-six thousand, six hundred sixty-six lempira) or approximately \$474,869.21 (four hundred seventy-four thousand, eight hundred sixty-nine dollars and twenty-one cents)³.

¹ IACHR, Report No. 287/22, Case 12.961 H. Friendly Settlement. Juan Gonzalez and Others. Honduras, November 8, 2022. Available at: https://www.oas.org/en/iachr/decisions/2022/HNSA_12.961H_EN.PDF

² IACHR, Report No. 287/22, Case 12.961 H. Friendly Settlement. Juan Gonzalez and Others. Honduras, November 8, 2022. Available at: https://www.oas.org/en/iachr/decisions/2022/HNSA_12.961H_EN.PDF

³ Conversions to American dollars are derived from the free Google converter search available on the market dated August 17, 2022.