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REPORT No. 212/20

CASE 12.891

FRIENDLY SETTLEMENT

ADAN GUILLERMO LOPEZ LONE AND OTHERS
HONDURAS

Electronically approved by the Commission on August 17, 2020.

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I. SUMMARY AND PROCEDURAL ASPECTS RELATED TO THE FRIENDLY SETTLEMENT PROCESS

1. On April 27, 2006, the Inter-American Commission on Human Rights (hereinafter “the Commission” or “IACHR”) received a petition presented by the Committee of Detained Family Members in Honduras, COFADEH (hereinafter “petitioners”) representing Adán Guillermo López Lone, Edwin Dagoberto López Lone, Gilda María Rivera Sierra, Ana Suyapa Rivera Sierra, Marlén Irasema Jiménez Puerto and Milton Danilo Jiménez Puerto (hereinafter “alleged victims”), in which the international responsibility of the State of Honduras was alleged (hereinafter “State” or “Honduran State” or “Honduras”), for the violation of human rights contemplated in articles 5 (personal integrity), 7 (personal liberty), 8 (judicial guarantees) and 25 (judicial protection), in relation to Articles 1 (obligation to respect) and 2 (obligation to adopt provisions of domestic law) of the American Convention on Human Rights, (hereinafter “Convention” or “American Convention”), to the detriment of the alleged victims, derived from their arrest by State agents, without a judicial order, during which they were subjected to torture, and Gilda María Rivera Sierra and Marlén Irasema Jiménez Puerto were subjected to sexual violence, while Adán Guillermo López Lone and Milton Danilo Jiménez Puerto have been subjected to an arbitrary criminal proceeding.

2. On November 13, 2012, the Commission issued Admissibility Report No. 114/12, declaring the petition admissible and declaring itself competent to hear the claim presented by the petitioners regarding the alleged violation of the rights contained in Articles 5, 8, 11, 13, 15, 16, and 25 contained in the American Convention.

3. The parties signed a Friendly Settlement Agreement on June 19, 2017, in the city of Tegucigalpa.

4. On May 30, 2020, the petitioner requested the Commission to approve and publish the friendly settlement agreement reached in this case, indicating the partial implementation of the aforementioned agreement, and to continue to monitor it publicly in the specific point related to the justice measures until their total compliance.

5. This friendly settlement report, pursuant to Article 49 of the Convention and Article 40(5) of the Commission’s Rules of Procedure, outlines the facts alleged by the petitioners and transcribes the friendly settlement agreement, which was signed on June 19, 2017, by the petitioners and representatives of the Honduran State. In addition, the agreement signed by the parties is approved, and it is agreed to publish this report in the Annual Report of the IACHR to the General Assembly of the Organization of American States.

II. FACTS ALLEGED

6. According to what the petitioners reported, during the 1980’s, Adán Guillermo López Lone, Edwin Dagoberto López Lone, Gilda María Rivera Sierra, Marlén Irasema Jiménez Puerto and Milton Danilo Jiménez Puerto were part of the Revolutionary University Force (FUR), an organization legally registered at the National Autonomous University of Honduras, of which they were students at the time of the events. According to the petitioners, the activities of this organization would have been carried out strictly within the university sphere and its activities would have been public and had an ideological tendency to oppose the government of the time. Furthermore, they added that Ana Suyapa Rivera Sierra would not have belonged to any student or political organization.

7. The petitioners stated that on April 27, 1982, at around 5.30 am, the house where the alleged victims resided in the Miraflores neighborhood, city of Tegucigalpa, was allegedly raided by six armed men. They reported that the father of Gilda María and Ana Rivera Sierra, Mr. Rafael Rivera Torres, who rented the property, requested to see the arrest warrants, however, he did not receive any response from the armed men who were at the scene and he was supposedly arrested as well. Both Mr. Rafael Rivera Torres and the alleged victims were reportedly separated and transferred to the police squad located in the Manchén neighborhood in different double-cab pick-up vehicles, with tinted windows and without identification plates. According to what the petitioners reported, the events happened in full view of the residents of the neighborhood.

8. The petitioners reported that, in the facilities of the police squad located in the Barrio el Manchén, the alleged victims were supposedly placed in cells and held *incomunicado*, while Mr. Rafael Rivera Torres was taken to his home and forced to allow the search of the property. Said procedure allegedly occurred in the presence of the vice-rector of the National University, a deputy from the National Congress and a neighbor of the alleged victims. At the end of the search, Mr. Rivera Torres reportedly presented himself in the police squad in order to find out the whereabouts of the six youths.

9. The petitioners informed that, in the cells of the police squad where the alleged victims were detained, they had been interrogated regarding generalities of their personal lives and political issues. They reported that they remained blindfolded; hands tied and gagged, until the night of that same day, at which time they were transferred to a house allegedly located at about 45 minutes from the city of Tegucigalpa, a place where they allege that the acts of physical, verbal and psychological violence would have taken place.

10. According to the petitioners, the alleged victims would have been beaten and threatened with death, and that particularly Gilda María Rivera Sierra and Marlén Irasema Jiménez Puerto would have been threatened with being raped. The interrogations were supposedly carried out separately asking questions regarding university policy, student leaders and the organization of which they were part. They reported that men and women had been kept in separate rooms, where they were also deprived of food and that some had to alleviate their physiological needs in their clothing because they had rarely been allowed access to sanitary facilities and, when they allowed it, it would have been in the custody of a person.

11. The petitioners alleged that Guillermo López Lone had remained locked in a closet, gagged, with his hands and feet tied, and that they had used rubber to cover his head and face while they beat him. Likewise, Edwin López Lone, Guillermo's brother, was allegedly brutally beaten and interrogated, and they used a rubber to suffocate him as well. On the other hand, they also reportedly told him that his brother was already dead and buried. Regarding Milton Jiménez Puerto, the petitioners indicated that he had been the victim of kicks in different parts of the body, threats that they would kill his parents and that they would have told him that Guillermo was already dead. Ana Suyapa Rivera Sierra would have remained under some stands with her eyes blindfolded and her hands tied; in addition, she would have been able to recognize one of the people who would have participated in the arrest.

12. According to the petitioners' account, both Gilda Rivera Sierra and Marlén Irasema Jiménez Puerto were allegedly victims of physical, verbal, psychological, and sexual violence. Regarding Gilda Rivera Sierra, the captors would have beaten her on the back and would have told her that they were going to kill her, rape her and that her body would never be found. In addition, they would have put her in a bathroom and undressed her while they repeated that they were going to rape her. Likewise, Marlén Irasema was allegedly threatened to torture her "like the guerrillas in El Salvador, by applying electric shocks to her vagina and chest, opening her legs and putting a mouse inside her." In addition, they told her that one of the boys had died and that before that, he told them the truth about her. The petitioners also pointed out that she was forcibly placed in a closet and that a subject they referred to as "the peasant" would have touched her body and tried to kiss her, to which she resisted and "the peasant" would have responded that "he was doing her a favor since they were going to kill her".

13. The petitioners indicated that three *habeas corpus* remedies would have been filed, with the request that an investigation be carried out regarding the whereabouts of the youths. However, the remedies

were reportedly considered inadmissible since the judges had not found evidence of arrest records of the alleged victims. They reported that the Supreme Court had ordered that the proceedings be filed and that these resources be added to judicial file 445-82 of the Supreme Court of Justice.

14. According to the petitioners, Marlén Irasema Jiménez Puerto, Edwin Dagoberto López Lone, Gilda Rivera Sierra and Ana Suyapa Rivera Sierra, were reportedly released on May 4, 1982, without apparent explanation. On the other hand, Guillermo López Lone and Milton Jiménez Puerto remained detained and some men in civilian clothes and others in military attire, on May 7, supposedly made them sign documents that they were not allowed to read, and they took their fingerprints and photographs. Both youths were reportedly brought before the First Criminal Court of the Francisco Morazán Department, on charges of "crimes that threaten State security and possession of national weapons." The petitioners alleged that the reference sheet stated that they were detained on April 27 of that year at 5:30 am for "resistance and showing indications that explosive materials were found in the aforementioned house." However, the petitioners claimed that such claims were false.

15. The petitioners alleged that, on May 7, 1982, a statement was taken from Milton Jiménez Puerto and Guillermo López Lone before the First Criminal Court of First Instance of the Department of Morazán, within the framework of the criminal process that was initiated against them. That same day, the arrest and transfer of the two young men, to the Central Penitentiary, was ordered. On May 13, the judge in charge of the case had issued a pretrial detention order for "totalitarian and dissociative activities against the republican, democratic and representative form of government" to the detriment of the Honduran State. That same day, they were both examined by a forensic doctor who reported that both young men had scars and abrasions on their wrists, with characteristics of being caused by a blunt weapon or rope, which would have shown at least signs of torture. According to the petitioners, said doctor would not have analyzed other injuries such as callousness and general headache indicated by the alleged victims, nor had he ordered a psychological study to determine the damage caused by the alleged torture.

16. The petitioners indicated that the attorney for the alleged victims presented a deposit bond so that they could be released on May 14, 1982, that same day the judge in charge considered it appropriate and ordered the provisional release of the two young detainees. The definitive dismissal of both was handed down on November 25, 1983 and confirmed by the Court of Appeals on December 15 of the same year.

17. The petitioners reported that the Office of the Human Rights Prosecutor had filed an accusation against nine officials, on July 21, 1995, suspected of being allegedly responsible for the crimes of attempted murder and illegal detention, to the detriment of the alleged victims. On December 4, 1995, the arrest warrant was issued against the accused State agents. The petitioners stated that only one of the accused agents was taken a statement and that no actions had been taken to find the whereabouts of the rest of the defendants, despite the existence of arrest warrants. On May 19, 2002, a conviction was issued against one of the accused state agents, imposing a sentence of four years in prison. The other defendants would have been released.

III. FRIENDLY SETTLEMENT

18. The following is the text of the friendly settlement agreement signed by the parties on June 19, 2017:

ADÁN GUILLERMO LÓPEZ LONE AND OTHERS
CASE IACHR 12.891
FRIENDLY SETTLEMENT AGREEMENT
PRESENTATION

This document contains **THE FRIENDLY SETTLEMENT AGREEMENT FOR THE CASE IACHR 12.891** referring to **ADÁN GUILLERMO LÓPEZ LONE AND OTHERS** signing from one side, the State of Honduras, on the one hand, duly represented by Attorney **ABRAHAM ALVARENGA URBINA**, in his capacity as Attorney General of the Republic, appointed by Legislative Decree No. 392-2013 dated January 24, 2014, duly authorized for this act by

Executive Agreement No. 54-2017, published in the Gazette No. 34,335 of May 11, 2017 in which it appears that the power to compromise was conferred; and on the other hand, Mrs. **BERTHA OLIVA DE NATIVÍ**, acting in her capacity as General Coordinator of the **COMMITTEE OF MISSING DETAINEES IN HONDURAS (COFADEH)**, who acts on behalf of Messrs. **ADÁN GUILLERMO LÓPEZ LONE, EDWIN LÓPEZ LONE, GILDA MARIA SIERRA, SUYAPA RIVERA SIERRA, MARLENE IRASEMA JIMÉNEZ PUERTO, MILTON DANILLO JIMÉNEZ PUERTO**, and Mr. **RAFAEL RIVERA TORRES** in the process of Merits before the IACHR, henceforth COFADEH and the victims; pursuant to General Power of Attorney for Lawsuits No. 656 dated November 29, 2001, granted in this city before the offices of Notary JOSÉ C. NUÑEZ VELASQUEZ. This agreement is concluded in accordance with the provisions of Articles 48, numeral 1, subparagraph f) and 49 of the American Convention on Human Rights regarding the friendly settlement of matters pending before the INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR). Knowledge that will become effective once this agreement is signed. Through which the State of Honduras undertakes to comply with the proposals that help to repair the victims for the damages caused and to create the necessary conditions so that the victims can regain life and full development: in accordance with the following parameters:

FIRST: BACKGROUND:

On April 27, 2007, the IACHR received the petition from the Committee of Relatives Detained in Honduras (COFADEH), on behalf of Adán Guillermo López Lone, Edwin Dagoberto López Lone, Gilda Rivera Sierra, Ana Suyapa Rivera Sierra, Marlén Irasema Jiménez Puerto and Milton Danilo Jiménez Puerto, against the State of Honduras. The petition alleges that the alleged victims were detained on April 27, 1982, by State agents, without a warrant, deprived of liberty and subjected to torture, and that Gilda María Rivera Sierra and Mallen Irasema Jiménez Puerto were subjected to sexual violence as well. They also allege that Adán Guillermo López Lone and Milton Danilo Jiménez Puerto were subjected to an arbitrary criminal proceeding. They also denounce the lack of investigation and punishment of those responsible for the reported events.

The petitioners maintain that the State violated (Sic) Articles 5 (personal integrity), 7 (personal liberty), 8 (judicial guarantees) and 25 (judicial protection) of the American Convention on Human Rights (hereinafter, "American Convention" or "Convention"), in relation to the obligation of respect and guarantee established in article 1.1. Regarding the requirement of prior exhaustion of domestic remedies, they argue that the exception provided for in Article 46.2.c of the American Convention is applicable. On October 29, 2007, the pertinent parts of the petition were transmitted to the State.

In its first response dated February 11, 2008, the State indicated that "it is analyzing the possibility of solving this matter through the friendly settlement process," and in its brief of September 8, 2008, it stated that "it reiterates the Honorable Inter-American Commission on Human Rights that there is a full disposition to try to resolve this petition through the friendly settlement process." The petitioners, for their part, in the note of May 23, 2008, declared themselves "open to accepting the offer of the State", adding that "the friendly settlement must contain the international terms and criteria in the field of human rights." Therefore, on February 23, 2009, the IACHR made itself available to the parties with a view to reaching a friendly settlement.

On November 13, 2012, the IACHR presented its Admissibility Report No. 114/12 Adán Guillermo López Lone et al., Honduras, in which the Commission concludes that it is competent to examine the claims presented by the petitioners regarding the alleged violation of Articles 5, 7, 8, 11, 13, 16, and 25 in accordance with Article 1.1 of the American Convention, and that these are admissible, pursuant to the requirements established in Articles 46 and 47 of the American Convention. In 2016, negotiations were resumed in this case and it was not until March 2017 that a final draft of the Friendly Settlement Agreement was reached.

SECOND: GENERALITIES.

It is established that, for the Friendly Settlement, under this arrangement, the parties considered the following parameters:

- a. The scope: Specifically refers to the violation of human rights by agents of the Honduran State, against **ADÁN GUILLERMO LÓPEZ LONE, EDWIN LÓPEZ LONE, GILDA MARÍA RIVERA SIERRA, ANA SUYAPA RIVERA SIERRA, MARLENE IRASEMA JIMÉNEZ PUERTO, MILTON DANILO JIMÉNEZ PUERTO and Mr. RAFAEL RIVERA TORRES** on April 27, 1982.
- b. Nature: Solve amicably a violation of rights protected by the American Convention on Human Rights, to which the State of Honduras is a party and, therefore, is obligated to fully repair the victims of the present case.
- c. The modality: Friendly Arrangement regulated by Articles 48, numeral 1, subsection f) and 49 of the American Convention on Human Rights and Article 40 of the Regulations of the Inter-American Commission on Human Rights.
- d. The determination of the beneficiaries: By designation of the Representatives directly includes the victims **ADÁN GUILLERMO LÓPEZ LONE, EDWIN LÓPEZ LONE, GILDA MARÍA RIVERA SIERRA, ANA SUYAPA RIVERA SIERRA, MARLENE IRASEMA JIMÉNEZ PUERTO, MILTON DANILO JIMÉNEZ PUERTO and Mr. RAFAEL RIVERA TORRES.**
- e. The pecuniary: It was agreed to establish a fixed compensation amount and an amount for the recognition of costs and expenses.
- f. It is agreed to allocate an economic fund for the preservation of historical memory, from which transfer will be made to the organization that represents the victims.

THIRD: JURISDICTION OF THE INTER-AMERICAN SYSTEM FOR THE PROTECTION OF HUMAN RIGHTS.

Honduras has been a State Party to the American Convention on Human Rights (CADH) since August 9, 1977 and recognized the contentious jurisdiction of the Inter-American Court of Human Rights on September 9, 1981.

FOURTH: AGREEMENT BETWEEN THE PARTIES.

In view of the Admissibility Report 114/12 dated November 13, 2012, and the study carried out by the State of Honduras of the case and within the framework of the friendly settlement process carried out between THE PETITIONERS and THE STATE OF HONDURAS, the facts that make up the factual basis of this Agreement are accepted and, therefore, the recognition of State responsibility for acts that violate human rights: right to personal integrity (article 5), right to personal liberty (Article 7), Judicial guarantees (Article 8), the right to the protection of honor and dignity (Article 11), rights to freedom of thought and expression (Article 13), of assembly (Article 15), right to freedom of association (Article 16), and judicial protection (Article 25), all of them together with the violation of Article 1.1 (the obligation to respect rights) and Article 2 of the American Convention on Human Rights, in detriment of: **ADÁN GUILLERMO LÓPE LONE, EDWIN LÓPEZ LONE, GILDA MARÍA RIVERA SIERRA, ANA SUYAPA RIVERA SIERRA, MARLENE IRASEMA JIMÉNEZ PUERTO, MILTON DANILO JIMÉNEZ PUERTO, and Mr. RAFAEL RIVERA TORRES.**

To cover the pecuniary part, the State of Honduras undertakes to verify the payment through the Secretary of State in the Finance Office, which will initiate the pertinent procedures as soon as this duly signed document is presented to it, concluding the aforementioned procedures in the course of a year after the signing of the Friendly Settlement Agreement. This Agreement will be managed under the responsibility of the corresponding entities or Secretaries of State. The Office of the Attorney General of the Republic will coordinate and follow up on the actions necessary for full compliance with this Agreement. For its part,

COFADEH undertakes to accompany the stages of implementation of this Agreement, and to collaborate so that it can become effective.

FIFTH: BENEFITS ASSUMED BY THE STATE OF HONDURAS IN COMPLIANCE WITH COMMITMENTS IN THE CURRENT CONTEXT.

The State of Honduras continues to carry out normative and inter-institutional reforms in matters of professionalization and training in the field of Human Rights for the National Police and the Armed Forces; as well as the establishment of internal mechanisms for the protection and defense of the Human Rights of the Honduran population, supervision and control of police activity, the Judicial System and Constitutional Control, Criminal Procedures, oversight and transparency of public management, intersectoral coordination in justice and security. Likewise, important international human rights instruments are part of domestic law, which have expanded the legal framework for their protection.

A. MEASURES OF SATISFACTION

The terms and contents of this Friendly Settlement are developed in light of international standards on human rights, widely recognized by the organs of the Inter-American System for the protection of Human Rights, by virtue of which, both victims and their families, have the right to have the *status quo* prior to the time of the events reestablished and, if this is not possible, to have the damage repaired in another way that, in good faith and according to criteria of reasonableness, replaces the restitution in kind.

The State of Honduras, through the Secretary of State in the Security Office and the Public Ministry, agrees to continue with the investigation, in its case, capture, and bring criminal actions against agents of the State of Honduras, which caused damage to the victims **ADÁN GUILLERMO LÓPEZ LONE, EDWIN LÓPEZ LONE, GILDA MARÍA RIVERA SIERRA, ANA SUYAPA RIVERA SIERRA, MARLENE IRASEMA JIMÉNEZ PUERTO, MILTON DANILO JIMÉNEZ PUERTO** and Mr. **RAFAEL RIVERA TORRES**. At all stages, victims and their families will have the right to be informed about the proceedings carried out, as well as the result thereof.

B. MAKE THE RIGHT TO THE TRUTH EFFECTIVE:

The jurisprudence of the Inter-American Court has been extensive in relation about the right of victims, their families, society and the collective memory to know the truth of what happened. Therefore, the State commits to transfer to the Committee of Relatives of Disappeared Detainees in Honduras the sum of **FOUR MILLION FIVE HUNDRED THOUSAND EXACT LEMPIRAS** (Lps. 4,500,000.00) so that said Committee acquires through a sale the property that belonged to Colonel Amílcar Zelaya, better known as the *Casa de Amarateca*, located in the Amarateca Valley, next to the Río del Hombre, where the victims of the present case were detained, held *incomunicado* and tortured. The transfer of the aforementioned amount will be effective no later than six months after the signing of this Friendly Settlement Agreement.

If COFADEH fails to acquire the property in reference to the amounts given as compensation by the State, it will develop an alternative project of historical memory as a guarantee of non-repetition, preserving the collective memory of serious violations of human rights, that promotes knowledge and reflection on the past, to avoid repeat situations of intolerance and violation of human rights such as those experienced by the victims of the present case.

The COFADEH, once the property has been acquired or the alternative project to which mention has been made, will accredit said action before the Office of the Attorney General of the Republic by sending the relevant documentation that accredits the sale or execution of the

alternative project. For which a period is set as one year, counted from the corresponding transfer of funds to COFADEH.

C. PUBLIC ACKNOWLEDGMENT OF RESPONSIBILITY:

The Inter-American Court of Human Rights has considered that a way of repairing the damages caused to the victim and their families, of restoring their dignity and preventing recurring acts of human rights violations is the acknowledgment of responsibility and the apology request to the offended.

The petitioners, the victims, and their families, consider it satisfied with the performance of a public act of redress in which the State acknowledges that it violated Article 7 (right to personal liberty), Article 5 (right to personal integrity), Article 11 (the right to respect for their honor and to the recognition of their dignity), Article 13 (rights to freedom of expression), Article 15 (of assembly), Article 16 (right to freedom of association), Article 8 (Guarantees judicial) and 25 (to judicial protection) all of them together with the violation of Article 1 (1) (the obligation to respect rights) and Article 2 of the American Convention on Human Rights to the detriment of **ADÁN GUILLERMO LÓPEZ LONE, EDWIN DAGOBERTO LÓPEZ LONE, GILDA MARÍA RIVERA SIERRA, ANA SUYAPA RIVERA SIERRA, MARLEN IRAZEMA JIMÉNEZ PUERTO, MILTON DANILO JIMÉNEZ PUERTO** and Mr. **RAFAEL RIVERA TORRES**.

The act must have the presence of high-ranking officials of the State, among whom must be the President of the Republic, President of the Supreme Court of Justice, President of the Legislative Branch, Secretary of Human Rights, Justice, Governance and Decentralization, the National Commissioner for Human Rights, the Attorney General of the Republic, the Secretary of State in the Foreign Affairs Offices and the Attorney General of the Republic, or their representatives. In addition, the presence of the accredited national and international press in Honduras and the United Nations bodies with a presence in the country must be present.

Likewise, a list of the violating facts and the acknowledgment of the international responsibility of the State of Honduras for the facts of the case *sub judice* must be published in a newspaper of national circulation and on the portals of the competent Secretariats, and that of the Attorney General's Office.

SIXTH: ECONOMIC REPARATION

The State of Honduras recognizes the right of the victims **ADÁN GUILLERMO LÓPEZ LONE, EDWIN LÓPEZ LONE, GILDA MARÍA RIVERA SIERRA, ANA SUYAPA RIVERA SIERRA, MARLENE IRASEMA JIMÉNEZ PUERTO, MILTON DANILO JIMÉNEZ PUERTO** and Mr. **RAFAEL RIVEROS** for the violations suffered.

The State of Honduras and the Committee of Relatives of Detainees, Disappeared in Honduras (COFADEH), as representative of the victims, recognize and accept as value to be compensated as compensation for damages caused the sum of XXX (XXX)¹ that will be delivered to victims according to the assessments summarized in the following table:

Names of the beneficiaries	Property damage	Non-pecuniary or moral damage	EXPENSES AND COSTS	Total in \$
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¹ The parties decided to reserve the amounts of financial compensation, as established in clause eight of the friendly settlement agreement signed on June 19, 2017.

	Emerging damage	Lost profit		Victims	Representatives	
Jerónimo Jiménez	\$ XX	\$ XX				\$ XX
Mónica Puerto de Jiménez	\$ XX	\$ XX				\$ XX
Haydeé Lone de López	\$ XX	\$ XX				\$ XX
Maynor López Lone	\$ XX					\$ XX
Adán Guillermo López Meija	\$ XX	\$ XX				\$ XX
Vilma Esperanza Joya de	\$ XX	\$ XX				\$ XX
Adán Guillermo López Lone			\$ XX	\$ XX		\$ XX
Edwin Dagoberto			\$ XX	\$ XX		\$ XX
Gilda María Rivera Sierra		\$ XX	\$ XX	\$ XX		\$ XX
Ana Suyapa Rivera Sierra			\$ XX	\$ XX		\$ XX
Marlen Irazema Jiménez Puerto			\$ XX	\$ XX		\$ XX
Milton Danilo Jiménez Puerto			\$ XX	\$ XX		\$ XX
Rafael Rivera Torres			\$ XX	\$ XX		\$ XX
COFADEH					\$ XX	\$ XX
TOTAL	\$ XX	\$ XX	\$ XX	\$ XX	\$ XX	\$ XX

The aforementioned values will be effective through the Secretary of State in the Finance Office within a maximum period of one year, counted from the signing of this Friendly Settlement Agreement, in relation to **ADÁN GUILLERMO LÓPEZ LONE, EDWIN LÓPEZ LONE, GILDA MARIA RIVERA SIERRA, SUYAPA RIVERA SIERRA, MARLENE IRASEMA JIMÉNEZ PUERTO, MILTON DANILO JIMÉNEZ PUERTO** and Mr. **RAFAEL RIVERA TORRES**.

In the case of Mr. **RAFAEL RIVERA TORRES**, who died before the signing of this Agreement, the disbursements corresponding to the compensation detailed above will be effective to his heirs: His wife by civil marriage, Vilma Esperanza Joya Mendoza Vda. de Rivera, identity by replacement xxxx-xxxx-xxxxx, their Sons and Daughters: Gerardo Rafael Rivera Sierra, identity xxx-xxxx-xxxx, Ana Suyapa Rivera Sierra, Identity xxxx-xxxx-xxxx, Gilda María Rivera Sierra, identity xxxx-xxxx-xxxxx, Vilma Isabel Rivera Joya, identity xxxx-xxxx-xxxxx and Reina Rivera Joya, daughter, identity xxxx-xxxx-xxxxx, prior to the declaration of inheritance that accredits such extreme. In the event of a family member of the aforementioned man with expectations of the right to monetary compensation based on this Agreement; must proceed in accordance with the provisions of the tenth numeral of this Agreement.

The payments provided in this Friendly Settlement are exempt from any existing or future tax lien or tax, including income tax.

SEVENTH: REQUESTS TO THE IACHR AND THE SUPERVISION PROCESS

Pursuant to Article 40 of the IACHR Rules of Procedure, the parties will request the Illustrious Commission to evaluate compliance with this agreement and, in due course, make the corresponding determinations pursuant to the provisions of its regulations and the American Convention on Human Rights.

Both parties request that the IACHR evaluate the progress in compliance with the points agreed upon within twelve months from the signing of this agreement. For such effects, thirty days before the expiration of the aforementioned period, or the period determined by the IACHR, the State will provide a report on compliance with the points referred to in this agreement, which will be subsequently forwarded to the petitioning organizations.

The parties expressly state that this agreement is governed by the principle of good faith and that its signing establishes the basis for a consensual solution to this case to comply with the proposals contained in the clauses described above. However, in the event of non-compliance, the IACHR may submit the case to the corresponding procedure in accordance with the American Convention and its Regulations.

The parties request that the Illustrious Commission, in accordance with the provisions of Article 48 of the American Convention, issue the corresponding friendly settlement report, only and exclusively after the State of Honduras complies with all of the agreement, which will be valued from information provided by both parties.

EIGHTH: CONFIDENTIALITY

The parties undertake to keep strict confidentiality of the amounts corresponding to financial compensation and the personal data of the victims.

NINTH: VALIDITY

This agreement comes into force from the day of its signature and will conclude until full compliance with the commitments assumed therein.

TENTH: INTERPRETATION OF THE AGREEMENT.

It is agreed that, in the event of any family member of the victims with expectations of the right to financial compensation based on this Agreement; This must be recognized and canceled, where appropriate, by the victims or beneficiaries of this Agreement, charged to the amounts received by them, so that the State of Honduras is released from any claim in this regard.

ELEVENTH: MODIFICATIONS.

This agreement may be modified, added or revoked by mutual agreement by parties; these must be in writing and take effect from its signature.

TWELFTH: SATISFACTION OF THE PARTIES

The parties express their full agreement and satisfaction with the agreements reached and reflected in this document.

IV. DETERMINATION OF COMPATIBILITY AND COMPLIANCE

19. The IACHR reiterates that, in accordance with articles 48.1.f and 49 of the American Convention, this procedure has the objective of "reaching a friendly settlement of the matter on the basis of the respect for the human rights recognized in this Convention". The consent to undertaking this procedure expresses the good will of the State to fulfill the purposes and objectives of the Convention and in light of the *pact sunt servanda* principle, by which States must perform in good faith the obligations undertaken in treaties.² It also wishes to reiterate that the friendly settlement procedure established in the Convention allows for

² Vienna Convention on the Law of Treaties, U.N. Doc A/CONF.39/27 (1969), Article 26: "**Pacta sunt servanda**". *Every treaty in force is binding upon the parties to it and must be performed by them in good faith.*

termination of individual cases in a non-contentious manner and has proven, in cases related to numerous countries, to offer an important vehicle for resolution that may be utilized by both parties.

20. The Inter-American Commission has followed closely the development of the friendly settlement at which the parties arrived in this case and values highly the efforts deployed by both parties during the negotiation of the agreement to conclude this friendly settlement that is compatible with the object and purpose of the Convention.

21. In light of Resolution 3/20 of the IACHR on differentiated actions to address the procedural backlog in friendly settlement procedures, since the signing of the agreement, the parties will have two years to advance towards their approval by the Inter-American Commission on Human Rights, except for duly qualified exceptions by the Commission. In relation to those matters with signed agreement and without homologation in which the foreseen term has expired, the Commission will determine its course of action taking into particular consideration the duration of the compliance phase, the antiquity of the petition and the existence of fluid dialogues between the parties and / or substantial progress in the compliance phase. In said Resolution, the Commission established that when evaluating the origin of the approval of the agreement, or the closure or maintenance of the negotiation process, the IACHR will consider the following elements: a) the content of the text of the agreement and whether it has a clause of full compliance prior to approval; b) the nature of the agreed measures; c) the degree of compliance thereof, and in particular the substantial execution of the commitments assumed; d) the will of the parties in the agreement or in a subsequent written communication; e) its suitability with human rights standards and f) the observance of the State's will to fulfill the commitments assumed in the friendly settlement agreement, among other elements.³

22. Regarding the content of the text of the agreement, the Commission observes that, as established in point seven of the agreement on the follow-up mechanism, the parties request the IACHR to ratify the agreement and its homologation when all the obligations provided therein have been fully complied. Once Resolution 3/20 in the particular case was notified to the petitioner, on May 30, 2020, the petitioner requested the Commission to approve and publish the friendly settlement agreement reached in this case, establishing the indication of the partial implementation of the aforementioned agreement and requested that it continue to monitor publicly the specific point related to the measures of justice until its full compliance.

23. Regarding the nature of the measures agreed upon, the Commission observes that the agreement establishes instant enforcement measures such as carrying out an act of acknowledgment of responsibility, handing over a monetary sum to COFADEH in order to acquire the property where the events occurred and develop a project to preserve the historical truth of the facts and pay financial compensation to the victims. Likewise, the inclusion of successive execution clauses is observed, such as the continuation of the investigation into the facts of the case, in its case, the capture and criminal actions against those responsible.

24. Regarding the degree of fulfillment of the agreement, the Commission values the advances in relation to each of the clauses of the agreement as follows.

25. The Inter-American Commission values the fourth declaratory clause in which the international responsibility of the Honduran State for the violation of the rights to personal integrity, personal liberty, protection of honor and dignity, freedom of thought and expression, freedom of association, judicial guarantees and judicial protection is recognized, established in Articles 5, 7, 8, 11, 13, 15, 16 and 25 of the American Convention, to the detriment of Adán Guillermo López Lone, Edwin Dagoberto López Lone, Gilda María Rivera Sierra, Marlén Irasema Jiménez Puerto, Ana Suyapa Rivera Sierra, Rafael Rivera Torres and Milton Danilo Jiménez Puerto.

26. In relation to point A of the fifth clause, related to the investigation, the Honduran State reported on June 27, 2009 that the steps to follow to speed up the process have been instructed, to complete the plenary stage of the investigation and issue the respective conclusions that allow obtaining the final

³ In this regard, see IACHR, Resolution 3/20 on differentiated actions to address the procedural delay in friendly settlement procedures, approved on April 21, 2020.

sentence. Likewise, it reported that the Public Ministry has indicated the difficulty in obtaining or providing new evidence, as it is a judicial case in accordance with the Code of Criminal Procedures of 1984. In their communication of May 30, 2020, the petitioners requested that this measure of the FSA be considered not to have been complied with, and requested that the State of Honduras proceed to reopen the criminal investigation and prepare a work plan that contains effective indicators and scheduled activities. Taking into consideration the information elements provided by the parties, the Commission considers that this end of the FSA is pending compliance, and urges the State to present a comprehensive report on the investigation carried out with respect to the facts of the case and to prepare a work plan with a schedule to continue deploying the corresponding actions in the area of investigation and justice.

27. Regarding point B of the fifth clause, referring to making effective the right to the truth through the transfer by the State of Honduras of four million five hundred thousand lempiras (Lps. 4,500,000.00), to the Family Committee of Disappeared Detainees in Honduras, in order for said committee to acquire, through sale and purchase, the Estate where the events occurred, located in the Amaratéca Valley, the State reported that said transfer was made effective on December 20, 2017. In this regard, on May 30, 2020, the petitioners confirmed that the transfer to COFADEH was made for the preservation of the truth measure, and that on January 15, 2018, the property was acquired for an amount of three million four hundred thousand Lempiras. (L. 3,400,000.00). As reported by the petitioner, in February 2018, COFADEH hired two architects to prepare an offer to rebuild the Casa Amaratéca, and whose offer was valued at eight hundred eighty-three thousand one hundred and three Lempiras with fifty-six cents (L. 833.103,56). The appraisal showed that the property presents infrastructure problems, typical of abandonment and weather for 20 years, during which time it would have been looted and occupied by people in street situation. The petitioners had also indicated in 2018 that, the remaining amount would be invested in the scientific exploration of the terrain with experts in forensic anthropology and archeology, which would be covered by COFADEH with its own funds. In this sense, the petitioners considered that this end of the agreement is fully complied.

28. The Honduran State, for its part, indicated on June 25, 2020, its conformity with the full compliance with this end of the agreement. In this regard, with both parties confirming compliance with the measure, the Commission considers that the State has complied with the commitment established in this point of the agreement and therefore declares it fully complied.

29. Regarding point C of the fifth clause, related to the act of acknowledgment of responsibility, the petitioners reiterated on February 7, 2019, and on February 26 and May 30, 2020, that the victims renounced the public act of apologies. The State, for its part, confirmed on June 25, 2020, its acceptance of the resignation as indicated by the petitioner. Based on the foregoing, the Commission understands that this end of the agreement became abstract and its supervision is not applicable.

30. Regarding clause six on economic reparations and costs and expenses, on September 6, 2018, the petitioners recognized the payment of economic compensation to the beneficiaries, pending the receipt of compensation by the next of kin of two of the victims who were completing a process of declaration of heirs in court to access the measure. On November 16, 2018, the State reported that on August 29, 2018, the checks had been effectively delivered to said heirs, considering the measure of economic reparation to have been fulfilled. The petitioners confirmed full compliance with this measure on August 21, 2019, through a written communication to the Commission, information that they reiterated on May 30, 2020. In this regard, both parties having confirmed compliance with the measure, the Commission considers that the State has complied with the commitment established in this point of the agreement and therefore declares it fully complied.

31. Regarding the suitability of the agreement with the standards on human rights, it is observed that the content of the ASA is consistent with the standards on human rights, since elements such as measures of satisfaction, non-repetition, and economic compensation and justice were included, which are considered appropriate within the factual scenario of the particular, being in accordance with the various pronouncements of the IACHR and the jurisprudence of the Inter-American Court of Human Rights regarding the reparation of victims of human rights violations.

32. Regarding the State's willingness to comply with the FSA, it should be noted that, according to the analysis of the case, it is observed that there has been a commitment by the State observed in the partial compliance with the friendly settlement agreement.

33. Based on the foregoing, the Commission considers that point B of the fifth clause (right to the truth) and the sixth clause (economic reparation) are fully complied with and declares it so. On the other hand, the Commission considers that point A of the fifth clause (continuation of the investigation and punishment of those responsible) is pending compliance. Finally, the IACHR considers that the rest of the content of the friendly settlement agreement is declarative in nature.

V. CONCLUSIONS

1. Based on the preceding considerations and pursuant to the procedure set forth in Articles 48.1.f and 49 of the American Convention, the Commission wishes to reiterate its deep appreciation for the efforts put forth by the parties and its satisfaction for achieving a friendly settlement in the instant case based on respect for human rights, and in a manner consistent with the object and purpose of the American Convention.

2. In accordance with the considerations and conclusions set forth in this report,

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

DECIDES:

1. To approve the terms of the agreements signed by the parties on June 19, 2017.
2. Declare full compliance with points B of the fifth clause (Right to the truth) and the sixth clause (Economic reparation) of the friendly settlement agreement, according to the analysis contained in this report.
3. Declare point A of the fifth clause pending compliance (continuation of the investigation and punishment of those responsible).
4. To make this report public and include it in its Annual Report to the OAS General Assembly.
5. To publish this report and include it in its Annual Report to the General Assembly of the OAS.

Approved by the Inter-American Commission on Human Rights on August 17, 2020. (Signed): Joel Hernández García President; Antonia Urrejola, First Vice President; Flávia Piovesan; Second Vice President, Esmeralda E. Arosemena Bernal de Troitiño, Julissa Mantilla Falcón and Edgar Stuardo Ralon Orellana, Members of the Commission.