

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-21/2024 English

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I/A Court H.R. Protecting Rights

HONDURAS IS INTERNATIONALLY RESPONSIBLE FOR THE ARBITRARY REMOVAL OF FOUR JUSTICES FROM THE CONSTITUTIONAL CHAMBER OF THE SUPREME COURT OF JUSTICE OF HONDURAS

San José, Costa Rica, April 1st, 2024.- In the Judgment notified today in the case of *Gutiérrez Navas et al. v. Honduras*, the Inter-American Court of Human Rights declared the international responsibility of the State of Honduras for the violation of judicial guarantees, the principles of freedom from ex post facto laws and independence of the judiciary, as well as the right to participate in government, right to judicial protection, job security and personal integrity of the justices José Antonio Gutiérrez Navas, José Francisco Ruiz Gaekel, Gustavo Enrique Bustillo Palma and Rosalinda Cruz Sequeira (hereinafter "the victims"). The State partially acknowledged its international responsibility in the instant case.

The official summary of the Judgment can be accessed [here](#) and the full text of the Judgment can be accessed [here](#).

The victims were appointed as justices of the Constitutional Chamber of the Supreme Court of Justice of Honduras for the period from January 26, 2009 to January 25, 2016. In 2012, the Chamber issued three rulings on constitutional motions that were criticized by then President Porfirio Lobo. On December 10, 2012, after the last of these rulings, National Congress appointed a special committee to investigate the administrative conduct of the victims, who had voted in favor of the decision. In the early hours of December 12, 2012, the committee presented a report in which it recommended to Congress that it assess the facts and consider removing the justices. The removal was approved by the majority of Congress in a session held while the building of the legislative branch was surrounded by members of the armed forces and police. The victims followed the events through TV broadcasts, none of them were notified of the proceedings taking place or the results of the motion that ended with their removal from office. An appeal for legal protection and other subsequent remedies filed by the victims were all rejected.

In its Judgment, the Inter-American Court determined that the victims were removed from office by an authority that lacked jurisdiction, which is a violation of the guarantee of independence of the judiciary. The Court also concluded that such action was a misuse of power, given that National Congress used the power to approve or disapprove the administrative conduct of the Judicial Branch (article 205 of the Constitution) to punish the alleged victims for their decisions and thus exert external pressure on the Judiciary.

Moreover, the Court determined that the removal of the justices took place in the absence of an established procedure, without legal basis for the causes for removal and the applicable sanction, and the victims were neither informed nor granted the opportunity to exercise the right to defend themselves. Based on the foregoing, it declared Honduras responsible for the violation of judicial guarantees (right to a fair trial) and the principle of freedom from ex post facto laws. Moreover, the Court indicated that the State infringed the guarantee of job security, along with the right to have access to and remain in public office, under general conditions of equality.

The Court also concluded that the State is responsible for the violation of the right to judicial protection of the victims, given that the appeal for legal protection filed was not an effective remedy.

Finally, the Court determined that Honduras violated the rights to judicial guarantees, judicial protection and personal integrity of the victims due to the lack of investigation, prosecution and punishment of those responsible for the acts of harassment and threats claimed by the victims.

The Court called to mind that one of the main goals of the separation of powers in a republic is to guarantee the independence of the judiciary and, to that end, the different political systems have created strict procedures for the appointment and removal of judges. Moreover, it noted that the takeover of judicial organs by other public powers transversally affects all democratic institutionality, which is a risk to the control of public power and the guarantee of human rights, since it undermines the institutional guarantees (i.e. checks and balances) that permit preventing the arbitrary exercise of power.

In this regard, the Court reiterated that there is a direct relationship between the institutional dimension of the independence of the judiciary and the right of those who exercise judgeship to have access to and remain in public office under general conditions of equality. Based on the above, it indicated that the guarantee of job security (right to remain in office) derived from the independence of the judiciary in turn entails that: (i) removal from office must exclusively obey the permitted causes, either through a process that complies with judicial guarantees or due to the end of the term of the mandate; (ii) judges can only be removed due to grave misconduct or disqualification; and (iii) any process against judges must be resolved according to the established regulations on judicial conduct and through proceedings that are just, objective and impartial, according to the Constitution or the law. This becomes imperative insofar as the free removal of judicial authorities creates objective doubt as to the effective possibility of exercising their functions without fear of retaliation.

Based on the violations declared, the Court ordered several reparation measures, including: 1) payment of compensation to the victims, 2) performing a public act of acknowledgment of responsibility, and 3) adopting legislative and any other measures necessary to adapt the internal body of law to the standards established in the Judgment regarding job security (right to remain in office) of individuals who exercise the judicial function.

Judges Eduardo Ferrer MacGregor Poisot and Rodrigo Mudrovitsch disclosed their joint concurring opinion; Judge Humberto Antonio Sierra Porto and Judge Patricia Pérez Goldberg disclosed their individual partially dissenting opinions.

The Court's composition for this Judgment was as follows: Judge Ricardo C. Pérez Manrique, President; Judge Eduardo Ferrer Mac-Gregor Poisot, Vice President; Judge Humberto Antonio Sierra Porto; Judge Nancy Hernández López; Judge Verónica Gómez; Judge Patricia Pérez Goldberg and Judge Rodrigo Mudrovitsch.

This press release was drafted by the Registrar's Office of the Inter-American Court of Human Rights; it is solely responsible for this document.


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