

Press Release

Inter-American Court of Human Rights

I/A Court H.R._PR-72/2021 English

Should you have any trouble viewing this message, please click [HERE](#)



I/A Court H.R. Protecting Rights

INTER-AMERICAN COURT ISSUES JUDGMENT AND ASSESSES FRIENDLY SETTLEMENT AGREEMENT IN THE CASE OF THE MISKITO DIVERS V. HONDURAS

San José, Costa Rica, October 14, 2021. In the Judgment, notified today, of the Case of the Buzos Miskito (Lemoth Morris et al.) v. Honduras, the Inter-American Court of Human Rights approved and granted full legal effects to the Friendly Settlement Agreement reached by the State and the representatives of the victims of the case. The Court assessed positively the Agreement reached between the parties. The official summary of the Judgment can be consulted [here](#) and the full text of the Judgment can be consulted [here](#).

The case addresses the human rights violations that occurred to the detriment of 42 people belonging to the Miskitu indigenous community, and their relatives, who live or lived in the department of *Gracias a Dios*. The victims in the case worked for dive-fishing companies. In carrying out this activity, 34 divers suffered accidents due to undertaking deep dives, which caused decompression syndrome or other illnesses related to their activities, and 12 divers died as a result of those accidents. 7 Miskito divers died because of the fire in the “Lancaster” boat in which they were traveling, caused by the explosion of a butane tank, and the child Licar Méndez Gutiérrez was abandoned in a canoe by the boat’s owner, and to date his whereabouts are unknown.

The Court established that the State is responsible for the violation of the rights to life, personal integrity, judicial guarantees, the rights of the child, judicial protection, to work and fair, equitable and satisfactory conditions guaranteeing worker health and hygiene, to health, and to social security, contained in Articles 4(1), 5(1), 8, 19, 25 and 26 of the American Convention.

In the Judgment, the Court indicated that States have the obligation to regulate, supervise and monitor the practice of dangerous activities carried out by private companies that involve significant risks to human rights, to adopt legislative and other measures to prevent human rights violations carried out by private companies, and to investigate, punish and repair such violations. Additionally, it stated that the measures adopted by the States should be aimed at ensuring that companies have appropriate policies for the protection of human rights, especially when they affect people living in poverty or belonging to groups in vulnerable situations.

Similarly, the Court found that the victims were immersed in patterns of structural and intersectional discrimination; as people belonging to an indigenous community, they were also in a situation of poverty, one of them was a child, and some acquired disabilities, yet did not receive treatment. They had no other economic alternative than to accept a dangerous job that put their health, personal integrity and life at risk. The Court highlighted that the fact that the victims belonged to a particularly vulnerable group accentuated the State's duties of respect and guarantee, and concluded that the right to equality and the prohibition of discrimination, provided for in the Articles 24 and 1(1) of the American Convention, were violated.

By virtue of the Agreement, the Court approved the various measures of reparation agreed. Among other measures, the State must provide comprehensive and specialized medical and psychological care to the victims and their families, including rehabilitation treatment, provide educational scholarships to the sons and daughters, and / or grandchildren of the victims, develop and broadcast a television documentary, and carry out a public act recognizing its international responsibility, redress and giving a commitment to non-repetition. Additionally, it must publish and disseminate the Judgment, incorporate Miskito divers and their families into social programs, strengthen the health system in Moskitia, carry out measures aimed at guaranteeing adequate regulation, monitoring and supervision of industrial fishing companies, adopt structural measures to guarantee access to justice, and pay the amounts set for pecuniary and non-pecuniary damage.

The Court's composition for this Judgment was as follows: Judge Elizabeth Odio Benito, (President), Judge Patricio Pazmiño Freire (Vice President), Judge Eduardo Vio Grossi, Judge Eduardo Ferrer Mac-Gregor Poisot, Judge Humberto Antonio Sierra Porto, Judge Eugenio Raúl Zaffaroni, and Judge Ricardo Pérez Manrique.

Judges Patricio Pazmiño Freire, Eduardo Vio Grossi, and Humberto Antonio Sierra Porto announced their concurring individual votes.

This press release was produced by the Secretariat of the Inter-American Court of Human Rights, which is the only responsible for its content.

For the latest information please visit the website of the Inter-American Court, <http://www.corteidh.or.cr/index-en.cfm>, or send an email to Pablo Saavedra Alessandri, Secretary, at corteidh@corteidh.or.cr. For press inquiries please contact Matías Ponce at prensa@corteidh.or.cr.

You can subscribe to the information services of the Court [here](#). You can sign up for updates from the Court here or unsubscribe sending an email to comunicaciones@corteidh.or.cr. You can also follow the activities of the Court on [Facebook](#), [Twitter](#) (@CorteIDH for the Spanish account and @IACourtHR for the English account), [Instagram](#), [Flickr](#), [Vimeo](#) and [Soundcloud](#).

Inter-American Court of Human Rights. 2021.  BY-NC-ND

Esta obra está bajo una [Licencia Creative Commons Atribución-NoComercial-SinDerivadas 3.0 Unported](#)

Avenida 10, Calles 45 y 47 Los Yoses, San Pedro, San José, Costa Rica.



www.corteidh.or.cr
corteidh@corteidh.or.cr



(506) 2527-1600



10th Av, between street 45
and street 47, Los Yoses, San
Pedro, San Jose, Costa Rica.

Follow us:

