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**PROYECTO DE FORTALECIMIENTO DEL  
ESTADO DE DERECHO EN HONDURAS**

**REPORT ON THE HONDURAN SYSTEM FOR PURGING OF CRIMINAL  
CASES**

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**Proyecto de Fortalecimiento del Estado de Derecho en  
Honduras**

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## **REPORT ON THE HONDURAN SYSTEM FOR PURGING OF CRIMINAL CASES**

Requirement 4.4, of the USAID/Honduras contract with FIU refers to the goal of “The system to purge criminal cases and inventory evidence is actively maintained in order to comply with statutory transition requirements for implementation of the CPC.” At a minimum, FIU is required, in calendar year 2004, to “develop an Interinstitutional methodology”... “for the review of active criminal cases (i.e. cases of un-sentenced prisoners), to include the Court, the Public Ministry, and the Public Defenders Office.” We are also required to “provide technical assistance to support the purging of backlogged cases.”

During the week of November 8, Alfredo Chirino, José Arturo Duarte and Luis Salas of the FIU team met with Sonia Zacapa and Brad Fujimoto to review progress on the overall project. FIU informed USAID that it would be necessary for USAID to notify the relevant court officials about the task assigned to us in regard with the case purging unit. USAID arranged an appointment with Kenneth Madrid, Executive Director of the Unidad Técnica de Reforma charged with overall coordination of the purging unit. Subsequent to this meeting, José Arturo Duarte, of our PIU office, met several times with the personnel assigned to the purging unit and reviewed the available documentary material. During the week of November 29, Luis Salas and José Arturo Duarte interviewed a number of judges and “depuradores” at the Juzgado de Letras Seccional and the Unidad de Depuración as well as examining data, resources and facilities. This report is based largely on the interviews conducted by Salas and the review of data obtained.

Although we requested repeatedly from Mr. Madrid statistical information on the progress of the purging initiative, we were informed that such information would have to be authorized by the President of the Supreme Court. The FIU Project Implementation Unit wrote to the President of the Court and to Mr. Madrid but has not yet received a reply. Thus, the statistical information presented herein should be considered preliminary.

### USAID Assistance

USAID/Honduras was cognizant of the importance of eliminating the backlog of pending cases under the old CCP as a precondition to the success of the new CCP. In its Implementation Letter No. 36 (USAID Project No. 522-0394) it approved the usage of up to \$110,050 of grant funds in support of the “Supreme Court’s Work Plan and Budget for the Purging Unit, including salaries and services. The purgers will work under contract with the Supreme Court for the period March – December 2004.” Another clause of the agreement required the Supreme Court *to provide “semi-annual progress reports” to USAID*. A final report that “indicates in a scientific way that 20% of the backlog (mora) has been reduced.” The PIL further made it clear that these funds were only to be used for purging of inactive cases and that funding would terminate on December 31, 2004 with the Court assuming responsibility for the program in January 1, 2005.

In an undated progress reports on PILs Nos. 36-39, the Supreme Court, through the UTR, reported that they estimated the 20% reduction goal to have been met with the purging (equivalent to dismissals under their definition) of 25,100 cases. Their report indicates that 10,747 cases had been purged during the period February-August 2004 constituting 42.82% of the agreed upon target of 25,100 cases. The following table indicates their progress.

Table 1  
Cases Purged February – August 2004

Variable	February – May 2004	June – August 2004	Total
Case files completed by purgers	9,373	10,189	19,562
Case files signed by inactive case judges	8,251	9,539	17,790
Cases signed (certified) by the Juzgado de Letras Seccional secretary	7,149	3,598	10,747

Source: UTR Progress Report, Undated

The report also indicates that during the same period, teams of purgers and judges collected 41,560 case files to be reviewed from courts throughout the country.

### Background

One of the crowning achievements of USAID assistance to the Honduran justice system was enactment of an accusatorial code of criminal procedure (CCP) in December 1999. As in many other countries in which this reform has occurred, the Honduran Supreme Court, early on, became aware of the need for a detailed implementation plan supported by legislation and regulations. A critical component of the new CCP was the adoption of a six-year transitional period during which all cases filed after February 20, 2002 are processed under the new procedures regardless of when the crime took place. The Code also calls for the establishment of parallel court systems with one set of courts dealing with cases pending under the old system while the second assumes responsibility for all cases under the new system. Another important provision of this transitional legislation establishes the mechanism for purging cases in order to reduce overburdened courts and clear backlogs as well as dictating the creation of an Interinstitutional Criminal Justice Commissions (Comisión Interinstitucional de Justicia Penal)<sup>1</sup> with overall “responsibility

<sup>1</sup> The Commission is composed of: the members of the Supreme Court’s Criminal Chamber, the Director of the Public Defense, the Procurator, the Fiscal general, the Fiscal General Adjunto and the Director of the Fiscalía, the Director of the General Directorate of Administrative Probity, the Secretary of the Security

to coordinate actions relative to the criminal justice system and to formulate the national criminal policy....”

Article 3 of the transitional legislation<sup>2</sup> divides cases assigned for purging into two main categories. Active cases are those in which there is a detainee, a charged fugitive, with an accused under pretrial release and those cases in which, although there is no person charged, the “procedural activity has not been interrupted for more than two months.” Inactive cases are those that are prescribed<sup>3</sup> (prescritos) by the criminal Code or in which there is no accused and no activity has occurred for more than two months. The law specifically excludes homicide, money laundering, narcotics trafficking rape and kidnapping from these prescription provisions.

One important speedy trial provision called for the final dismissal of all cases, filed under the old system prior, that are not completed prior to December 31, 2006.<sup>4</sup> While this appears, on its face, to be a salutary requirement, it is now viewed as overly broad, because it may benefit a number of public officials accused of corruption as well as dangerous criminals.

On January 7, 2000, the Supreme Court established the Technical Criminal Reform Unit (Unidad Técnica de Reforma Penal – UTR) which assumed many of the responsibilities previously assigned to the Judicial Reform Commission which is largely inactive.<sup>5</sup> The first task of the newly created Unit was elaboration of the transitional plan for implementation of the CCP. Eventually the UTR became the secretariat of the Interinstitutional Commission created by the transitional legislation. The Unit also drafted the National Plan for Purging of Cases (Programa Nacional de Depuración de Causas) and oversees the work of the Purging Unit under the overall supervision of a Letras judge (Juez Coordinador) and is organized as detailed in Organizational Chart 1.:

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Ministry and its sub secretaries as well as the Ministry of Government of Justice represented by the minister and deputies. The Supreme Court shall designate one of the members of the Criminal Branch to preside over the Commission.

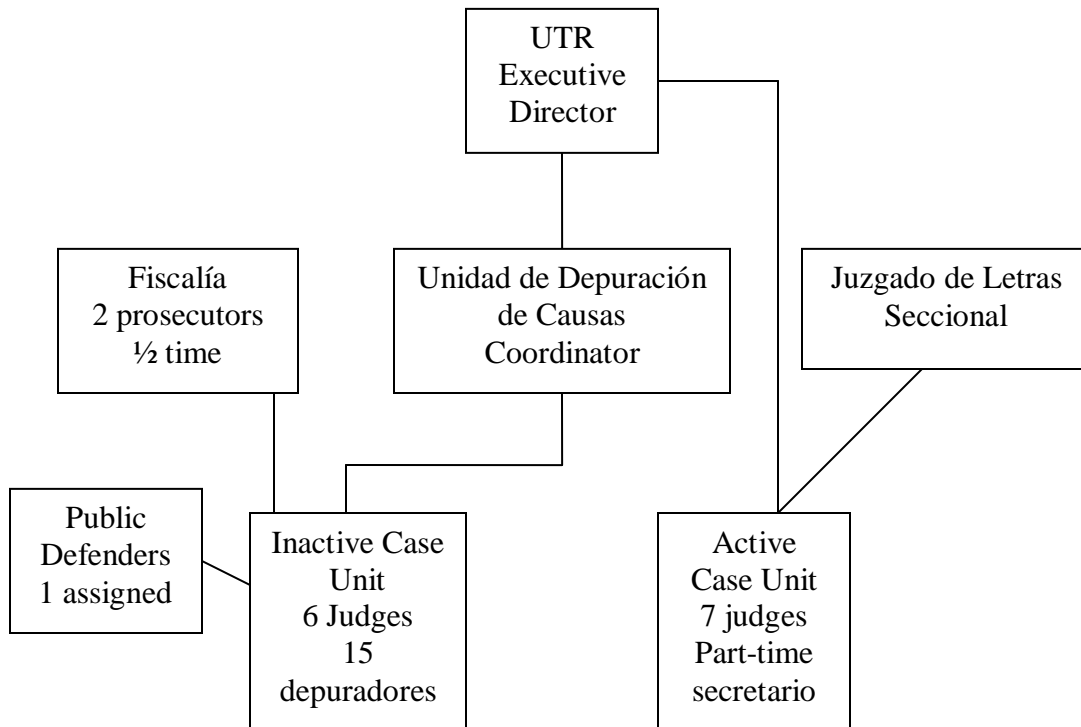
<sup>2</sup> Ley Especial de Transición y Seguimiento Interinstitucional del Sistema Penal, Article 3 (3).

<sup>3</sup> Prescribed cases are those which are inactive for more than two years and in which either (1) no investigative activity has occurred; (2) those in which there has been no investigative activity for more than two months counting from the last judicial action; (3) those in which the statute of limitations has run (Articles 96 & 97 of the Criminal Code).

<sup>4</sup> The Ley Especial de Transición del Sistema Penal in its Article 33 establishes the date that the transitional legislation will go into effect and calls for its sunset on December 31, 2006.

<sup>5</sup> This Commission replaced the National Justice Reform Commission (1995-1999) promoted by USAID when it first began ROL reform in Honduras.

Organizational Chart 1  
Organization of the Purging Unit



Originally the Purging Unit was designed to deal solely with closing of cases that were inactive and remained pending under the old system. Currently a cadre of seven Letras judges occupies space in the Purging Unit and is assigned to rule on active cases forwarded from the Juzgado de Letras Seccional handling cases filed under the old CCP. Thus, the following section will be divided into the Purging Unit inactive case unit and the active case unit assigned to the Purging Unit.

Inactive Case Unit

The Purging Unit is managed by a coordinator, 6 Letras judges, 15 depuradores (equivalent to judicial law clerks in the U.S.), and auxiliary personnel (secretaries, drivers and guards). They respond directly to the UTR and its executive director and are assigned to review “inactive cases”. Two half-time prosecutors and one public defender are assigned to review active cases in the Unit and respond to their individual institutions. Assignment of these personnel is fairly recent with the prosecutors having been here only

one month and the public defender two months. Two key positions are unfilled with the absence of a secretary and an archivist to handle entries into their database.

The depuradores are all contract personnel with limited rights to permanent positions while the Letras judges are judicial employees who will be reassigned once their assignment in the Purging Unit is completed. The prosecutors are assigned to the Unit in addition to their normal prosecutorial duties. One of them, for example, is a military prosecutor assigned to the Purging Unit in addition to her regular duties. Until this month, neither of the prosecutors had been formally assigned (acreditados) to the Unit and were unsure of their authority to act. They are still waiting for formal directives to be issued by the Fiscalía that will detail their role and guide their decisions. By the end of November, the prosecutors had only been able to review 5,000 of the 140,000 cases processed by the Unit with an average rate of 3 to 5,000 per month.

Until recently there had been no regular coordination established between the Purging Unit, the Fiscalía and the Public Defense Office, even though coordination between these units is essential to the success of the purging plan. Staff from the Unit has been meeting with their prosecutorial and public defense counterparts to establish formal lines of communications and clearer operational rules.

There is an absence of written materials and directives to guide the work of the Purging Unit staff. Newly assigned depuradores are assigned to work with an experienced depurador during an introductory term. The only printed materials are the forms that have been developed for entering final judgments and orders. Directives issued by the Interinstitutional Commission are sent to the UTR and are then verbally forwarded to the Purging Unit. A set of proposed operational guidelines (reglamento) was prepared by the current Purging Unit Coordinator and forwarded to the UTR for submission to the Court in August 2003 but there yet to be action on this.

The Purging Unit is located in rented office facilities with adequate climate control but insufficient filing and storage facilities as the number of case files grows exponentially. The main deficiency in this regard is the inadequacy of the information system in the office. Each of the depuradores and judges has personal computers but are not currently networked. As a result, upon the completion of each day, the depuradores copy their dismissal orders, approximately 25 daily, on floppy disks and hand carry them to the "archive" general computer where the critical case variables (case numbers, complainant, accused, monetary bail if any, reason for dismissal, and others) are gleaned from each of the case files and entered into a rudimentary database maintained in multiple Excel files. At the time we visited, we reviewed the files on one of the two PCs assigned to act as general databases and found that the number of folders and their organization in the hard drives were haphazard and inefficient. Approximately 115,094 dismissal judgments have been entered into the general database with 26,762 pending entry. An additional 99,073 bail cases have been entered into the bail database with 8,144 still awaiting entry. Because of the limited nature of Excel as a database, it is very difficult to generate reliable statistical information or analysis or even to find case files since the Excel files are not related or linked. In addition to this general database, there is

a separate database containing information on monetary bail or property liens guaranteeing court appearances. Entries into this database are made manually after the main entries are punched into the general database. There is no written manual detailing the variables used in either of the databases which would make it very difficult to decipher should the current staff not be available to clarify the content and rationale for its organization.

In addition to relying on antiquated hardware and inadequate software, there is an insufficient number of backups for such critical data. Backups are not made on a regular schedule and are kept on DVDs in addition to the individual personal computer that generated it. Absence of reliable Uninterrupted Power Supplies (UPS) and batteries jeopardize the reliability of the information. In fact, one week's worth of data was lost on the monetary bail database because of a loss of power even though it is supported by a rudimentary surge suppressor and battery with very limited capacity.

Inactive cases enter the purging unit from referrals made by Letras courts and by inventories of individual courts conducted by teams of one judge and two deपुरadores who travel to courts, review case files and take with them those that are ready for review in the Purging Unit where they are entered into a registry and are referred to individual deपुरadores who are charged with completing 25 cases daily. Once the case is received, the deपुरador prepares a draft dismissal judgment to be considered by a Letras judge who then enters a final order. The final dismissal order is forwarded to the secretary of the Unit who certifies the signature of the ruling judge (da fe de la firma). The secretary, in turn forwards the case file to the General Archive (Archivo General) where the data are entered into the electronic database. However, since a full-time secretary is not present in the Unit currently, the coordinator relies on unscheduled visits of the secretary sent from the Juzgado de Letras Seccional to deal with the active cases. The case file is then presented to the prosecutors and public - in case they want to appeal from the dismissal ruling. The parties to the case are notified once the judgment becomes final through the (tabla de avisos).<sup>6</sup> Ultimately, orders are entered to return property, release bail and submission of case files to the Central Archive of the Supreme Court.

It should be pointed out that only 15 of the 121,949 cases, up to the first semester of 2004, with a final dismissal judgment have been notified. The practical application of this result is that none of these judgments may be considered to be final. The few cases finalized have been completed because parties have come to the Purging Unit to urge that some final resolution be reached. In the case of persons who are seeking an order establishing their criminal record, the dismissal information is not forwarded to the Office of Criminal Records (Antecedentes Penales) compelling the affected party to solicit an authenticated copy from the Purging Unit.

#### Active case unit

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<sup>6</sup> This notification system was abolished by the Code of Criminal Procedure and consists of posting a notice on a bulletin board in a court or, in this case, in the Purging Unit. If no one responds within 3 days, the parties are deemed to have been notified and to have waived their right to appeal.

In addition to the “inactive case” unit consisting of judges and depuradores, another unit is assigned to rule on “active” cases. Active cases are those in which there is a detained person or are not suitable for dismissal under the regulations set forth in the transitional legislation. The process follows the procedural system set forth in the old inquisitorial Code. Active cases enter the Unit from referrals made by the secretary of the Juzgado de Letras Seccional which covers the Francisco Morazán Department<sup>7</sup>. Originally this court assigned 16 of its 24 judges to handle cases under the old CCP but as the caseloads of the new CCP increased that number was reduced to 12 judges processing cases under the old CCP. At first the judges assigned to the old CCP were responsible for the totality of the case file including the investigative acts and ending with a final judgment. Currently their role is limited to overseeing the investigative stage as detailed hereafter.

As the caseloads under the new CCP grew, the Supreme Court began to transfer judges assigned to the old CCP to the new system and the original number of judges assigned to the old CCP decreased to 12 from 16. Concurrently, the Supreme Court named a total of eight Active Case Purging Judges, with national jurisdiction, and assigned them to review the results of the investigative stage conducted by the Seccional judge and entering a final judgment.

The Seccional court, which only handles cases arising from the Francisco Morazan Department, acts as an instructional court hearing evidence, overseeing the pretrial investigation, gathering testimony and evidence, and forwarding the case to the Purging Unit. The Seccional court secretary gathers the prepared case files and he/she has a sufficient number takes them to the Purging Unit and distributes them among the seven active case judges in the Purging Unit.

The Unit judges that handle the active cases act as trial judges, review the evidence forwarded by the Juzgado de Letras Seccional judge, and enter an acquittal or guilty judgment as well as impose the appropriate sanction. In cases in which the investigating judge did not conduct the investigation appropriately, the active case judge may issue a dismissal (for example, in cases in which it is obvious from the case file that the statute of limitations has run on the crime). Because of the urgency in dealing with these case files, the active case judges have been discouraged from requiring additional actions to be taken and told to “stick to issuing final judgments.” The case files are sent back to the secretary of the Juzgado de Letras Seccional who enters them into the record and notifies the parties by posting the notice on bulleting boards in the lobby of the court. Once the notification process is completed, the judgment is considered final. While lawyers and or parties to specific cases come by the Purging Unit to inquire as to the

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<sup>7</sup> The Juzgado de Letras Seccional (also known as the Juzgado Unificado) includes the previous five individual Letras trial courts in the capital and was established when the new Code went into effect. The court is composed of 24 judges of which 16 were assigned to the old CCP originally and that number has now been reduced to 12. Another unified court, which encompasses another four Letras courts, is in operation in San Pedro Sula.



status of their case, there are no formal appearances by them or hearings and the totality of the review is conducted by individual judges behind closed doors.

Unlike the depuradores, which have a specific expectation of the number of cases to be closed daily (25), or the judges assigned to the inactive cases that must review the output of the depuradores and enter the dismissal order; there is no similar expectation of the active case judges. Although there are no official statistics, judges commented that their production in the period August to December 2003 was 410 final judgments (sentencias) divided among 4 judges with an average of 13 final judgments monthly. Thus, the seven judges are probably able to close no more than 700 cases annually.

We visited the Juzgado de Letras Seccional to obtain data on the amount of cases closed and the amount of pending cases left with the twelve (12) judges handling cases under the old CCP. We were informed that while an electronic case tracking system and database was installed for cases arising under the new CCP no similar system was applicable to the old CCP. Although statistics are not readily available, we determined that 21,259 cases had been filed with the court as of November 25, 2004.<sup>8</sup> Of these, it is impossible to know with exactitude the number that is still pending in the Seccional Court. We were informed by the court that approximately 6,928 active cases are still awaiting resolution by the 12 Letras judges processing cases under the old system. It is questionable whether the 12 Letras judges there and the 7 active case judges in the Purging Unit will be able to close all of the pending cases prior to December 2006 as required by the Transition Law.

The seven sitting active case judges were promoted from within the ranks of the Judiciary with six of them being public defender and one was a justice of the peace. They had been employees of the Judiciary for an average of 11 years prior to being named active duty judges with the longest tenure being 22 years and the shortest 4 years. They received no training prior to assuming their post and have subsequently found it difficult to be included in training offered by the Judicial School. They are concerned that their appointment is unusual since they were named Active Case Purging Judges (Jueces de Depuración de Causas Activas) a position which is neither found in the Law on organization of the Courts or in the Transitional Law. Their counterparts in the inactive case unit, on the other hand, were named Purging Inactive Case Letras Judges (Juez de Letras del Programa Nacional de Causas Penales). All of the seven judges expressed a concern about the legality of their current position and even speculated on the possibility that their judgments could be reversed on the basis of a lack of jurisdiction to issue rulings something which is highly unlikely given the responsibility of the Supreme Court in appointing them.

While judges assigned to resolve inactive cases respond to the Unit coordinator, the judges ruling on active cases have no such clearly delineated chain of command. There is no counterpart coordinator for these judges. On administrative matters they apparently respond to the UTR. One of the judges, for example, informed us that when

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<sup>8</sup> New cases are still coming in to the court as cases are referred by other courts including those returned from the inactive case judges of the Purging Unit because of a determination that they are still active.

another judge sought approval for maternity leave, she was informed that her supervisor had to sign her authorization. Not knowing who that was, she sent the paperwork to the UTR where the executive director authorized the leave.

The assignment of cases ruling on “active cases” is a fairly recent occurrence with the first four judges named by the Supreme Court in July 2003 and another 3 assigned subsequently raising the number of active judges to seven, with an eighth judge being assigned to the Juzgado de Letras Seccional during almost all of her tenure.. The employment status of these judges is uncertain and contributes to an air of uncertainty among them. Unlike “regular” Letras judges, they are paid a small supplement (approximately 70 lempiras over their previous salary) above their previous salary in the Judiciary (for a total of L18,122) and have no clear cut guarantee of continuing as Letras judges once their tour in the Purging Unit is completed.

Because of their assignment so far from the normal court system, these judges have developed a level of collegiality and unity seldom found among traditional counterparts. They feel isolated and, to a certain extent, abandoned by the courts. They operate in very small cubicles, have no support staff, and have to scrounge for supplies, have no Internet access which limits them in accessing judicial databases and have no legal materials including codes and laws. There is a notable absence of docket books with a single entry book detailing the cases that were assigned by the Juzgado de Letras Seccional secretary. Because of the absence of a secretary the entries in this book are made by the judge who receives the case file. Each judge also maintains individual inventory books of their own cases using a format that they developed and adopted to ensure some level of uniformity.

Absence of a support staff also inhibits these judges from following up on cases where necessary. For example, in one case in which the accused had been jailed in 1993 for a petty offense (hurto), the active case judge had been unable to obtain information from the correctional system about the whereabouts of the discharged defendant. Likewise the judges are ignorant about the ultimate fate of their rulings with no information about appeals or decisions.

### Controls

There are no clearly defined control mechanisms designed to curb abuses and negligence in the work of the staff of the Purging Unit. Each case file reviewed by a depurador is again reviewed, albeit more cursorily, by the judge who is required to enter the final dismissal order. The coordinator sometimes conducts random reviews of case files to evaluate the work of the depuradores and judges. An additional check on the work of the Unit is the review by the assigned prosecutors and public defender however, they are clearly unable to clearly review the thousands of case files referred to them. Absence of written operational rules or manuals reduces the potential for oversight of these cases.

One of the main controls to prevent abuse in any court system lies in the manner in which cases are assigned to curb assignment of case files to “friendly” judges. In the

case of the inactive case unit, the priority of cases to be reviewed is determined by the order in which they arrive at the Unit. The coordinator distributes case files daily among the 15 de puradores who are assigned to work with a specific judge. Once the de purador completes the review of the cases assigned, he/she forwards them to his/her assigned judge. Once the dismissal judgment is entered by the inactive case judge, it is forwarded to the archivist for entry into the general database. The absence of written procedures, for case assignment, however, jeopardizes what appears on its face to be a neutral case assignment system. Possibly the greatest barrier to manipulation in case assignment is the number of persons who review the file at different points. Unless all of them participate, it is difficult to ensure “satisfactory” outcomes from the de purador, the judge, and or the archivist. We should point out that there is no system for regularly randomly crosschecking the dismissal draft order entered by the de purador, the order entered by the judge, the database entry made by the archivist and/ or the total case file.

In the case of the judges handling active cases, the potential for abuse is even greater since the secretary has sole authority over the number of cases to be forwarded to the Purging Unit active case judges or the assignment of each individual case.

Another control mechanism to prevent abuse is oversight by a judicial integrity unit (Inspectoría Judicial), which can investigate complaints filed as well as conduct periodic review or personnel matters (attendance, etc.) and staff actions.

### Caseloads

The original estimate of pending cases at the time the CCP was enacted was 125,000 major criminal cases in the Letras courts. These preliminary estimates, however, have underestimated the number of cases actually out there and teams of staff from the Purging Unit continue to bring new case files back from outlying courts to the Unit for review. By November 26, 2004, purgers had completed 141,856, 140,751 had dismissal orders signed by a judge and 119,749 had been certified by the secretary, leaving 22,107 cases pending certification. Of these, 14% represented minor crimes arising from the justice of the peace courts and 86% were major crimes dismissed from files forwarded from Letras courts throughout the country.

While the focus of the Purging Unit has been resolution of felony equivalent cases, the law also requires the Unit to review the cases that are pending in 331 justice of the peace courts (e.g. 17,600 in Tegucigalpa and 8,000 in San Pedro Sula with approximately an average of 300 cases per each remaining justice of the peace courts). Over 19,700 misdemeanor cases have already been dismissed arising from courts in Olanchito, Yoro, Tocoa, Trujillo, Nacaome, Progreso, Copan, Choluteca and La Ceiba.

### Related International Projects

Although USAID has been the primary international organization providing funding to the purging program, other agencies have also been tasked with supporting modernization of the Judiciary. In addition to supporting infrastructure and public relations for the courts, the Inter-American Development Bank (IADB), with \$30 million, is also supporting purging of civil cases.

### Conclusion and Recommendations

In this section, we will briefly detail some of the primary achievements and obstacles facing the program as well as recommendations to overcome them.

#### **Common problems**

- Original indicators in the USAID PIL to support the Purging Unit were not specific enough and it is unclear whether the UTR will meet its contractual target since it is based on a reduction of 20% of the backlog of cases except that there is no agreed upon universe on which the 20% is based. Additionally, the UTR defines a case as closed at the point at which a court secretary certifies the judges the veracity of the signature of the judge who signed the dismissal order and not after review by the Public Ministry and Public defense and final notification.
- An insufficient number of personnel have been assigned to the units and vacancies remain unfilled. For example, in the inactive case unit there is no archivist to enter cases into the general or bail databases. Additionally, the Coordinator of the inactive cases relies on the good will of the Juzgado Seccional secretary who comes periodically to drop off and pick up case files from the seven active case judges. The active case judges are even worse off with no support staff at all especially noticeable is the absence of secretary to certify their actions and keep adequate records. Having only part-time prosecutors with primary assignments in other Public Ministry offices limits their ability to review cases appropriately.
- Lack of coordination between the inactive case unit and the Public Ministry and Public Defense. The absence of coordination between the judges handling the inactive cases and the Public Ministry and Public Defense contributes to the delay in closing case files due to (1) the recent assignment of prosecutors who have only been there 1 month and one public defenders who was assigned two months ago; (2) unclear directions to prosecutors as to their role and even their authority to act; (3) resource allocations. The same need to coordinate is required between the active and inactive case units although the cramped quarters in which they work has compelled them to informally coordinate day to day cohabitation. Further coordination with other entities that share similar interests will also save duplication in the future. For example, as persons learn of the work of the Unit they are coming into the office to solicit certifications that establish that the original criminal charges against them have been dismissed, something that should be furnished by the Office of Criminal records (Oficina de Antecedentes

Penales) who are ignorant of the actions of the Purging unit and will continue to report the original charges to be still pending when asked.

- Absence of written directives or operational manuals inhibits institutionalization of procedures and prevents application of adequate control mechanisms. The inactive case unit, for example, prepared a draft “reglamento” that was forwarded to the UTR but has been awaiting action since August 2003. Likewise directives from the UTR or the Interinstitutional Commission that affect the work of the Purging Unit are communicated verbally. Manuals detailing the process for filing cases, numbering them and coding them are also absent as are written materials that detail the composition and operation of the databases.
- Insufficient filing and storage facilities are evident as the number of case files grow regularly and a considerable amount of space has been assigned to the active case judges who were never contemplated to share the space with the inactive case judges. Since case files lay throughout the facility, with those to be reviewed in stacks of 25 in accordance with the date of entry, and completed case files in shelves, in open areas, security is not adequate to prevent theft or modification of case files materials.
- Databases that permit information storage, statistical analysis and rapid identification of materials are rudimentary at best.
- Insufficient number of backups and UPSs to guarantee security of information maintained electronically.
- Lack of clarity on what constitutes a closed case file. A cursory reading of the UTR reports, and even the manner in which the Purging Unit has operated thus far, indicates that there is confusion as to whether closing of a case is achieved by the certification by a secretary of the actions of a judge who dismisses the charges or whether public notification is required. There appears now to be agreement that review by prosecutors and public defenders is salutary and that posting and notification is required prior to considering a case to be closed.
- The original estimate of 125,000 cases to be purged during this transitional period seriously underestimated the number of cases. As is evident from the amount of cases already closed (approximately 140,000) and the number of incoming cases as teams inventory remaining Letras and Justice of the Peace courts. While the efforts of the depuradores and inactive case judges are praiseworthy, there is insufficient information on the universe of cases to be considered that permits one to conclude that this effort will be concluded before December 31, 2006.
- Because the establishment of the active case unit appears to have been an afterthought to solve the rising caseloads under the new system and to expedite entering final judgments under the old, less planning has taken place in establishing the unit, appointing personnel, training them and providing adequate

support. It appears clear that the resources of the Seccional Court are being devoted more and more to the new CCP cases and less and less attention is being paid to the old cases.

- These judges operate under an unclear appointment in which their subsequent tenure is not is unsure, operate in inadequate quarters, have no support staff, have no training, can count on no law books or legal databases and receive no feedback from superior, appellate or otherwise, on the sufficiency and correctness of their rulings. Absence of a chain of command confuses their situation even further as they act independently and in isolation from the regular court system.
- Absence of adequate statistical material prevents us from determining whether the active judges and the Letras Seccional judges assigned to the old CCP will be able to conclude the processes for the amount of cases still pending. While this uncertainty clouds the picture in the capital, the situation is even more murky in the remainder of the court in which no active court judges have being supplementing the work of the regular Letras judges.
- Many of the foregoing discussions point to the absence of controls to regulate conduct, prevent abuses, and ensure consistency. Haphazard case assignment, especially in the case of the active case judges and absence of processing records (dockets for example) prevents application of control mechanisms. Similarly, the lack of written rules contributes to this situation. Additionally, the Judicial Inspector general's Office (Inspección Judicial) has seldom taken proactive actions except when complaints have been filed.

## **Recommendations**

Our primary recommendation refers to the formation of a small working group composed of representatives of the Supreme Court, the UTR (hopefully the Purging Unit), the Fiscalía and the Public Defense under the umbrella of the Interinstitutional Commission for the purpose of reviewing compliance with the purging goals set forth in the Transition Law and propose methodologies to expedite the process while ensuring compliance with legal requirements.

Thus far, coordination has taken place informally at operational levels resulting in the assignment of 2 half-time prosecutors and one public defender to review cases dismissed by the “depurador” and the active case judge. Our recommendation seeks to examine and formalize this coordination mechanism and expand its portfolio to include examination of alternatives to the current procedure or reinterpretation of legal requirements. As a result of this review and ongoing dialogue, the group should recommend to the Interinstitutional Commission the elaboration of written directives to guide the work of the judges and “depuradores” and ensure the implementation of adequate controls. The following suggested issues should be addressed:

- Publication of a “reglamento” containing operational guidelines for both the active and inactive case judges and institutionalize what are now largely informal procedures.
- Review and approval of forms to be used by inactive case judges and the requisite information that should be entered. For example, in reference to dismissal forms currently in use, in the case of the death of the accused only the death certificate need be attached to the file to justify the dismissal or in the case where the dismissal is the result of the running of the statute of limitation mere recitation of the date that gives rise to commencement of the running of the statute of limitations is sufficient. On the other hand, those cases in which the cause of the dismissal is that the charging document on its face does not charge a crime or, as found in several dismissal orders, (“Que se decretará sobreseimiento cuando habiéndose procedido contra alguna persona por haber contra ella sospechas o indicios, se desvanecieren de tal modo que se hace patente su inocencia”) where the judge sets forth a conclusion of innocence without setting forth the basis for such a conclusion. Once developed, the forms should be set up in such a way as to link them with the database. Thus, rather than manually carrying diskettes for entry into the database, the original entry would be reflected both in the hard drive of the “depurador” or judge and the database, both reducing time and effort as well as decreasing inputting errors and deterring manipulation of data.
- Establishment of priorities in the assignment and processing of cases. Thus, for example, cases in which a person is under detention should be processed with greater expediency than those in which there is no suspect or the accused is a fugitive. Other factors that should be considered are the type of crime charged, the complexity of the case, date case processing began and others.
- Once distribution and processing priorities are established, a case assignment methodology which reduces the potential for “judge shopping”, ie. assignment of cases to “favorable” judges should be established. Such a mechanism is already in place for cases filed under the new CCP and there is no reason why a simple random assignment system cannot be utilized both for inactive and active cases. It would also be worthwhile to determine the manner in which cases are assigned in the Juzgado de Letras Seccional to the judges handling cases under old CCP.
- One of the primary impediments to closing the inactive cases prior to the December 31, 2006 deadline is the notification legal requirement as a prerequisite to finality of judgments as well as the review of all dismissed case files by the prosecutors and public defenders, something that is not required by law. We suggest that legal specialists review the requirements for determination for concluding that a judgment is final and interpret the legislation in such a way as to facilitate conclusion of cases on time. For example, rather than posting in bulleting boards as a method of notification, the same could be achieved by posting on an Internet web site or publication in newspapers of lists rather than individual notices. Additionally, the prosecutors, public defenders and judges

could agree on a system whereby they forego reading all cases and only review those which are of greatest concern to their individual agencies, because of their public interest, or not at all.

- Appoint a full-time Secretary (Secretaría conjunta) who can meet the needs of the active and inactive cases. The Secretary, in addition to certifying the actions of the active and inactive case judges, beyond certification of their signatures, should establish control mechanisms and procedures over the management of case files, especially case assignments to ensure a random assignment process that will diminish the potential for abuse.
- The Secretary should also be assigned to distribute cases in order of an established priority system, for example, cases in which there is a detainee or those in which securities (bail or property) have been posted; the date in which procedural activity commenced; the severity of the offense charged; complexity of the case; and others.
  - The final DPK report indicated that a person had been assigned to ensure “quality control” who would monitor the daily work of the “depuradores” and assign the cases to be dismissed (See also the article written by Carlos Salas Montes, published in the journal *Sistemas Judiciales* and distributed widely), who also pointed to the same process. Since this position is unfilled, we suggest that this quality control task be assigned to the Secretary which is a well established legal figure in Honduran judicial practice.
- Another vacant position that should be filled is the archivist who is charged with database organization and entry, something which is currently being done by a “depurador”.
- A training program should be established for judges (both active and inactive) and “depuradores” who are now undergoing a mentorship training program under which new “depuradores” are teamed with more experienced ones. This should be accompanied by the publication of a manual setting out the format and forms to be used by all.
- Technological improvements, at relatively low cost, could go a long way in establishing controls, decreasing errors and deterring misconduct. For example, establishment of an office network whereby the forms used by judges and “depuradores” are set up in such a way that variables (for example, the case number, name of the complainant or accused, etc.) are entered both in the database and the hard drive of the inputting official would achieve these purposes. Likewise, similar linkages established with the Fiscalía and Public Defense would also facilitate their selection of review. Likewise, upon finalization of a judgment, there should be a mechanism for electronically transferring the relevant



information to the Office of Criminal Records (Oficina de Antecedentes Penales) so that those records also reflect accurate information.

- While the inactive case unit has received the greatest attention in prior USAID reviews, DPK for example, similar attention should be said to the active case unit which operates in almost total isolation from the regular court system. Thus, any review of the Purging Unit should consider both the active and inactive case units working therein.
- In terms of determining whether the purging process is being used as a means of laundering corruption or other sensitive cases it is almost impossible to do so without knowing specific cases and seeking those out. Without upgrading the computer hardware and software resources available at the Purging Unit currently it will be almost impossible to carry out this task.
- As mentioned previously, any review of the purging system must include the active as well as the inactive cases. Our current contract limits us to reviewing the methodology utilized in closing inactive cases. We suggest the contract be amended to extend our responsibility to a limited review of active cases as well as inactive while eliminating the requirement of evaluating the evidence inventory system (Req. 4.4.1). The review of active cases should be limited to the Juzgado de Letras Seccional of Francisco Morazán.

ATTACHMENT A  
MODEL DIMISSAL FORMS

**PROGRAMA NACIONAL DE DEPURACIÓN DE CAUSAS PENALES**, Tegucigalpa, Municipio del Distrito Central, uno de septiembre del año dos mil cuatro.

**VISTA:** Para dictar **SOBRESEIMIENTO DEFINITIVO**, en la causa instruida contra **SALOMÓN LOPEZ** mayor de edad, hondureño, con domicilio en el Departamento de Francisco Morazán y demás generales desconocidas por considerarlo responsable del delito de **HOMICIDIO** en perjuicio de **JOSE JAVIER RIVAS VASQUEZ** mayor de edad, soltero, hondureño y con domicilio en el Departamento de Francisco Morazán .-

**HECHO:** Ocurrido en fecha diecinueve de marzo de mil novecientos noventa y siete en el departamento de Francisco Morazán.-

**CONSIDERANDO:** Que las presentes diligencias se iniciaron en el Juzgado de Letras Segundo de lo Criminal de Tegucigalpa, departamento de Francisco Morazán mediante acusación de fecha dieciocho de abril de mil novecientos noventa y siete.-

**CONSIDERANDO:** Que de acuerdo a la Ley Especial de Transición y Seguimiento Interinstitucional del Sistema Penal, se consideran prescritos los delitos que se conozcan en procesos que, por más de dos (2) años, se encuentren inactivos; a excepción de asesinato, lavado de activos, tráfico de drogas, violación y secuestro.

**CONSIDERANDO:** Que la inactividad del presente proceso a juicio de este juzgador se paralizó desde el diecisiete de junio de mil novecientos noventa y siete, habiendo transcurrido a la actual más de dos (2) años y si bien es cierto posteriormente a dicha fecha se hicieron peticiones al tribunal conecedor de la causa los cuales no proporcionan medios de prueba alguno que puedan interrumpir la inactividad del presente proceso, ya que los mismos son impertinentes.

**CONSIDERANDO:** Que conforme al artículo cuatro de la Ley Especial de Transición y Seguimiento Interinstitucional, la acción penal en la presente causa ya se encuentra prescrita, por lo que precede decretar sobreseimiento definitivo.

**CONSIDERANDO:** Que por todo lo antes expuesto a criterio de este Juzgador, procede dictar **SOBRESEIMIENTO DEFINITIVO**, en la presente causa.

**POR TANTO:** Este Programa Nacional de Depuración de Causas Penales; impartiendo Justicia en nombre del Estado de Honduras y en aplicación a los artículos 90 , 94, 96, 303 y 314 de la Constitución de la República; 1 y 40 numeral 3 de la Ley de Organización y Atribuciones de los Tribunales; 9, 96, numeral 6, 116 del Código Penal Vigente; 428 del Código de Procedimientos Penales, 4, 5, 6, 23, 24 y 29 de la Ley Especial de Transición y Seguimiento Interinstitucional Del Sistema Penal **SOBRESEE DEFINITIVAMENTE** a favor de **SALOMÓN LOPEZ** por considerarlo responsable del delito de **HOMICIDIO** en perjuicio de **JOSE JAVIER RIVAS VASQUEZ**.- **Y MANDA:** Que si no se interpone recurso alguno contra este fallo dentro del término de Ley, quede firme el presente fallo; asimismo procedase a extender la respectiva Carta de Libertad y oportunamente archívense las presentes diligencias.-**NOTIFIQUESE**.-

**PROGRAMA NACIONAL DE DEPURACIÓN DE CAUSAS PENALES**, Tegucigalpa, Municipio del Distrito Central, dieciocho de agosto del año dos mil tres.

**VISTAS:** Las presentes diligencias para dictar **SOBRESEIMIENTO DEFINITIVO**, en la causa instruida contra **EVANGELINA PAVON RIVERA Y EDITH YAMILETH RIVERA** mayores de edad, solteras, la primera Comerciante, la segunda Estudiante, hondureña y con domicilio en el Departamento de Francisco Morazán por considerarlas responsable del delito de **LESIONES** en perjuicio de **HEIDY PATRICIA PAZ MARADIAGA** mayor de edad, soltera, hondureña y con domicilio en el Departamento de Francisco Morazán.

**HECHO:** Ocurrido en fecha diez de mayo de mil novecientos noventa y cuatro en el Departamento de Francisco Morazán.-

**CONSIDERANDO:** Que las presentes diligencias se iniciaron en este Juzgado de Paz de lo Criminal de Comayagua del Departamento Francisco Morazán mediante denuncia de fecha trece de mayo de mil novecientos noventa y cuatro.

**CONSIDERANDO:** Que de acuerdo a la Ley Especial de Transición y Seguimiento Interinstitucional del Sistema Penal, se consideran prescritos los delitos que se conozcan en procesos que, por más de dos (2) años, se encuentren inactivos; a excepción de asesinato, lavado de activos, tráfico de drogas, violación y secuestro.

**CONSIDERANDO:** Que desde el seis de julio de mil novecientos noventa y cuatro se paralizó la instrucción del presente proceso penal, lo que originó que empezara a correr el término de prescripción, habiendo transcurrido a la actualidad más de dos años desde la paralización de la presente causa penal.

**CONSIDERANDO:** Que conforme al artículo cuatro de la Ley Especial de Transición y Seguimiento Interinstitucional, la acción penal en la presente causa ya se encuentra prescrita, por lo que precede decretar sobreseimiento definitivo.

**CONSIDERANDO:** Que por todo lo antes expuesto a criterio de este Juzgador, procede dictar **SOBRESEIMIENTO DEFINITIVO**, en la presente causa.

**POR TANTO:** Este Programa Nacional de Depuración de Causas Penales; impartiendo Justicia en nombre del Estado de Honduras y en aplicación a los artículos 90 , 94, 96, 303 y 314 de la Constitución de la República; 1 y 40 numeral 3 de la Ley de Organización y Atribuciones de los Tribunales; 9, 136 del Código Penal Vigente; 296 del Código de Procesal Penal, 4, 5, 6, 23 y 24 de la Ley Especial de Transición y Seguimiento Interinstitucional Del Sistema Penal **SOBRESEE DEFINITIVAMENTE** a favor **EVANGELINA PAVON RIVERA Y EDITH YAMILETH RIVERA** por considerarlas responsable del delito de **LESIONES** en perjuicio de **HEIDY PATRICIA PAZ MARADIAGA.- Y**

**MANDA:** Que si no se interpone recurso alguno contra este fallo dentro del término de Ley, quede firme el presente fallo; asimismo procédase a extender la respectiva Carta de Libertad y oportunamente archívense las presentes diligencias.-**NOTIFIQUESE.**

**PROGRAMA NACIONAL DE DEPURACIÓN DE CAUSAS PENALES**, Tegucigalpa, Municipio del Distrito Central, diecinueve de Julio del dos mil cuatro.

**VISTAS:** La presente causa para dictar **SOBRESEIMIENTO DEFINITIVO**, en las diligencias instruidas por la infracción penal de **ROBO**, cometidas por la menor **LESLY LIZETH ANTUNEZ CARBAJALES**, soltera, hondureña, de oficios domésticos y con domicilio en el Departamento de Yoro, en perjuicio de **DEYSI LEONOR PASCUAS JUÁREZ** y **ADELMO MARTINEZ**, ambos mayores de edad, hondureños y con domicilio en el departamento de Yoro.

**HECHO:** Ocurrido en fecha desconocida en el Departamento de Yoro.-

**CONSIDERANDO:** Que las presentes diligencias se iniciaron en este Juzgado de Letras Seccional de Olanchito, departamento de Yoro, mediante Denuncia de fecha seis de Mayo de mil novecientos noventa y seis, interpuesta por la Fuerza de Seguridad Publica.

**CONSIDERANDO:** Que de acuerdo a la Ley Especial de Transición y Seguimiento Interinstitucional del Sistema Penal, se consideran prescritos los delitos que se conozcan en procesos que, por más de dos (2) años, se encuentren inactivos; a excepción de asesinato, lavado de activos, tráfico de drogas, violación y secuestro.

**CONSIDERANDO:** Que desde el veintidós de Mayo de mil novecientos noventa y seis se paralizó la instrucción del presente proceso penal, lo que originó que empezara a correr el término de prescripción, habiendo transcurrido a la actualidad más de dos años desde la paralización de la presente causa penal.

**CONSIDERANDO:** Que indagada quien fue **LESLY LIZETH ANTUNEZ CARBAJALES** manifestó ser menor de edad; habiéndose acreditado tal extremo en autos se entrego la menor en calidad de deposito a su abuela.

**CONSIDERANDO:** Que se decretará sobreseimiento cuando aparezcan exentos de responsabilidad criminal los procesados como autores o cómplices, o esté extinguida su responsabilidad penal.

**CONSIDERANDO:** Que conforme al artículo cuatro de la Ley Especial de Transición y Seguimiento Interinstitucional, la acción penal en la presente causa ya se encuentra prescrita, por lo que precede decretar sobreseimiento definitivo.

**CONSIDERANDO:** Que por todo lo antes expuesto a criterio de este Juzgador, procede dictar **SOBRESEIMIENTO DEFINITIVO**, en la presente causa.

**POR TANTO:** Este Programa Nacional de Depuración de Causas Penales; impartiendo Justicia en nombre del Estado de Honduras y en aplicación a los artículos 90, 94, 96, 303 y 314 de la Constitución de la República; 1 y 40 numeral 3 de la Ley de Organización y Atribuciones de los Tribunales; 9, 22 numeral 1 y 23 numeral 1, 96 numeral 6 y 218 del Código Penal Vigente; 188 y 196 del Código de la Niñez y la Adolescencia; 428 del Código de Procedimientos Penales, 4, 5, 6, 23 y 24 de la Ley Especial de Transición y Seguimiento Interinstitucional Del Sistema Penal **SOBRESEE DEFINITIVAMENTE** a las diligencias instruidas por la infracción penal de **ROBO**, cometida por la menor **LESLY LIZETH ANTUNEZ CARBAJALES**, en perjuicio de **DEYSI LEONOR PASCUAS JUÁREZ** y **ADELMO MARTINEZ**. **Y MANDA:** Que si no se interpone recurso alguno contra este fallo dentro del término de Ley, quede firme el presente fallo; asimismo procedáse a extender la respectiva Carta de Libertad y oportunamente archívense las presentes diligencias. **-NOTIFIQUESE.**

**PROGRAMA NACIONAL DE DEPURACIÓN DE CAUSAS PENALES**, Tegucigalpa, Municipio del Distrito Central, diecinueve de Julio del dos mil cuatro.

**VISTAS:** La presente causa para dictar **SOBRESEIMIENTO DEFINITIVO**, en las diligencias instruidas por la infracción penal de **ROBO**, cometidas por la menor **LESLY LIZETH ANTUNEZ CARBAJALES**, soltera, hondureña, de oficios domésticos y con domicilio en el Departamento de Yoro, en perjuicio de **DEYSI LEONOR PASCUAS JUÁREZ** y **ADELMO MARTINEZ**, ambos mayores de edad, hondureños y con domicilio en el departamento de Yoro.

**HECHO:** Ocurrido en fecha desconocida en el Departamento de Yoro.-

**CONSIDERANDO:** Que las presentes diligencias se iniciaron en este Juzgado de Letras Seccional de Olanchito, departamento de Yoro, mediante Denuncia de fecha seis de Mayo de mil novecientos noventa y seis, interpuesta por la Fuerza de Seguridad Publica.

**CONSIDERANDO:** Que de acuerdo a la Ley Especial de Transición y Seguimiento Interinstitucional del Sistema Penal, se consideran prescritos los delitos que se conozcan en procesos que, por más de dos (2) años, se encuentren inactivos; a excepción de asesinato, lavado de activos, tráfico de drogas, violación y secuestro.

**CONSIDERANDO:** Que desde el veintidós de Mayo de mil novecientos noventa y seis se paralizó la instrucción del presente proceso penal, lo que originó que empezara a correr el término de prescripción, habiendo transcurrido a la actualidad más de dos años desde la paralización de la presente causa penal.

**CONSIDERANDO:** Que indagada quien fue **LESLY LIZETH ANTUNEZ CARBAJALES** manifestó ser menor de edad; habiéndose acreditado tal extremo en autos se entrego la menor en calidad de deposito a su abuela.

**CONSIDERANDO:** Que se decretará sobreseimiento cuando aparezcan exentos de responsabilidad criminal los procesados como autores o cómplices, o esté extinguida su responsabilidad penal.

**CONSIDERANDO:** Que conforme al artículo cuatro de la Ley Especial de Transición y Seguimiento Interinstitucional, la acción penal en la presente causa ya se encuentra prescrita, por lo que precede decretar sobreseimiento definitivo.

**CONSIDERANDO:** Que por todo lo antes expuesto a criterio de este Juzgador, procede dictar **SOBRESEIMIENTO DEFINITIVO**, en la presente causa.

**POR TANTO:** Este Programa Nacional de Depuración de Causas Penales; impartiendo Justicia en nombre del Estado de Honduras y en aplicación a los artículos 90, 94, 96, 303 y 314 de la Constitución de la República; 1 y 40 numeral 3 de la Ley de Organización y Atribuciones de los Tribunales; 9, 22 numeral 1 y 23 numeral 1, 96 numeral 6 y 218 del Código Penal Vigente; 188 y 196 del Código de la Niñez y la Adolescencia; 428 del Código de Procedimientos Penales, 4, 5, 6, 23 y 24 de la Ley Especial de Transición y Seguimiento Interinstitucional Del Sistema Penal **SOBRESEE DEFINITIVAMENTE** a las diligencias instruidas por la infracción penal de **ROBO**, cometida por la menor **LESLY LIZETH ANTUNEZ CARBAJALES**, en perjuicio de **DEYSI LEONOR PASCUAS JUÁREZ** y **ADELMO MARTINEZ**. **Y MANDA:** Que si no se interpone recurso alguno contra este fallo dentro del término de Ley, quede firme el presente fallo; asimismo procedáse a extender la respectiva Carta de Libertad y oportunamente archívense las presentes diligencias.-**NOTIFIQUESE**.

**PROGRAMA NACIONAL DE DEPURACIÓN DE CAUSAS PENALES.-**

Tegucigalpa, nueve de octubre del dos mil tres.

**VISTA:** Para dictar **SOBRESEIMIENTO DEFINITIVO** en la causa instruida contra **SANTOS GONZALEZ GONZALEZ** mayor de edad, soltero, Labrador, hondureño y de con domicilio en el Departamento de Intibuca por considerarlo responsable del delito de **VIOLACIÓN** en perjuicio de **MARIA DEL ROSARIO GONZALEZ GONZALEZ** menor de edad, soltera, hondureña y de con domicilio en el Departamento de Intibuca.

**CONSIDERANDO:** Que este Juzgador estima y declara probado:

**HECHO UNICO SIGUIENTE:** Que las presentes diligencias se iniciaron en el Juzgado de Paz de Jesús de Otoro, Departamento de Intibuca mediante querrela de fecha veintiuno de septiembre de mil novecientos noventa y dos.-

**CONSIDERANDO:** Que en fecha diecinueve de febrero de mil novecientos noventa y tres se decreto la libertad provisional por haber otorgado perdón expreso a favor de **SANTOS GONZALEZ GONZALEZ** y se ordeno su excarcelación.

**CONSIDERANDO:** Que de conformidad con el articulo noventa y seis (96) numeral cinco (5) del Código Penal, la responsabilidad penal se extingue por el perdón expreso del ofendido o quien tenga su representación legal en los delitos perseguibles solamente a virtud de querrela o denuncia del agraviado.

**CONSIDERANDO:** Que por todo lo antes expuesto a criterio de este Juzgador, procede dictar **SOBRESEIMIENTO DEFINITIVO**, en la presente causa.

**POR TANTO:** El Programa Nacional de Depuración de Causas Penales, impartiendo justicia en nombre del Estado de Honduras y en aplicación de los artículos: 90, 94, 96, 303 y 314 de la Constitución de la República; 1 y 40 numeral 3 de la Ley de Organización y Atribuciones de los Tribunales; 9, 96 numeral 5; 140 del Código Penal de Vigente; 428 y 429 numeral 3 del Código de Procedimientos Penales.- **SOBRESEE DEFINITIVAMENTE** la causa instruida contra **SANTOS GONZALEZ GONZALEZ** por considerarlo responsable del delito de **VIOLACIÓN** en perjuicio de **MARIA DEL ROSARIO GONZALEZ GONZALEZ**.- **Y MANDA:** Que si no se interpone recurso alguno contra este fallo dentro del termino de Ley, quede firme el mismo, procedase a extender la respectiva carta de libertad definitiva y archívense las diligencias.- **NOTIFÍQUESE.**

**PROGRAMA NACIONAL DE DEPURACIÓN DE CAUSAS PENALES,**

Tegucigalpa, Municipio del Distrito Central , trece de agosto del dos mil tres.

**VISTA:** Las presentes diligencias para dictar **SOBRESEIMIENTO DEFINITIVO** en la causa instruida para averiguar **ENFRENTAMIENTO ENTRE MIEMBROS DE SEGURIDAD DE LA EMPRESA TELA RAID ROAD Y MIEMBROS DE LA FAMILIACARDENAS.** **HECHO:** Ocurrido en fecha quince de noviembre de mil novecientos noventa y cinco, a hora desconocida en el Departamento Atlántida.

**CONSIDERANDO:** Que las presentes diligencias se iniciaron en el Juzgado de Letras Seccional de Tela del Departamento de Atlántida mediante por cuanto de fecha quince de noviembre de mil novecientos noventa y cinco.

**CONSIDERANDO:** Que de acuerdo a la Ley Especial de Transición y Seguimiento Interinstitucional del Sistema Penal, se consideran prescritos los delitos que se conozcan en procesos que, por más de dos (2) años, se encuentren inactivos; a excepción de asesinato, lavado de activos, tráfico de drogas, violación y secuestro.

**CONSIDERANDO:** Que desde el quince de noviembre de mil novecientos noventa y cinco se paralizó la instrucción del presente proceso penal, lo que originó que empezara a correr el término de prescripción, habiendo transcurrido a la actualidad más de dos años desde la paralización de la presente causa penal.

**CONSIDERANDO:** Que conforme al artículo cuatro de la Ley Especial de Transición y Seguimiento Interinstitucional, la acción penal en la presente causa ya se encuentra prescrita, por lo que procede decretar sobreseimiento definitivo.

**CONSIDERANDO:** Que el sobreseimiento es la cesación o suspensión de la parte informativa del proceso y aún algunas veces la del plenario o instancia.

**CONSIDERANDO:** Que por todo lo antes expuesto a criterio de este Juzgado, procede dictar **SOBRESEIMIENTO DEFINITIVO**, en la presente causa.

**POR TANTO:** El Programa Nacional de Depuración de Causas Penales, impartiendo Justicia en nombre del Estado de Honduras y en aplicación de los artículos: 90, 94, 96, 303 y 314 de la Constitución de la República; 1 y 40 numeral 3 de la Ley de Organización y Atribuciones de los Tribunales; 4, 5, 6, 23 y 24 de la Ley Especial de Transición y Seguimiento Interinstitucional del Sistema Penal; 9 del Código Penal de Vigente; 428 del Código de Procedimientos Penales.- **SOBRESEE**



**DEFINITIVAMENTE** la causa instruida para averiguar **ENFRENTAMIENTO ENTRE MIEMBROS DE SEGURIDAD DE LA EMPRESA TELA RAID ROAD Y MIEMBROS DE LA FAMILIACARDENAS.- Y MANDA:** Que si no se interpone recurso alguno contra este fallo dentro del termino de Ley, quede firme el mismo y oportunamente archívense las presentes diligencias.- **NOTIFÍQUESE.**

**PROGRAMA NACIONAL DE DEPURACIÓN DE CAUSAS PENALES.-**

Tegucigalpa, Municipio del Distrito Central, trece de Junio del dos mil tres.-

**VISTA:** Las presentes diligencias para dictar **SOBRESEIMIENTO DEFINITIVO**, en la causa instruida contra **ABILIO ACOSTA MENDEZ** quién fue mayor de edad, soltero, labrador, hondureño y vecino del Municipio de El Porvenir, departamento de Francisco Morazán, por suponerlo responsable por los delitos de **HOMICIDIO** en perjuicio de **ALDO RICARDO CARCAMO MARIN**, quién fue mayor de edad, soltero, militar, hondureño y del mismo vecindario que el anterior y **LESIONES** en perjuicio de **JOSE DE LA PAZ REYES** de generales desconocidas.- **HECHO:** Ocurrido el día martes doce de Agosto de mil novecientos ochenta y seis, en el municipio de El Porvenir, departamento de Francisco Morazán, como a las ocho y media de la noche.

**CONSIDERANDO:** Que las presentes diligencias se iniciaron en el Juzgado de Paz de lo Criminal de El Porvenir, departamento de Francisco Morazán, mediante Por Cuanto, levantado por dicho Juzgado, con fecha doce de Agosto de mil novecientos ochenta y seis.

**CONSIDERANDO:** Que este Programa Nacional de Depuración de Causas Penales, estima y declarada probados los hechos siguientes:

**PRIMERO:** Que el día doce de Agosto de mil novecientos ochenta y seis, como a las ocho y media de la noche, en el interior de una casa propiedad del señor ARTURO HERNÁNDEZ en la cual hay una cantina siendo la dueña la señora SOFIA IZAGUIRRE GUTIERREZ sita en el municipio de El Porvenir, departamento de Francisco Morazán, en el cual resultó muerto a consecuencia de herida de arma de fuego el Agente de Policía ALDO RICARDO CARCAMO MARIN y gravemente herido el señor JOSE DE LA PAZ REYES, producidas por el señor ABILIO ACOSTA MENDEZ quién posteriormente se dio a la fuga el hechor.

**SEGUNDO:** Que con fecha nueve de Enero de mil novecientos ochenta y siete, falleció el señor ABILIO ACOSTA MENDEZ.

**CONSIDERANDO:** Que con la Certificación de Acta de Defunción que consta a folio veintisiete (27) f y v de la presente causa, se acredita fehacientemente la

muerte legal del procesado ABILIO ACOSTA MENDEZ, acaecido en fecha nueve de enero de mil novecientos ochenta y siete.

**CONSIDERANDO:** Que se decretará Sobreseimiento Definitivo, cuando muera el reo contra quien se proceda.

**CONSIDERANDO:** Que el Sobreseimiento es la cesación o suspensión de la parte informativa del proceso, y aún algunas veces de la del plenario o instancia.

**CONSIDERANDO:** Que por todo lo antes expuesto a criterio de este Juzgado, procede dictar **SOBRESEIMIENTO DEFINITIVO**, en la presente causa.

**POR TANTO:** Este Programa Nacional de Depuración de Causas Penales, impartiendo Justicia en nombre del Estado de Honduras y en aplicación de los artículos: 90, 94, 96, 303 y 314 de la Constitución de la República; 1 y 40 numeral 3 de la Ley de Organización y Atribuciones de los Tribunales; 23 y 24 de la Ley Especial de Transición y Seguimiento Interinstitucional del Sistema Penal; 9, y 116 del Código Penal de 1985; 428 y 429 numeral 4 del Código de Procedimientos Penales.- **SOBRESEE DEFINITIVAMENTE** a favor de **ABILIO ACOSTA MENDEZ**, por suponerlo responsable de los delitos de **HOMICIDIO** en perjuicio de **ALDO RICARDO CARCAMO MARIN** y **LESIONES** en perjuicio de **JOSE DE LA PAZ REYES**.- **Y MANDA:** Que si no se interpone recurso alguno contra este fallo dentro del termino de Ley, quede firme el mismo y oportunamente archívense las presentes diligencias.- **NOTIFÍQUESE.**

**PROGRAMA NACIONAL DE DEPURACIÓN DE CAUSAS PENALES,**  
Tegucigalpa Municipio del Distrito Central, veintitrés de Agosto del dos mil cuatro.

**VISTAS:** Las presentes diligencias para dictar **SOBRESEIMIENTO DEFINITIVO**, en la causa instruida contra **SANTOS SANTAMARIA**, de generales desconocidas, por el delito de **HOMICIDIO EN SU GRADO DE EJECUCIÓN DE TENTATIVA**, en perjuicio de **GONZALO AMADOR**, mayor de edad, hondureño, soltero y con domicilio en el departamento de Yoro.

**HECHO:** Ocurrido en fecha cuatro de Febrero de mil novecientos noventa en el departamento de Choluteca.

**CONSIDERANDO:** Que las presentes diligencias se iniciaron en el Juzgado de Paz de lo Criminal del Progreso, mediante Por cuanto de fecha diecinueve de Febrero de mil novecientos noventa.

**CONSIDERANDO:** Que de acuerdo al Código Penal de mil novecientos ochenta y cinco, la acción penal prescribe en un transcurso de un período igual al máximo de duración de la sanción señalada para el delito, aumentado en la mitad y en el caso de autos el delito que nos ocupa tiene una pena máxima de seis años, y prescribe a los nueve años.

**CONSIDERANDO:** Que desde la fecha en que se cometió el Ilícito que es objeto del el presente Juicio, a la actualidad han pasado más de nueve años.

**CONSIDERANDO:** Que conforme al artículo noventa y siete numeral uno del Código Penal de mil novecientos ochenta y cinco, la acción penal en la presente causa ya se encuentra prescrita, por lo que procede decretar sobreseimiento definitivo.

**CONSIDERANDO:** Que el sobreseimiento es la cesación o suspensión de la parte informativa del proceso y aún algunas veces la del plenario o instancia.

**CONSIDERANDO:** Que se decretará sobreseimiento cuando aparezcan exentos de responsabilidad criminal los procesados como autores o cómplices, o esté extinguida su responsabilidad penal.

**CONSIDERANDO:** Que por todo lo expuesto a criterio de este Juzgador, procede dictar **SOBRESEIMIENTO DEFINITIVO** en la presente causa.

**POR TANTO:** Este Programa Nacional de Depuración de Causas Penales, impartiendo Justicia en nombre del Estado de Honduras y en aplicación de los artículos 90, 94, 96,

303 y 314 de la Constitución de la República; 1 y 40 numeral 3 de la Ley de Organización y Atribuciones de los Tribunales; 9, 96 numeral 7, 97 numeral 1 y 241 del Código Penal vigente; 428 y 429 numeral 3 del Código de Procedimientos Penales. **SOBRESEE DEFINITIVAMENTE** a favor de **LEONARDO MIRRIELLES** por el delito de **ESTAFA** en perjuicio de **INDUSTRIAS YUBA**. **Y MANDA:** Que si no se interpone recurso alguno contra este fallo dentro del término de Ley quede firme el mismo, expídase la respectiva carta de libertad definitiva y oportunamente archívense las diligencias. **NOTIFIQUESE.**

**PROGRAMA NACIONAL DE DEPURACION DE CAUSAS PENALES.-**

Tegucigalpa, Municipio del Distrito Central, veintiséis de Mayo del dos mil cuatro.

**VISTAS:** Las presentes diligencias para dictar **SOBRESEIMIENTO DEFINITIVO**, en la causa instruida contra **CESAR ALFREDO OCHOA, EUSEBIO ALVARADO, ANTONIO OCHOA, ROSALIO OCHOA, FRANCISCO OCHOA, RODOLFO VENTURA ESCALON, ADAN GARCIA, CONCEPCIÓN DUBON y NAPOLEÓN DE JESÚS**; todos mayores de edad, hondureños y de ese domicilio en el departamento de Ocotepeque, por considerarlos responsables del delito de **HOMICIDIO** en perjuicio de **JOSE AVELINO SORIANO**; y **LESIONES** en perjuicio de **JOAQUIN SORIANO** y **CIRIACA LANDA VERDE**; estos tres últimos mayores de edad, hondureños y con domicilio en el departamento de Ocotepeque.

**HECHO:** Ocurrido el uno de Julio de mil novecientos sesenta y dos, en el departamento de Ocotepeque.

**CONSIDERANDO:** Que las presentes diligencias se iniciaron en el Juzgado de Letras Departamental de Ocotepeque, mediante Acusación de fecha veinte de Julio de mil novecientos sesenta y dos, interpuesta por el ofendido.

**CONSIDERANDO:** Que de acuerdo al Código Penal de mil novecientos seis, la acción penal prescribe a los diez años para los simples delitos y quince años para los crímenes.

**CONSIDERANDO:** Que desde la fecha en que se cometió el Ilícito objeto del presente Juicio, han pasado a la actualidad mas quince años.

**CONSIDERANDO:** Que conforme al artículo ciento doce del Código Penal de mil novecientos seis, la acción penal en la presente causa ya se encuentra prescrita, por lo que procede decretar sobreseimiento definitivo.

**CONSIDERANDO:** Que el sobreseimiento es la cesación o suspensión de la parte informativa del proceso y aún algunas veces la del plenario o instancia.

**CONSIDERANDO:** Que se decretará sobreseimiento cuando aparezcan exentos de responsabilidad criminal los procesados como autores o cómplices, o esté extinguida su responsabilidad penal.

**CONSIDERANDO:** Que por todo lo expuesto a criterio de este Juzgado, procede dictar **SOBRESEIMIENTO DEFINITIVO** en la presente causa.

**POR TANTO:** Este Programa Nacional de Depuración de Causas Penales, impartiendo Justicia en nombre del Estado de Honduras y en aplicación de los artículos 90, 94, 96, 303 y 314 de la Constitución de la República; 1 y 40 numeral 3 de la Ley de Organización y Atribuciones de los Tribunales; 3, 112, 113 , 405 y 416 del Código Penal de 1906; 9, 96 numeral 7 del Código Penal de 1985; 296 del Código Procesal Penal. **SOBRESEE DEFINITIVAMENTE** a favor de **CESAR ALFREDO OCHOA, EUSEBIO ALVARADO, ANTONIO OCHOA, ROSALIO OCHOA, FRANCISCO OCHOA, RODOLFO VENTURA ESCALON, ADAN GARCIA, CONCEPCIÓN DUBON y NAPOLEÓN DE JESÚS**, por considerarlos responsables de los delitos de **HOMICIDIO**, en perjuicio de **JOSE AVELINO SORIANO**; y **LESIONES** en perjuicio de **JOAQUIN SORIANO y CIRIACA LANDA VERDE**.- **Y MANDA:** Que si no se interpone recurso alguno contra este fallo dentro del término de Ley quede firme el mismo, entréguese la respectiva carta de libertad definitiva y oportunamente archívense las diligencias. **NOTIFIQUESE.**

## **PROGRAMA NACIONAL DE DEPURACIÓN DE CAUSAS**

**PENALES.-** Tegucigalpa, Municipio del Distrito Central, veintisiete de agosto del dos mil tres.-

**VISTA:** Las presentes diligencias para dictar **SOBRESEIMIENTO DEFINITIVO**, en la causa instruida contra **HERMELINDO CANTARERO** mayor de edad, hondureño, con domicilio en el Departamento de Cortes y demás generales desconocidas por suponerlo responsable de **FALTAS CONTRA LAS PERSONAS** en perjuicio de **NORMA ALICIA MADRID DE CANTARERO** mayor de edad, casada, Secretaria Comercial, hondureña y con domicilio en el Departamento de Cortes. **HECHO:** Ocurrido en fecha trece de septiembre de mil novecientos ochenta y ocho en el Departamento de Cortes.

**CONSIDERANDO:** Que las presentes diligencias se iniciaron en el Juzgado de Paz de lo Criminal de Puerto Cortes, mediante por cuanto de fecha catorce de septiembre de mil novecientos ochenta y ocho.

**CONSIDERANDO:** Que el sobreseimiento es la cesación o suspensión de la parte informativa del proceso y aún algunas veces la del plenario o instancia.

**CONSIDERANDO:** Que se decretará sobreseimiento, cuando principiando el sumario, no resulte la preexistencia del delito o el hecho resultare falta.

**CONSIDERANDO:** Que por todo lo antes expuesto a criterio de este Juzgador, procede dictar **SOBRESEIMIENTO DEFINITIVO**, en la presente causa.

**POR TANTO:** Este Programa Nacional de Depuración de Causas Penales, impartiendo Justicia en nombre del Estado de Honduras y en aplicación de los artículos: 90, 94, 96, 303 y 314 de la Constitución de la República; 1 y 40 numeral 3 de la Ley de Organización y Atribuciones de los Tribunales; 9,



396 numeral 1 del Código Penal de 1985; 428 y 429 numeral 1 del Código de Procedimientos Penales.- **SOBRESEE DEFINITIVAMENTE** a favor de **HERMELINDO CANTARERO** por suponerlo responsable de **FALTAS CONTRA LAS PERSONAS** en perjuicio de **NORMA ALICIA MADRID DE CANTARERO**.- **Y MANDA:** Que si no se interpone recurso alguno contra este fallo dentro del termino de Ley, quede firme el mismo y procédase a extender la respectiva Carta de Libertad definitiva y oportunamente archívense las presentes diligencias.- **NOTIFÍQUESE.**

**PROGRAMA NACIONAL DE DEPURACIÓN DE CAUSAS PENALES**, Tegucigalpa Municipio del Distrito Central, siete de Octubre del dos mil tres.

**VISTA:** Para dictar **SOBRESEIMIENTO DEFINITIVO**, en la causa instruida contra **ROSA DELIA MOLINA PAGOADA**, mayor de edad, hondureña, soltera, de oficios domésticos y con domicilio en el departamento de El Paraíso, por considerarla responsable del delito de **SECUESTRO** en perjuicio de la menor **KATHY LORENA RAMOS SOLORZANO**.

**CONSIDERANDO:** Que este Juzgador estima y declara probados los hechos siguientes:

**PRIMERO:** Que las presentes diligencias se iniciaron en el Juzgado de Letras Segundo Seccional de Danlí, departamento de El Paraíso, mediante Acusación de fecha siete de Abril de mil novecientos noventa y dos, interpuesta por **MIGUEL ANGEL RAMOS**, en su condición de padre de la menor ofendida.

**CONSIDERANDO:** Que en fecha veintitrés de Abril de mil novecientos noventa y dos, se decreto libertad provisional por falta de méritos a favor de **ROSA DELMI MOLINA PAGOADA**, y se ordeno su excarcelación.

**CONSIDERANDO:** Que se decretará sobreseimiento cuando habiéndose procedido contra alguna persona por haber contra ella sospechas o indicios, se desvanecieren de tal modo que se hace patente su inocencia.

**CONSIDERANDO:** Que por todo lo antes expuesto a criterio de este Juzgador, procede dictar **SOBRESEIMIENTO DEFINITIVO**, en la presente causa.

**POR TANTO:** Programa Nacional de Depuración de Causas Penales, impartiendo justicia en nombre del Estado de Honduras y en aplicación de los artículos: 90, 94, 96, 303 y 314 de la Constitución de la República; 1 y 40 numeral 3 de la Ley de Organización y Atribuciones de los Tribunales; 9 y 192 del Código Penal Vigente; 176, 428, 429 numeral 2 del Código de Procedimientos Penales. **SOBRESEE DEFINITIVAMENTE** la causa instruida contra **ROSA DELIA MOLINA PAGOADA** por considerarla responsable del delito de **SECUESTRO** en perjuicio de **KATHY LORENA RAMOS SOLORZANO**.- **Y MANDA:** Que si no se interpone recurso alguno contra este fallo dentro del termino de Ley, quede firme el mismo, procédase a extender la respectiva carta de libertad definitiva y archívense las diligencias.- **NOTIFÍQUESE.**

**PROGRAMA NACIONAL DE DEPURACIÓN DE CAUSAS PENALES.-**

Tegucigalpa, Municipio del Distrito Central, uno de Septiembre del dos mil tres.-

**VISTA:** Las presentes diligencias para dictar **SOBRESEIMIENTO DEFINITIVO**, en la causa instruida contra **CINTIA GODOY CUBAS** mayor de edad, soltera, ama de casa y con domicilio en el Departamento de Francisco Morazán, por suponerla responsable de **FALTAS CONTRA LAS PERSONAS** en perjuicio del menor **KELSIN HORACIO MALDONADO RODRIGUEZ**. **HECHO:** Ocurrido en fecha siete de Febrero del dos mil en el Departamento de Francisco Morazán.

**CONSIDERANDO:** Que las presentes diligencias se iniciaron en el Juzgado de Paz de lo Criminal de Puerto Cortes, mediante Acusación de fecha ocho de Febrero del dos mil, interpuesta por **ISABEL RODRIGUEZ**, en su condición de madre del menor ofendido.

**CONSIDERANDO:** Que de acuerdo al Dictamen Medico emitido por la Dirección de Medicina Forense del Ministerio Publico, las Lesiones producidas incapacitan al ofendido por un termino no mayor de ocho días, por lo que el ilícito penal constituye una falta contra las personas

**CONSIDERANDO:** Que el sobreseimiento es la cesación o suspensión de la parte informativa del proceso y aún algunas veces la del plenario o instancia.

**CONSIDERANDO:** Que se decretará sobreseimiento, cuando principiando el sumario, no resulte la preexistencia del delito o el hecho resultare falta.

**CONSIDERANDO:** Que por todo lo antes expuesto a criterio de este Juzgador, procede dictar **SOBRESEIMIENTO DEFINITIVO**, en la presente causa.

**POR TANTO:** Este Programa Nacional de Depuración de Causas Penales, impartiendo Justicia en nombre del Estado de Honduras y en aplicación de los artículos: 90, 94, 96, 303 y 314 de la Constitución de la República; 1 y 40 numeral 3 de la Ley de Organización y Atribuciones de los Tribunales; 9, 396 numeral 1 del Código Penal vigente; 428 y 429 numeral 1 del Código de Procedimientos Penales.- **SOBRESEE DEFINITIVAMENTE** a favor de **CINTIA GODOY CUBAS** por suponerlo responsable de **FALTAS CONTRA LAS PERSONAS** en perjuicio de **KELSIN HORACIO MALDONADO RODRIGUEZ**.- **Y MANDA:** Que si no se interpone recurso alguno contra este fallo dentro del termino de Ley, quede firme el mismo y

procédase a extender la respectiva Carta de Libertad definitiva y oportunamente archívense las presentes diligencias.- **NOTIFÍQUESE.**

**ATTACHMENT B**  
**PURGING UNIT CONTROL FORM FOR DEPURADORES**

PROGRAMA NACIONAL DEPURACIÓN DE CAUSAS PENALES  
 INFORME EXPEDIENTES SOBRESEIDOS SEMANA DEL 6 AL 10 DE  
 SEPTIEMBRE, 2004

NOMBRE	LUNES	MARTES	MIÉRCOLES	JUEVES	VIERNES	REVISADOS	OBSERVACIONES
Ana Zapata	25	25	25	25	25	125	
Angel Montes	25	25	25	25	25	125	
Armida J. López	20	20	20	20	20	100	
Diana M. Palma	25	25	25	25	No vino a trabajar	100	
Elias J. Sierra	25	25	25	25	25	125	
Francisca Avila	20	20	20	20	20	100	
Gonzalo Toro	20	20	20	20	20	100	
Janeth G. Bográn	20	20	20	20	20	100	
María J. Huete	20	20	20	20	20	100	
Marvin Artica	20	20	20	20	20	100	
Mercy Cerrato	25	25	25	25	listados	100	
Miriam V. Cruz	25	25	25	25	No vino a trabajar	100	
Karla S	25	25	25	25	25	125	
Wendy Castro	20	20	20	20	20	100	
Wendy Romero	25	25	25	25	25	125	
<b>Total</b>	<b>340</b>	<b>340</b>	<b>340</b>	<b>340</b>	<b>265</b>	<b>1625</b>	
Aleyda Barillas	85	85	85	85	60	400	
Katy Castillo	215	190	215	215	185	1,020	
Angie Villanueva							
Allan Rodríguez	140	90	90	90	65	475	
Nivida Hernández	70	70	70	70	70	350	
Total	510	435	460	460	380	2,245	

ATTACHMENT C  
PURGING UNIT GENERAL DATABASE  
LAYOUT

No. exped.	Presentación	Imputado	Delito	Perjudicado	Deposít.	Hip.	Juzgado de Procedencia
	Acusación priv.		Lesiones			X	P. Cortes
	Denuncia		Estafa		X		
	Acusación priv.		Homicidio Culposo		X		
	Acusación priv.		Robo Homicidio		X		
	Denuncia		Decasato		X		
	Por cuanto		Homicidio Culposo		X		
	Acusación priv.		Amenazas		X		
	Denuncia		Lesiones		X		
	Denuncia		Encubrimiento				
	Denuncia		Homicidio Culposo				
	Acusación priv.		Agiotaje				
	Por cuanto		Lesiones				
	Acusación priv.		Robo				
	Denuncia		Lesiones				



ATTACHMENT D  
NOTIFICATION FORM  
AND  
NOTICE OF FINAL RELEASE

## CÉDULA DE NOTIFICACIÓN

El secretario del PROGRAMA NACIONAL DE DEPURACIÓN DE CAUSAS PENALES con jurisdicción a nivel nacional A: Las partes intervinientes en el proceso instruido contra \_\_\_\_\_ por suponerlo responsable de el delito de \_\_\_\_\_ en perjuicio de el \_\_\_\_\_ HACE SABER: Que este PROGRAMA NACIONAL DE DEPURACIÓN DE CAUSAS PENALES Dictó RESOLUCIÓN en fecha \_\_\_ de \_\_\_ dos mil cuatro dice:

PLACE THE COPY OF THE DIMISSAL ORDER HERE

En virtud de lo cual, y para los efectos de ley, notifico a usted, por medio de esta cédula.  
La cual firmo en la ciudad de Tegucigalpa, a las \_\_\_\_\_ del día  
Del dos mil

\_\_\_\_\_

Secretario

CARTA DE LIBERTAD  
DEFINITIVA

La infraescrita Secretaria del programa Nacional de Depuración de Causas Penales,  
HACE CONSTAR: Que \_\_\_\_\_ queda en libertad Definitiva en  
virtud de habersele **Decretado Sobreseimiento Definitivo** en la causa en la que se le  
sigue por el delito de \_\_\_\_\_ en perjuicio de  
\_\_\_\_\_.

Tegucigalpa M.D.C. \_\_ de diciembre de 2004

SECRETARIO POR LEY

JUEZ

ATTACHMENT E  
PERSONS INTERVIEWED

## **Persons Interviewed**

### UTR & Juzgado Seccional

Kenneth Madrid Chinchilla, Executive Director, UTR

Lilian Maldonado, Coordinadora Interina del Área Penal del Juzgado de  
Letras Seccional

### Active Case Judges

Suyapa Matute Vázquez, Juez de Depuración de Causas Activas

Eleonora Chang, Juez de Depuración de Causas Activas

Olga Laguna, Juez de Depuración de Causas Activas

Carlos Francisco Núñez, Juez de Depuración de Causas Activas

Miguel Valdés Garay, Juez de Depuración de Causas Activas

Enma América Varela, Juez de Depuración de Causas Activas

Daniela Galo, Juez de Depuración de Causas Activas

### Inactive Case Judges

Julia Maribel Funes Ardón, Juez de Letras Coordinadora del Programa

Nacional de Depuración de Causas Penales

Nivida Hernández, Juez de Letras del Programa Nacional de Depuración de

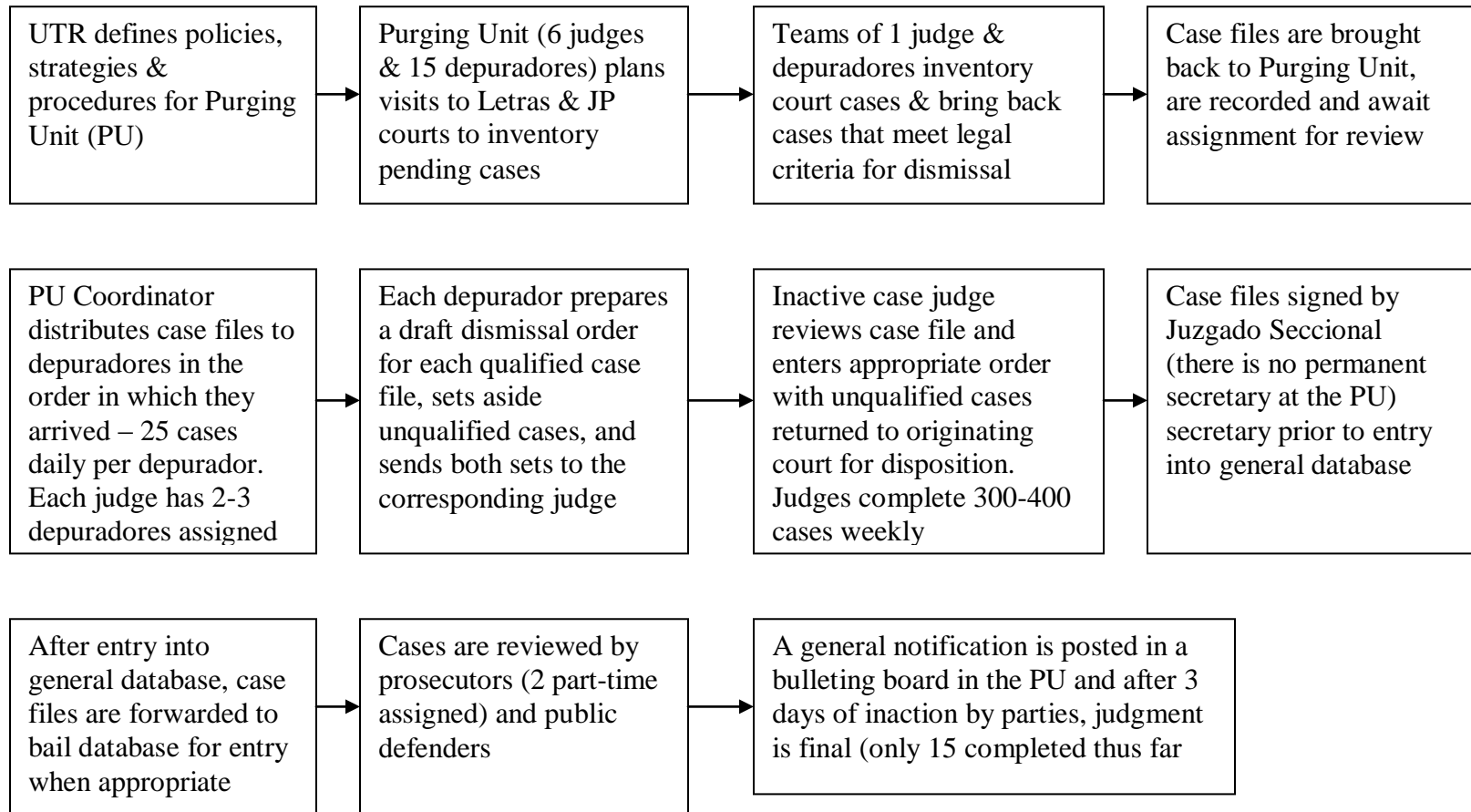
Causas Penales

### Depurador

Ana Zapata

ATTACHMENT F  
FLOWCHART OF PROCESSES FOR CLOSING INACTIVE & ACTIVE  
CASES

## FLOWCHART OF PROCESS FOR CLOSING INACTIVE CASES



## FLOWCHART OF PROCESS FOR CLOSING ACTIVE CASES

