

**Order of the
Inter-American Court of Human Rights*
of August 5, 2008
Case of Servellón García *et al.* v. Honduras
(*Monitoring Compliance with Judgment*)**

HAVING SEEN:

1. The Judgment on the merits, reparations and legal costs (hereinafter, the "Judgment") delivered by the Inter-American Court of Human Rights (hereinafter, the "Court", "the Inter-American Court" or the "Tribunal") on September 21, 2006.

2. The Order of the Inter-American Court of Human Rights regarding Monitoring Compliance with the Judgment, of January 29, 2008, which declared that:

1. Pursuant to the information contained in Having Seen Clauses 34 to 37 of [...] Order, the State has fully complied with the payment of the amounts awarded as compensation for the pecuniary and non-pecuniary damages and costs and expenses (*operative paragraphs fifteen, sixteen, seventeen and eighteen of the Judgment*).

2. That pursuant to the information contained in [...] Order, the State has complied with the following operative paragraphs of the Judgment:

a) to publish, once, in a newspaper of national circulation, the chapter related to the proven facts in the Judgment and the operative paragraphs of the same, pursuant to Having Seen Clauses 10 to 13 of [...] Order (*operative paragraph nine of the judgment*);

b) to name a street or park, in the city of Tegucigalpa, in memory of the victims, pursuant to Having Seen Clauses 18 to 21 of [...] Judgment (*operative paragraph eleven of the Judgment*); and

c) to issue a postal stamp in allusion to the protection owed by the State and society to children and youngsters in risky situations, pursuant to Having Seen Clauses 26 to 29 of [...] Order (*operative paragraph thirteen of the Judgment*).

3. That the supervision proceeding shall be kept open to track the compliance with the orders pending fulfillment in the [...] case, to wit:

a) to carry out all actions necessary to identify, prosecute and, as the case may be, punish all the perpetrators and instigators of the violations committed in detriment of the victims and to remove all obstacles and mechanisms of fact and of law that have maintained impunity in the instant case, Having Seen Clauses 6 to 9 of [...] Order (*operative paragraph eight of the Judgment*);

b) to publish, once, in the Official Gazette the chapter regarding the proven facts of the Judgment, without footnotes and the operative paragraphs of the same, pursuant to Having Seen Clauses 10 to 13 of [...] Order (*operative paragraph nine of the Judgment*);

* Judge Diego García-Sayán, due to reasons of forced majeure, was not able to take part in the deliberation and signature of this Order.

c) to carry out a public act of acknowledgment of international responsibility by the State, pursuant to Having Seen Clauses 14 to 17 of [...] Order (*operative paragraph ten of the Judgment*);

d) to place a plaque with the name of the victims in the street that has been named in their memory, pursuant to Having Seen Clauses 18 to 21 of [...] Order (*operative paragraph eleven of the Judgment*);

e) to establish a training program for police and judicial personnel as well as for the Public Prosecutor's Office and Penitentiary personnel regarding the protection of children and youngsters; about the principle of equality before the law and about the international standards in human rights and judicial guarantees afforded to detainees, pursuant to Having Seen Clauses 22 to 25 of [...] Order (*operative paragraph twelve of the Judgment*);

f) to carry out a campaign to sensitize the Honduran society regarding the importance of the protection of children and youngsters, to inform about the specific duties for their protection that correspond to the family, society and the State, and to show the population that children and youngsters in risky situations are not associated to delinquency, pursuant to Having Seen Clauses 26 to 29 of [...] Order (*operative paragraph thirteen of the Judgment*); and

h) to create a unified database among all institutions involved in the investigation, identification and punishment of those responsible for the violent death of children and youngsters in risky situations, pursuant to Having Seen Clauses 30 to 33 of [...] Order (*operative paragraph fourteen of the Judgment*).

[...]

3. The report of the State of Honduras (hereinafter, the "State"), submitted on May 19, 2008, in relation to the progress made in the compliance with the Judgment.

4. The observations of the victims' representatives (hereinafter, the "representatives") regarding the State's report submitted on June 24, 2008.

5. The observations of the Inter-American Commission on Human Rights (hereinafter, the "Commission" or the "Inter-American Commission") regarding the State's report submitted on July 9, 2008.

CONSIDERING:

1. It is an inherent power of the judicial functions of the Court to monitor compliance with its decisions.

2. That Honduras has been a State Party to the American Convention on Human Rights (hereinafter, the "Convention" or the "American Convention") since September 8, 1977, and that it accepted the binding jurisdiction of the Court on September 9, 1981.

3. That article 68(1) of the American Convention stipulates that "[t]he States Parties to the Convention undertake to comply with the judgment of the Court in any case to which they are parties." Therefore, the States must ensure that the rulings set out in the decisions of the Court are implemented at the domestic level.¹

¹ Cf. *Case of Baena Ricardo et al v. Panama*. Competence. Judgment of November 28, 2003. Series C No. 104, para. 131; *Case of Gómez-Paquiyaqui Brothers v. Peru*. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of May 3, 2008; Considering Clause three and *Case of the Mayagna (Sumo)*

4. That the obligation to comply with the rulings of the Court conforms to a basic principle of the law on the international responsibility of States, under which States are required to fulfill their international treaty obligations in good faith (*pacta sunt servanda*) and, as previously held by the Court and provided for in Article 27 of the Vienna Convention on the Law of Treaties of 1969, States cannot invoke their municipal laws to escape from their pre-established international responsibility. The treaty obligations of States Parties are binding on all State powers and organs.²

5. That the States Parties to the Convention must ensure compliance with its provisions and their inherent effects (*effet utile*) within their respective domestic legal systems. This principle applies not only in connection with the substantive provisions of human rights treaties (*i.e.* those dealing with the protected rights) but also in connection with procedural rules, such as the ones concerning compliance with the decisions of the Court. Such obligations are intended to be interpreted and enforced in a manner such that the protected guarantee is truly practical and effective, taking into account the special nature of human rights treaties.³

*

* *

6. That in relation to the operative paragraph eight related to the obligation of the State to undertake, within a reasonable period of time, all actions necessary to identify, prosecute, and, in its case, punish all the perpetrators and planners of the violations committed in detriment of the victims and the obligation to remove all obstacles and mechanisms of fact and law that have maintained the impunity in the present case, the State informed that on February 9, 2005 issued arrest warrants against the following people: a) Jorge Alberto Alfaro Martínez and Victor Hugo Vivas Lozano, accusing them of having allegedly committed the crimes of torture and murder of Orlando Álvarez Ríos, Rony Alexis Betancourt Hernández, Marco Antonio Servellón García and Diómedes Obed García and; b) Roxana Sierra Ramírez for the crime of unlawful arrest of the above mentioned people. Furthermore, the State mentioned that on February 13, 2008 it issued an arrest warrant against David Abraham Mendoza, Marco Tulio Regalado Hernández and José Antonio Martínez Arrázola accusing them of being the alleged responsible for the crime of torture and murder of the above mentioned people. Moreover, the State pointed out that in the procedures initiated to investigate the facts that led to the instant case, it was ordered to separately obtain the testimonies of the following people: Jorge Alberto Alfaro Martínez, Víctor Hugo Vivas Lozano, Mario Roberto Maldonado Ortega, Roxana Sierra Ramírez, David Abraham Mendoza, Marco Tulio Regalado Hernández and José Antonio Martínez Arrázola.

Awás Tingni Community v. Nicaragua. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of May 7, 2008, Considering Clause three.

² Cf. *International Responsibility for the Promulgation and Enforcement of Laws in Violation of the Convention* (Articles 1 and 2 American Convention on Human Rights). Advisory Opinion OC-14/94 of September 9, 1994, Series A N°.14, para. 35; *Case of Mayagna (Sumo) Awás Tingni Community*, *supra* note 1, Considering clause five and *Case of Raxcacó Reyes v. Guatemala; Monitoring Compliance with Judgment*. Order of the Inter-American Court of Human Rights of May 9, 2008, Considering Clause four.

³ Cf. *Case of Ivcher Bronstein. Competence*. Judgment of September 24, 1999. Series C No. 54, para. 37; *Case of Mayagna (Sumo) Awás Tingni Community*, *supra* note 1, Considering clause six and *Case of Raxcacó Reyes*. *supra* note 2, Considering clause forty-three.

As to the current status of the procedures initiated so far, the State alleged that: a) in the proceeding initiated against Jorge Alberto Alfaro Martínez, the commitment order delivered on February 21, 2005 was overturned, and therefore he was released. Said court order was appealed by the Office of Public Prosecutor to the Supreme Court of Justice and at the moment, the file is being processed before the Court of Appeals, b) in the proceeding initiated against Victor Hugo Vivas Lozano, by means of resolution of April 7, 2006, the court ordered pre-trial detention for the crime of concealment against the Government, the preliminary investigation was exhausted and the case was referred to full trial. Afterwards, the Trial Court on Judicial Criminal matters in and for Tegucigalpa rendered a conviction against him for the crime of concealment committed against the Government and against Orlando Álvarez Ríos, Rony Alexis Betancourt Hernández, Marco Antonio Servellón García and Diómedes Obed García and then he was sentenced to one- year-and two- months imprisonment, to the accessory penalty of special disqualification for two times the conviction term and to the loss of civil rights during the term of the conviction. Said judgment was final by February 25, 2008; c) as to the proceeding initiated against Mario Roberto Maldonado Ortega, the Trial Court on Criminal Matters in and for Tegucigalpa, by means of a resolution issued within the legal term, released the accused for lack of evidence and finally, dismissed the case. On May 28, 2007, the Office of the Public Prosecutor filed an appeal, which was admitted without suspension of judgment and on June 8, 2007 said case file was referred to the First Court on Appeals in order to try the case; up to May 19, 2008, date of the last State's report, there were still no news regarding such case; and d) in relation to the accused Roxana Sierra Ramírez, on December 4, 2007, the court issued a commitment order for the crime of unlawful arrest to the detriment of the four victims of the instant case and for the crimes of abuse of authority and concealment to the detriment of the Government. The court ordered precautionary measures different from pre-trial detention after having posted a bond for court costs and fees. Also, the court declared the preliminary investigation to be exhausted and the case was referred to Full Trial, by means of definitive resolution issued on February 6, 2008, and therefore the proceeding is now set for trial (*supra* Having Seen clause 3).

7. That in the observations to the State's report of May 19, 2008, the representatives mentioned that they positively value the issuance of the arrest warrants against the people who are allegedly responsible for the facts related to this case. However, they considered that the State omitted to point out the specific measures it has carried out in order to enforce said arrest warrants. In addition, they mentioned that despite the steps taken against Mario Roberto Maldonado Ortega, Roxana Sierra Ramirez and Jorge Alberto Alfaro Martínez, those people are currently free and the proceedings initiated against them have had little procedural activity. As a consequence, it does not spring from the information submitted by the State that appropriate, prompt and effective measures have been adopted in order to apprehend and, if applicable, punish the responsible for the death of the victims (*supra* Having Seen clause 4).

8. That in the observations submitted on July 9, 2008, the Commission pointed out that it took note of the information furnished by the State and urged it to continue with the investigation in order to inform in its next report on the progress made in each of the proceedings, and especially, the measures adopted to enforce the arrest warrants (*supra* Having Seen clause 5).

9. That, based on the foregoing, the Court values the information submitted by the parties regarding the steps taken by the State to investigate the alleged responsible for the facts of the instant case. Furthermore, the Court deems it is vital that the State continues submitting updated information on the measures carried out in order to identify, prosecute and, if applicable, punish the perpetrators and planners of the violations committed against

the victims, as well as removing all obstacles and mechanisms of fact and law that maintain the impunity in the instant case; in particular, on the measures adopted in order to enforce the arrest warrants issued in relation to this case (*supra* Having Seen clause 1). The Tribunal shall promptly assess said information when examining the status of compliance with operative paragraph eight of the Judgment.

*

* *

10. That, in relation to the operative paragraph nine, regarding the publication of the Chapter on facts proven of this Judgment, without the corresponding footnotes, and the operative part of the same, the State informed that on April 28, 2008 the pertinent parts of the Judgment were published in the official newspaper called La Gaceta N° 31.593 (*supra* Having Seen clause 3).

11. That the representatives confirmed that the State published the texts ordered by this Court in La Gaceta N° 31.593 on April 28, 2008 (*supra* Having Seen clause 4).

12. That in the observations of July 9, 2008, the Commission valued that the State had made such publication, complying, in this way, with the terms established in said operative paragraph of the Judgment delivered by the Court (*supra* Having Seen clause 5).

13. That in accordance with the statements made by the parties, the Tribunal deems that the State has complied with the operative paragraph nine of the Judgment (*supra* Having Seen clause 1).

*

* *

14. That in relation to the operative paragraph ten, regarding the performance of a public act of acknowledgment of the State's international responsibility, in the report of May 19, 2008, the State expressed that considering "[...] the arguments presented by the representatives [... it was] willing to verify one more time the act of Acknowledgment of International Responsibility [...] and apologize to the victims' next-of-kin [...]", therefore it was carrying out the necessary measures to such end (*supra* Having Seen clause 3).

15. That on June 24, 2008 the representatives confirmed the information furnished by the State and pointed out that, in fact, on June 13, 2008, a new public act was performed and the President of Honduras, the representatives and the victims' next-of-kin took part in it. In such act, the President publicly acknowledged the international responsibility of the State for the execution of the four victims of the instant case and apologized to the victims and their next-of-kin. Based on the foregoing, the representatives considered that the State duly complied with the Court's decision (*supra* Having Seen clause 4).

16. That, in the observations of July 9, 2008, the Commission valued the performance of the acts of acknowledgment of international responsibility, and therefore the State has complied with the Tribunal's decision (*supra* Having Seen clause 5).

17. That, by virtue of the information furnished by the parties, the Court notes that on April 18, 2007, the State performed the first public act of acknowledgment of its international responsibility which, since it did not meet the representatives' expectations, was once again performed on June 13, 2008. This time, the President of Honduras publicly

acknowledged the State's international responsibility and apologized to the victims' next-of-kin for the human rights violations committed against Marco Antonio Servellón García, Rony Alexis Betancourth Vásquez, Diómedes Obed García Sánchez and Orlando Álvarez Ríos. This Court positively values such acts. Furthermore, in view of the statements made by the representatives and the Commission, this Tribunal deems the operative paragraph ten of the Judgment to be fulfilled (*supra* Having Seen clause 1).

*

* *

18. That in relation to the operative paragraph eleven, regarding the duty of the State to place a plaque with the names of the victims on the street or plaza named after them, the State mentioned that the plaque was already placed and shown on November 12, 2007. The State added that the victims' next-of-kin, representatives of Casa Alianza, the National Human Rights Commissioner, members of the Inter-Institutional Work Team on human rights and authorities of the Municipal Corporation of the capital city attended such act (*supra* Having Seen clause 3).

19. That the representatives stated that the plaque with the names of the victims was shown on November 12, 2007. However, the Mayor of Tegucigalpa told Casa Alianza that the plaque revealed was no permanent, since it is very small, and therefore such plaque would be replaced. Up to the moment, the provisional plaque is still in there; for this reason, they requested the Court to urge the State to place the permanent plaque with the names of the victims as soon as possible (*supra* Having Seen clause 4).

20. That in the observations, the Commission valued the progress made by the State to comply with that obligation and is looking forward to receiving information on the measures adopted in order to conclude complying with such obligation (*supra* Having Seen clause 5).

21. That, based on the foregoing, the Court considers that the State has complied with the placement of the plaque in accordance with the decision of operative paragraph eleven of the Judgment. Nevertheless, in view of the statement made by the representatives, the State could replace the plaque for another one, if appropriate, taking into account the provisions established in said operative paragraph (*supra* Having Seen clause 1).

*

* *

22. That in relation to the operative paragraph twelve, regarding the State's duty to establish a program for the formation and training of police and judicial personnel as well as personnel of the Public Prosecutors' Office and of the penitentiary regarding the special protection that must be offered by the State to children and youngsters, the principle of equality and non-discrimination, and the principles and norms for the protection of human rights, related to the application of international standards for the arrest of people, respect for their rights and judicial guarantees, the treatment that they must receive, their detention conditions, treatment, and medical control, the right to have an attorney, to receive visits, and that minors and adults, as well as those being processed and those already convicted, the State pointed out that it established a permanent training workshop on human rights and access to justice, sponsored by the Inter-Institutional Commission on Criminal Justice together with the Support Program of the Inter-Institutional Commission on Criminal Justice and financed by the Judiciary, in order to comply with the Judgment in the

case of *Servellón García et al V Honduras*, delivered by an international body (*supra* Having Seen clause 3).

23. That the representatives emphasized that the State has complied with this operative paragraph of the Court's decision (*supra* Having Seen clause 4).

24. That in the observations, the Commission valued the measures adopted by the State to comply with this obligation (*supra* Having Seen clause 5).

25. That, based on the foregoing, the Court deems that the State has complied with the operative paragraph twelve (*supra* Having Seen clause 1).

*
* *
*

26. That in relation to the operative paragraph thirteen, regarding the duty to carry out a campaign with the purpose of creating awareness in the Honduran society regarding the importance of the protection of children and youngsters, inform it of the specific duties for their protection that correspond to the family, society, and the State, the State pointed out that it is working in the design of such campaign and it intends to have the participation of the representatives of Casa Alianza and other State's institutions to plan and carry out such campaign. The campaign shall be coordinated by the State's Minister (*supra* Having Seen clause 3).

27. That the representatives stated that the conduction of this campaign within a reasonable time is necessary and urgent, since after the delivery of the Judgment, a high number of youngsters have been executed. In this regard, the campaign would aim at making the society aware of the importance of the protection of children and youngsters' rights (*supra* Having Seen clause 4).

28. That the Commission stated that it is looking forward to the organization of the campaign, in order to make the Honduran society aware of the importance of the protection of children and youngsters, inform them on the specific duties for the protection of the family, the society and the State and warn the population that minors in situations of social risk are not conditioned to delinquency, as has been ordered by the Court (*supra* Having Seen clause 5).

29. That due to the arguments presented by the parties, this Tribunal deems it is essential that the State submit, in its next report, updated information on the progress made in the design and implementation of the campaign in order to make the Honduran society aware of the importance of the protection of children and youngsters, inform them on the specific duties for the protection of the family, society and State and warn the population that minors in situations of social risk are not conditioned to delinquency (*supra* Having Seen clause 1). Upon forwarding of said information and the respective observations of the parties, this Tribunal shall assess on the status of compliance with said operative paragraph thirteen of the Judgment.

*
* *
*

30. That, in relation to the operative paragraph fourteen, regarding the creation of a unified data base between all institutions involved in the investigation, identification, and punishment of those responsible for the violent deaths of children and youngsters in risky

situations, the State mentioned that since December 2007, the System of Unified Data is in operation, through the beginning of the System of Inter-Institutional Digital File (hereinafter, "SEDI"). The State pointed out that among the institutions involved in the project, it can be mentioned the Secretary of Security, the Office of the Public Prosecutor and the Judiciary in the offices of the Special Unit of Investigation of Death of Minors and other institutions that are already working with such program. Furthermore, it stated that the SEDI aims at gaining all the cases involving violent deaths of children and youngsters in situation of risk, according to the age and gender and obtaining the precise statistical data on death of minors in Honduras (*supra* Having Seen clause 3).

31. That the representatives highlighted that the database represents a step towards the modernization of the registry of judicial cases in Honduras, since any kind of claim filed before a judicial authority can be register in there. Nevertheless, from the information furnished by the State, they pointed out that: a) it is not clear which filters will be used to distinguish those cases of investigation of death of minors from other cases, and the role of the Special Unit of Investigation of Death of Minors and its active participation in the implementation of the SEDI has not been defined; b) the database does not allow citizens from having access to registered information, since it is only available for those institutions that try the claims once the case "has been taken to court"; c) at the moment, SEDI would be operating only in the city of Tegucigalpa, San Pedro Sula and La Ceiba and the State, in its report, has omitted to point out which measures it has adopted in order to implement the system in all Honduran territory, and d) the SEDI is not an instrument created by the passing of a law of the Republic, which would establish its permanent, continuous and independent functioning (*supra* Having Seen clause 4).

32. That the Commission valued the measures adopted by the State and urges it to inform on their effectiveness (*supra* Having Seen clause 5).

33. That based on the statements made by the parties and the documentation received by this Court, this Tribunal deems that the State has satisfactorily implemented the so-called System of Inter-Institutional Digital File, as to the systematization of cases related to the investigation, identification and punishment of the responsible for the violent deaths of children and youngsters in risky situations in accordance with the terms established in operative paragraph fourteen. As a consequence, the Court considers that the State has complied with the operative paragraph fourteen of the Judgment (*supra* Having Seen clause 1).

*
* *
*

34. That this Tribunal positively values the full compliance with the operative paragraphs nine, ten, eleven, twelve and thirteen of the Judgment on the merits, reparations and legal costs delivered by this Court on September 21, 2006, which constitutes a progress on the part of the State in the enforcement and implementation of the Court's decisions.

*
* *
*

35. That the Court deems vital that the State submit updated information on the following aspects pending compliance:

a) Specific measures to identify, prosecute and, if applicable, punish all the perpetrators and planners of the violations committed in detriment of the victims and measures to remove all obstacles and mechanisms of fact for criminal effects and any other that may result from the investigation of the facts and also, those steps to remove all obstacles and mechanisms of fact and law that have maintained the impunity in the present case (*operative paragraph eight of the Judgment*) and

b) The specific measures adopted to carry out a campaign to sensitize the Honduran society regarding the importance of the protection of children and youngsters, to inform about the specific duties for their protection that correspond to the family, society and the State, and to show the population that children and youngsters in risky situations are not associated to delinquency (*operative paragraph thirteen of the Judgment*).

36. That the Court will assess the general status of compliance with the Judgment (*supra* Having Seen clause 1) once it is provided with the relevant information on the measures pending compliance.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

by virtue of its authority to monitor compliance with its own decisions pursuant to Articles 33, 62(1), 62(3), 65, 67 and 68(1) of the American Convention on Human Rights, and Articles 25(1) and 30 of its Statute and 29(2) of its Rules of Procedure,

DECLARES:

1. That, in accordance with the terms of Considering clauses 10 to 25 and 30 to 33 of this Order, the State has fully complied with the following operative paragraphs of the Judgment:

a) to publish, once, in the Official Gazette, the chapter related to the proven facts in the Judgment and the operative paragraphs of the same, pursuant to Considering Clauses 10 to 13 of the Order (*operative paragraph nine of the judgment;*)

b) to carry out a public act of acknowledgment of international responsibility by the State, pursuant to Considering Clauses 14 to 17 of this Order (*operative paragraph ten of the Judgment;*)

c) to place a plaque with the name of the victims in the street that has been named in their memory, pursuant to Considering Clauses 18 to 21 of this Order (*operative paragraph eleven of the Judgment;*)

d) to establish a training program for police and judicial personnel as well as for the Public Prosecutor's Office and Penitentiary personnel regarding the protection of children and youngsters; about the principle of equality before the law and about the international standards in human rights and judicial guarantees afforded to detainees, pursuant to Considering Clauses 22 to 25 of this Order (*operative paragraph twelve of the Judgment;*) and

e) To create a unified database, which the State named "System of Inter-Institutional Digital File", under the terms established in Considering clauses 30 to 33 (*operative paragraph fourteen of the Judgment*).

2. That it will keep open the procedure to monitor compliance with the pending matters in the present case, specifically:

a) to carry out all actions necessary to identify, prosecute and, as the case may be, punish all the perpetrators of the violations committed in detriment of the victims and to remove all obstacles and mechanisms of fact and of law that have maintained impunity in the instant case, pursuant to Considering clauses 6 to 9 of this Order (*operative paragraph eight of the Judgment*;) and

b) to carry out a campaign to sensitize the Honduran society regarding the importance of the protection of children and youngsters, to inform about the specific duties for their protection that correspond to the family, society and the State, and to show the population that children and youngsters in risky situations are not associated to delinquency, pursuant to Considering Clauses 26 to 29 of this Order (*operative paragraph thirteen of the Judgment*).

AND DECIDES:

1. To order the State to adopt all measures necessary to effectively and promptly fulfill those aspects which are still pending compliance, in accordance with the terms established in Article 68(1) of the American Convention on Human Rights.

2. To order the State to submit to the Inter-American Court of Human Rights, not later than November 24, 2008, a report describing all the measures adopted to comply with the reparations so ordered by this Court, which are still pending compliance.

3. To call upon the representatives of the victims and the Inter-American Commission on Human Rights to submit their observations to the State's report referred to in the preceding operative paragraph, within a period of four and six weeks, respectively, as from the date of receipt of the report.

4. To continue monitoring the aspects of the Judgment on merits, reparations and legal costs of September 21, 2006 that are still pending compliance.

5. To require the Secretariat of the Court to notify this Order to the State, the Inter-American Commission on Human Rights and the representatives of the victims.

Cecilia Medina Quiroga
President

Sergio García Ramírez

Manuel E. Ventura Robles

Leonardo A. Franco

Margarette May Macaulay

Rhadys Abreu Blondet

Pablo Saavedra Alessandri
Secretary

So ordered,

Cecilia Medina Quiroga
President

Pablo Saavedra Alessandri
Secretary