Order of the
Inter-American Court of Human Rights
of November 17, 2004
Case of Juan Humberto Sánchez *v*. Honduras
(Monitoring Compliance with Judgment)

HAVING SEEN:

1. The Judgment on Preliminary Objections, Merits and Reparations that the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court") delivered on June 7, 2003, wherein it decided:

> 1. To dismiss the preliminary objection filed by the State.
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> AND DECLARED THAT:
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> 2. the State violated the right to personal liberty protected by Article 7(1), Article 7(2), Article 7(3), Article 7(4), Article 7(5), Article 7(6) and the latter in combination with Article 25 of the American Convention on Human Rights, to the detriment of Juan Humberto Sánchez, and the right to personal liberty protected by Article 7 of the American Convention on Human Rights to the detriment of Juan José Vijil Hernández.
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> 3. the State violated the right to humane treatment embodied in Article 5 of the American Convention on Human Rights, to the detriment of Juan Humberto Sánchez, María Dominga Sánchez, Juan José Vijil Hernández, Reina Isabel Sánchez, María Milagro Sánchez, Rosa Delia Sánchez, Domitila Vijil Sánchez, María Florinda Vijil Sánchez, Juan Carlos Vijil Sánchez, Celio Vijil Sánchez, Julio Sánchez, Donatila Argueta Sánchez, Breidy Maybeli Sánchez Argueta, Velvia Lastenia Argueta Pereira and Norma Iveth Sánchez Argueta.
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> 4. the State violated the right to life enshrined in Article 4(1) of the American Convention on Human Rights, to the detriment of Juan Humberto Sánchez.
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> 5. the State violated the rights to fair trial and to judicial protection protected by Articles 8 and 25, respectively, of the American Convention on Human Rights, to the detriment of Juan Humberto Sánchez and of his next of kin María Dominga Sánchez, Juan José Vijil Hernández, Reina Isabel Sánchez, María Milagro Sánchez, Rosa Delia Sánchez, Domitila Vijil Sánchez, María Florinda Vijil Sánchez, Juan Carlos Vijil Sánchez, Celio Vijil Sánchez, Julio Sánchez, Donatila Argueta Sánchez, Breidy Maybeli Sánchez Argueta, Velvia Lastenia Argueta Pereira and Norma Iveth Sánchez Argueta.
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> 6. the State did not fulfill its obligation to respect rights, set forth in Article 1(1) in combination with Articles 4, 5, 7, 8 and 25 of the American Convention on Human Rights, to the detriment of Juan Humberto Sánchez. The State also failed to fulfill its obligation to respect rights, embodied in Article 1(1) in combination with Articles 5, 7, 8 and 25 of the American Convention on Human Rights to the detriment of Juan José Vijil Hernández; and the State did not fulfill its obligation to respect rights, enshrined in Article 1(1) in combination with Articles 5, 8 and 25 of the American Convention on Human Rights to the detriment of María Dominga Sánchez, Reina Isabel Sánchez, María Milagro Sánchez, Rosa Delia Sánchez, Domitila Vijil Sánchez, María Florinda Vijil Sánchez, Julio Sánchez, Juan Carlos Vijil Sánchez, Celio Vijil Sánchez, Donatila Argueta Sánchez, Breidy Maybeli Sánchez Argueta, Velvia Lastenia Argueta Pereira and Norma Iveth Sánchez Argueta.
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> 7. the [...] Judgment constitutes *per se* a form of reparation to the victims in accordance with the explanation in paragraph 172 of the [...] Judgment.

AND IT DECIDE[D] THAT:

8. the State [was to] pay the total sum of US$39,700.00 (thirty-nine thousand seven hundred United States dollars) or their equivalent in Honduran currency, as compensation for pecuniary damage, distributed as follows:

a) US$25,000.00 (twenty-five thousand United States dollars) or their equivalent in Honduran currency, to be distributed among his daughters, Breidy Maybeli Sánchez Argueta and Norma Iveth Sánchez Argueta; his companions, Donatila Argueta Sánchez and Velvia Lastenia Argueta Pereira, and his parents, María Dominga Sánchez and Juan José Vijil Hernández, as successors to Juan Humberto Sánchez, under the terms set forth in paragraphs 164 and 167, 196 to 199 of the [...] Judgment.

b) to Donatila Argueta Sánchez, US$3,500.00 (three thousand five hundred United States dollars) or their equivalent in Honduran currency, under the terms set forth in paragraphs 167, 196 to 198 of the [...] Judgment.

c) US$8,200.00 (eight thousand two hundred United States dollars) or their equivalent in Honduran currency, to be distributed equally between Juan José Vijil Hernández and María Dominga Sánchez, under the terms set forth in paragraphs 167, 196 to 198 of the [...] Judgment.

d) to Domitila Vijil Sánchez, US$1,500.00 (one thousand five hundred United States dollars) or their equivalent in Honduran currency, under the terms set forth in paragraphs 167, 196 to 198 of the [...] Judgment.

e) to Reina Isabel Sánchez, US$1,500.00 (one thousand five hundred United States dollars) or their equivalent in Honduran currency, under the terms set forth in paragraphs 167, 196 to 198 of the [...] Judgment.

9. the State [was to] pay the total sum of US$245,000.00 (two hundred forty-five thousand United States dollars) or their equivalent in Honduran currency, as compensation for non pecuniary damage, distributed as follows:

a) US$100,000.00 (one hundred thousand United States dollars) or their equivalent in Honduran currency, to be distributed among his daughters, Breidy Maybeli Sánchez Argueta and Norma Iveth Sánchez Argueta; his companions, Donatila Argueta Sánchez and Velvia Lastenia Argueta Pereira, and his parents, María Dominga Sánchez and Juan José Vijil Hernández, as successors of Juan Humberto Sánchez, under the terms set forth in paragraphs 164, 165, 177, 196 to 199 of the [...] Judgment.

b) to Juan José Vijil Hernández, US$20,000.00 (twenty thousand United States dollars) or their equivalent in Honduran currency, under the terms set forth in paragraphs 177, 196 to 198 of the [...] Judgment.

c) to María Dominga Sánchez, US$20,000.00 (twenty thousand United States dollars) or their equivalent in Honduran currency, under the terms set forth in paragraphs 177, 196 to 198 of the [...] Judgment.

D0 to Donatila Argueta Sánchez, US$20,000.00 (twenty thousand United States dollars) or their equivalent in Honduran currency, under the terms set forth in paragraphs 177, 196 to 198 of the [...] Judgment.

e) to Velvia Lastenia Argueta Pereira, US$5,000.00 (five thousand United States dollars) or their equivalent in Honduran currency, under the terms set forth in paragraphs 177, 196 to 198 of the [...] Judgment.

f) to Breidy Maybeli Sánchez Argueta, US$20,000.00 (twenty thousand United States dollars) or their equivalent in Honduran currency, under the terms set forth in paragraphs 177, 196 to 199 of the [...] Judgment.

g) to Norma Iveth Sánchez Argueta, US$20,000.00 (twenty thousand United States dollars) or their equivalent in Honduran currency, under the terms set forth in paragraphs 177, 196 to 199 of the [...] Judgment.

h) to each of the following: Reina Isabel Sánchez, María Milagro Sánchez, Rosa Delia Sánchez, Domitila Vijil Sánchez, María Florinda Vijil Sánchez, Juan Carlos Vijil Sánchez, Celio Vijil Sánchez and Julio Sánchez, US$5,000.00 (five thousand United States dollars) or their equivalent in Honduran currency, under the terms set forth in paragraphs 177, 196 to 198 of the [...] Judgment.

10. the State [was to] continue to effectively investigate the facts in the [...] case under the terms set forth in paragraph 186 of the [...] Judgment, to identify those responsible, both the direct perpetrators and the instigators, as well as possible accessories after the fact, and to punish them administratively and criminally as appropriate; the next of kin of the victim [were to] have full access and capacity to act, at all stages and levels of said investigations, in accordance with domestic laws and the provisions of the American Convention on Human Rights; and the results of said investigations [were to] be made known to the public.

11. the State [was to] provide the conditions required to transfer the mortal remains of Juan Humberto Sánchez to the place chosen by his next of kin, at no cost to them, as set forth in paragraph 187 of the [...] Judgment.

12. the State was to] implement a record of detainees that enables control of legality of detentions, under the terms set forth in paragraph 189 of the [...] Judgment.

13. the State [was to] publicly acknowledge its responsibility regarding the facts in this case, and as amends to the victims it [was to] publish in the official gazette and in another national-circulation daily, once only, the operative part of this Judgment and the chapter pertaining to proven facts in this Judgment, under the terms set forth in paragraph 188 of the [...] Judgment.

14. the State [was to] pay the total sum of US$19,000.00 (nineteen thousand United States dollars) or their equivalent in Honduran currency for legal costs and expenses, under the terms set forth in paragraphs 194, 195, 196 to 198 of the [...] Judgment.

15. compensation for pecuniary damage, non pecuniary damage, and legal costs and expenses established in the [...] Judgment [was] not [...] subject to currently existing or future taxes, levies or charges.

16. the State [was to] comply with the measures of reparation ordered in the [...] Judgment within six months of the date it [was] notified.

17. if the State [was] in arrears, it [was to] pay interest on the amount owed, which [would] be the banking interest for arrears in Honduras.

18. the compensation ordered in favor of the girls, Breidy Maybeli Sánchez and Norma Iveth Sánchez, [was to] be deposited by the State in their name in an investment at a solid Honduran banking institution, in United States dollars or their equivalent in Honduran currency, within six months time, and under the most favorable financial conditions allowed by banking practice and legislation, as set forth in paragraph 199 of [the] Judgment.

19. it [would] monitor compliance with [the] judgment and [would] close the [...] case once the State ha[d] fully applied the provisions of the [...] judgment. Within six months of the date when [the] Judgment [was] notified, the State [was to] submit to the Court a report on the measures adopted to comply with this Judgment, as set forth in paragraph 200 of [the] Judgment.

2. The interpretation of the Judgment on preliminary objections, merits and reparations, which the Court delivered on November 26, 2003 and in which it decided:

1. To reject as inadmissible the appeal for review of the judgment of June 7, 2003, filed by the State in the Juan Humberto Sánchez case.

2. To reject *in toto* as without grounds the State's call for interpretation of the judgment of June 7, 2003, in the Juan Humberto Sánchez case, contained in the request.

3. To continue monitoring compliance with the judgment of June 7, 2003, as established in paragraphs 196 to 200 of this judgment.

3. The July 9, 2003 note CDH-11.073/148 wherein the Secretariat of the Court (hereinafter "the Secretariat"), pursuant to Article 57(1) of the Court's Rules of Procedure (hereinafter "the Rules of Court"), notified the State of Honduras (hereinafter "the State" or "Honduras") of the Judgment the Court delivered on June 7, 2003 (*supra* Having Seen 1).

4. Note CDH-11.073/163 of March 11, 2004, in which the Secretariat requested that the State send its report on compliance with the judgment in the case as soon as possible, since the deadline for presenting the report was January 9, 2004.

5. Note CDH-11.073/167 of June 1, 2004, in which the Secretariat repeated the request it made in its note of March 11, 2004 (*supra* Having Seen 4) to the effect that the State had to present, as soon as possible, its report on compliance with the Judgment delivered in this case.

6. The State's June 17, 2004 brief wherein it informed the Court that it "ha[d] already started coordinating for complying with [the] judgment, having already contacted the representatives of the petitioners to inform them of the progress made on compliance with the judgment."

7. The Secretariat's note CDH-11.073/172, dated June 21, 2004, where, following instructions from the President of the Court (hereinafter "the President") it informed the State that it was still awaiting the State's first report on compliance with the judgment. It therefore asked the State to send that report as soon as possible.

8. The August 19, 2004 communication and attachments wherein the Center for Justice and International Law (CEJIL) and the Committee of Relatives of Detainees-Disappeared in Honduras (COFADEH), as representatives of the victim's next of kin (hereinafter "the representatives) reported on "the steps taken thus far to secure compliance" with the judgment delivered in the present case. The representatives emphasized that August 27, 2004 had been set as a possible date for the exhumation of the victim's mortal remains, pursuant to operative paragraph 11 of the Judgment of June 7, 2003 (*supra* Having Seen 1).

9. Note CDH-11.073/177 of August 23, 2004, whereby the Secretariat, following the President's instructions, reminded the State that the Court was still waiting for the State's first report on compliance with the Judgment. The Secretariat therefore requested that the report be sent forthwith.

CONSIDERING THAT:

1. One of the inherent attributes of the jurisdictional functions of the Court is to monitor compliance with its decisions.

2. Honduras became a State Party to the American Convention on September 8, 1977 and recognized the Court's binding jurisdiction on September 9, 1981.

3. 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." To this end, the State must ensure implementation at the national level of the Court's decisions in its judgments.[1]

4. Because the judgments of the Court are final and not subject to appeal, as established in Article 67 of the American Convention, the State is to comply with them fully and promptly.

5. January 9, 2004, was the deadline established in the June 7, 2003 Judgment (*supra* Having Seen 1.19) for the State to submit its first report on compliance with the obligations established in that judgment.

6. On four different occasions, the Secretariat, acting on instructions from the President (*supra* Having Seen 4, 5, 7 and 9) asked the State to submit its report on compliance with the Judgment. The State's only response has been to report that it **"**ha[d] already started coordinating for complying with [the] judgment, having already contacted the representatives of the petitioners to inform them of the progress made on compliance with the judgment" (*supra* Having Seen 6).

7. Because the Court has received no information concerning compliance with the Judgment on preliminary objections, merits and reparations of June 7, 2003, it does not have the data it needs to assess whether reparations have been complied with and to determine which Court ordered reparations are still pending.

8. The Court will consider the general status of compliance with its June 7, 2003 Judgment on preliminary objections, merits and reparations once it receives the relevant information.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in exercise of its authority to monitor compliance with its rulings and in accordance with articles 33, 62(1), 62(3), 65, 67 and 68(1) of the American Convention on Human Rights, articles 25(1) and 30 of its Statute and Article 29(2) of its Rules of Procedure,

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[1] *Cf. Case of Baena-Ricardo et al.*. Competence. Judgment of November 28, 2003. Series C No. 104, para. 131.

DECIDES:

1. To call upon the State to report on compliance with the June 7, 2003 Judgment on preliminary objections, merits and reparations by January 31, 2005 at the latest.

2. To call upon the representatives of the victims and the Inter-American Commission on Human Rights to submit their comments on the report to be filed by the State pursuant to the preceding operative paragraph, and to do so within four and six weeks, respectively, of receiving that report.

3. To continue monitoring compliance with the judgment on preliminary objections, merits and reparations, delivered on June 7, 2003.

4. To send notice of the present Order to the State, to the Inter-American Commission on Human Rights and to the representatives of the victim's next of kin.

Sergio García-Ramírez
President

Alirio Abreu-Burelli

Oliver Jackman

Antônio A. Cançado Trindade

Cecilia Medina-Quiroga

Manuel E. Ventura-Robles

Diego García-Sayán

Pablo Saavedra-Alessandri
Secretary

So ordered,

Sergio García-Ramírez
President

Pablo Saavedra-Alessandri
Secretary