

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS*
OF FEBRUARY 07, 2006**

**REQUEST FOR PROVISIONAL MEASURES
SUBMITTED BY THE REPRESENTATIVES OF THE VICTIM'S NEXT OF KIN
CASE OF JUAN HUMBERTO SÁNCHEZ**

HAVING SEEN:

1. The Judgment of preliminary objections, merits and reparations delivered on June 7, 2003 by the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court"), whereby it decided:

1. To dismiss the preliminary objection filed by the State.

AND DECLARE[D] THAT:

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.

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.

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.

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.

* Judge Diego García-Sayán informed the Court that, for reasons beyond his control, he would not be able to attend the deliberation and signing of this Judgment.

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.

7. the [...] Judgment constitutes *per se* a form of reparation to the victims [...].

AND IT DECIDE[D] THAT:

8. the State must 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:

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 [...].

- a) to Donatila Argueta Sánchez, US\$3,500.00 (three thousand five hundred United States dollars) or their equivalent in Honduran currency [...].
- b) 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 [...].
- c) to Domitila Vijil Sánchez, US\$1,500.00 (one thousand five hundred United States dollars) or their equivalent in Honduran currency [...].
- d) to Reina Isabel Sánchez, US\$1,500.00 (one thousand five hundred United States dollars) or their equivalent in Honduran currency [...].

9. the State must 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\$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 [...].
- b) to Juan José Vijil Hernández, US\$20,000.00 (twenty thousand United States dollars) or their equivalent in Honduran currency [...].
- c) to María Dominga Sánchez, US\$20,000.00 (twenty thousand United States dollars) or their equivalent in Honduran currency [...].
- d) to Donatila Argueta Sánchez, US\$20,000.00 (twenty thousand United States dollars) or their equivalent in Honduran currency [...].
- e) to Velvia Lastenia Argueta Pereira, US\$5,000.00 (five thousand United States dollars) or their equivalent in Honduran currency [...].

- f) to Breidy Maybeli Sánchez Argueta, US\$20,000.00 (twenty thousand United States dollars) or their equivalent in Honduran currency [...].
- g) to Norma Iveth Sánchez Argueta, US\$20,000.00 (twenty thousand United States dollars) or their equivalent in Honduran currency [...].
- 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 [...].

10. the State must continue to effectively investigate the facts in the instant case under the terms set forth in paragraph 186 of the instant 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 must 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 must be made known to the public.

11. the State must 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 [...].

12. the State must implement a record of detainees that enables control of legality of detentions [...].

13. the State must publicly acknowledge its responsibility regarding the facts in this case, and as amends to the victims it must publish in the official gazette *Diario Oficial* 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 instant Judgment [...].

14. the State must 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 [...].

15. compensation for pecuniary damage, non-pecuniary damage, and legal costs and expenses established in the instant Judgment may not be subject to currently existing or future taxes, levies or charges.

16. the State must comply with the measures of reparation ordered in the instant Judgment within six months of the date it is notified.

17. if the State were in arrears, it must pay interest on the amount owed, which will be the banking interest for arrears in Honduras.

18. the compensation ordered in favor of the girls, Breidy Maybeli Sánchez and Norma Iveth Sánchez, must 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 [...].

19. it will monitor compliance with this judgment and will close the instant case once the State has fully applied the provisions of the instant judgment. Within six months of the date when [the] Judgment is notified, the State must submit to the Court a report on the measures adopted to comply with this Judgment [...].

2. The Interpretation of the Judgment of preliminary objections, merits and reparations delivered by the Court on November 26, 2006, whereby 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 [...].

3. The Order of Compliance with the Judgment of preliminary objections, merits and reparations delivered by the Court on November 17, 2004, whereby it decided:

5. That on January 9, 2004, the term set forth in the Judgment of June 7, 2003 for the State to submit the first report on the compliance with the obligations established therein expired [...].

6. That in four occasions, the Secretary, following instructions of the President [...], requested the State to submit a report on the compliance with the judgment; and the State, in response thereof, only informed that "it ha[d] already taken action to comply with [the] judgment for it had contacted the representatives of the petitioners in order to notify them of the decisions adopted in furtherance of said ruling" [...].

7. That, owing to the fact that the Court has not received any information regarding compliance with the Judgment of preliminary objections, merits and reparations of June 7, 2003, the Court has no sufficient evidence to determine whether the reparations have been complied with or which of the reparations ordered by the Court are still pending compliance.

8. That the Court will consider the general issues regarding compliance with the Judgment of preliminary objections, merits and reparations of June 7, 2003, once the pertinent information is received.

THEREFORE,

The Court [...] decide[d]:

1. To request the State to submit a report on the compliance with the Judgment of preliminary objections, merits and reparations of June 7, 2003 before January 31, 2005.

2. To request the representatives of the victim's next of kin and the Inter-American Commission on Human Rights to file comments on the report of the State mentioned in the previous operative paragraph within four and six weeks, respectively, from the date of receipt of the report.

3. To continue monitoring compliance with the Judgment of preliminary objections, merits and reparations of June 7, 2003. [...].

4. The Order of Compliance with the Judgment of preliminary objections, merits and reparations delivered by the Court on September 12, 2005, whereby it decided:

8. That, in monitoring overall compliance with the Judgment of preliminary objections, merits and reparations in the instant case, and after having analyzed the information submitted by the State, the Inter-American Commission and the representatives, the Court has proved that the State complied with the obligation to publicly acknowledge liability for the events in the instant case [...]. The Court expresses its satisfaction over the fact that, on November 4, 2004, the President of the Republic himself presided the ceremony attended by the victim's next of kin and the media.

[...]

10. That, with respect to the transfer of the mortal remains of Juan Humberto Sánchez to the place chosen by his next of kin, at no cost to them, the State has notified that, in the proceedings conducted in the instant case, it ordered the exhumation of the victim's body and its transfer to the *Dirección General de Medicina Forense* (General Directorate of Forensic Medicine). Said entity supposedly made the autopsy and extracted samples that would allow full identification of the remains and was supposed

to submit a report; thereafter, the relatives would agree on a place and a date to receive the remains for their burial. In turn, the representatives asserted that the exhumation was made on August 24, 2004, and that the *Dirección General de Medicina Forense* (General Directorate of Forensic Medicine) did not deliver the remains on October 15, 2004, as it had been previously agreed upon. Based on the above, the Court notes that 13 years have elapsed from the date of the victim's execution, more than two years from the date of the Judgment of the Court and more than one year from the date of exhumation of the victim's mortal remains; however, the State has not delivered the remains to the relatives in the place agreed by them. It is essential that the State take the necessary actions to make delivery and facilitate burial of the victim's remains, according to the provisions of the judgment of the Court, as the reasonable time to do so has already elapsed.

[...]

14. That the Court will consider the general issues regarding compliance with the Judgment of preliminary objections, merits and reparations of June 7, 2003, once the pertinent information on the measures pending execution is received.

THEREFORE,

The Court [...] Declare[d]:

1. That, pursuant to Considering clause number eight of this Order, the State has partially complied with the provisions of operative paragraph number thirteen of the Judgment of preliminary objections, merits and reparations delivered by the Court on June 7, 2003, for it publicly acknowledged its liability for the events in the instant case.

2. That it will not close the proceedings conducted for monitoring compliance with the following unfulfilled obligations, to wit:

- a) The obligation to continue to effectively investigate the facts in the instant case, 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 (operative paragraph no. 10);
- b) The obligation to allow the victim's next of kin to gain full access and capacity to act, at all stages and levels of said investigations, and to make the results of said investigations known to the public (operative paragraph no. 10);
- c) The obligation to transfer the mortal remains of Juan Humberto Sánchez to the place chosen by his next of kin, at no cost to them (operative paragraph no. 11);
- d) The obligation of the State to implement a record of detainees that enables control of legality of detentions (operative paragraph no. 12);
- e) The obligation of the State to publish in the official gazette *Diario Oficial* and in another national-circulation daily, the operative paragraphs and the chapter pertaining to proven facts of the Judgment of June 7, 2003 (operative paragraph no. 13);
- f) The obligation of the State to deposit the compensation ordered in favor of the girls, Breidy Maybeli Sánchez and Norma Iveth Sánchez, in their name in an investment at a solid Honduran banking institution, in United States dollars or their equivalent in Honduran currency under the most favorable financial conditions allowed by banking practice and legislation (operative paragraph no. 18);
- g) The obligation of the State to pay the total amount ordered by the Court as compensation for pecuniary damage (operative paragraph no. 8);
- h) The obligation of the State to pay the total amount ordered by the Court as compensation for non-pecuniary damage (operative paragraph no. 9);

- i) The obligation of the State to pay the total amount ordered by the Court as costs and expenses (operative paragraph no. 14);
- j) The obligation to pay interest on any amount owed (operative paragraph no. 17).

AND IT DECIDE[D]:

1. To require the State to take the necessary measures to fully and immediately comply with the unfulfilled operative paragraphs of the Judgment of preliminary objections, merits and reparations delivered by the Court on June 7, 2003 and this Order, according to the provisions of Article 68(1) of the American Convention on Human Rights.
 2. To require the State to submit to the Court, before January 30, 2006, a detailed report on the actions taken in order to comply with the reparations ordered by the Court which are still pending, as set forth in Considering clauses No. 9 to 13 and declaratory paragraph two in the instant Order.
 3. To request the representatives of the victim's next of kin and the Inter-American Commission on Human Rights to file comments on the report of the State within four and six weeks, respectively, as from the date of receipt of the report.
 4. To continue monitoring compliance with the unfulfilled paragraphs of the Judgment of preliminary objections, merits and reparations of June 7, 2003.
7. The brief of January 25, 2006, whereby the representatives of the victim's next of kin (hereinafter "the representatives") requested the Court to require the State of Honduras (hereinafter "the State" or "Honduras") "to take urgent protective provisional measures, pursuant to the provisions of Article 63(2) of the American Convention on Human Rights (hereinafter "the Convention" or "the American Convention") and Article 25 of the Rules of Procedure of the Court, in favor of the next of kin of Juan Humberto Sánchez, [...] to secure the right to humane treatment enshrined in Article 5 of the Convention."
8. The representatives founded the request for provisional measures as follows: That, according to operative paragraph number eleven of the Judgment of preliminary objections, merits and reparations of June 7, 2003, the remains of Juan Humberto Sánchez were exhumed on August 24, 2004. However, the remains have not been delivered to his next of kin; on the contrary, the State acted as custodian of the remains and transferred them to the facilities of *Medicina Forense* (Forensic Medicine), alleging that certain DNA testing must be carried out and, to date, the remains have not been delivered to the victim's next of kin and there is no sufficient evidence as to when the remains will be delivered.
9. The representatives presented, among others, the following arguments in support of the request for provisional measures:
- a) The failure by the State to deliver the mortal remains of the victim to his mother and other next of kin "makes them suffer severe psychological damage and emotional distress because they do not know where the remains are, how the remains are being handled, if they are in a safe place and, above all, when the remains will be delivered to them. For this situation, the victim's next of kin are suffering deep humiliation and great pain." This particularly affects the victim's mother, Mrs. María Dominga Sánchez, who is suffering from great depression for not "having" her son and being unable to bury him;

- b) In recent rulings, the Court concluded that the failure to deliver the mortal remains to the victim's next of kin has always caused great pain, uncertainty and insecurity to them;
- c) The same conditions that led the Court to declare the violation of Articles 5(1) and 5(2) of the Convention in the instant case, still persist;
- d) The failure to deliver the victim's mortal remains to his next of kin "not only translates as a non-compliance with the judgment of the Court, but also implies a deprivation of their right to humane treatment as a result of their constant emotional distress. [...] The exhumation, instead of mitigating the next of kin's suffering or compensating the violation of their rights, has increased and deepened their anguish, as the State's denial to deliver the mortal remains has prevented them from acting according to their beliefs and bringing their pain to an end;"
- e) The State fails to comply with its international obligation to respect the right of the victim's next of kin to know the location of the mortal remains of their loved one, and
- f) Taking into account the severe and urgent situation faced by the victim's next of kin and in order to prevent further violations to their right to humane treatment, it is of utmost importance that the State take provisional measures "consisting of the immediate delivery of the remains Juan Humberto Sánchez. While said state obligation is provided for in the judgment of the Court of June 7, 2003, non-compliance therewith implies additional violations of the victim's next of kin's rights and, in order to stop said violations, it is required that said measures be taken."

10. Following the instructions of the President, on January 25, 2006, the Secretary issued a note requesting the State and the Inter-American Commission to submit their comments on the request filed by the representatives before February 3, 2006.

11. The brief of February 3, 2006, whereby the Inter-American Commission presented its comments on the brief of the representatives, contained, *inter alia*, the following statements:

- a) The duty prescribed in Article 68(1) of the Convention has not been fully complied with in the instant case, in relation to several state obligations and, in particular, in relation to the obligation to deliver the mortal remains of Juan Humberto Sánchez. According to Court's precedents, the State must fully and immediately comply with its judgments.
- b) The deep pain and anguish suffered by the victim's next of kin, deriving from the acts declared by the Court as violations to the Convention, "reflect a feeling of profound dissatisfaction with the way the State complied with its obligations;"
- c) "The failure to deliver the remains of the victim to his next of kin amounts to a contempt of the Court's orders. [...] The State's acts made the victim's next of kin to submit to the Court the request aiming at obtaining what, according to the law, they have been entitled to for 24 months, as from the date of the Judgment of the Court, and for 13 years, as from the victim's execution;"
- d) In the instant case, the Court verified the constant damage inflicted upon the victim's next of kin for the failure to deliver his mortal remains. It is the first duty of a State to cease any conduct that may be in violation of human rights, and

- e) Based on the above, "the Commission considers that the provisions of operative paragraph number eleven of the Judgment of the Court of June 7, 2003, should be complied with immediately by means of the action that the Court may deem convenient in order to restore the public order. [...] In this context [...] it would be convenient to set a peremptory term for the State to fully comply with its obligations and compensate the consequences derived from the failure to cease conduct in violation of the victim's next of kin's rights. Considering that the Court has already arrived at a decision in this respect and has evidenced that the elapsed time is no longer reasonable, the failure by the State to comply with its obligations compromises its liability and has international consequences."

CONSIDERING:

1. That Honduras has been a State Party to the Convention since September 8, 1977 and accepted the contentious jurisdiction of the Court on September 9, 1981.

2. That Article 63(2) of the American Convention prescribes that, in cases of "extreme gravity and urgency, and when necessary to avoid irreparable damage to persons", the Court may, in the cases under its jurisdiction, adopt the provisional measures it deems convenient.

3. That, under the provisions of Article 25 of the Rules of Procedure of the Court (hereinafter "the Rules of Procedure"),

1. At any stage of the proceedings involving cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court may, at the request of a party or on its own motion, order such provisional measures as it deems pertinent, pursuant to Article 63(2) of the Convention.

[...]

3. In contentious cases already submitted to the Court, the victims or alleged victims, their next of kin, or their duly accredited representatives, may present a request for provisional measures directly to the Court.

[...]

4. That the representatives stated that the main purpose of the request for provisional measures is to "avoid further violations" of the right to humane treatment of the victim's next of kin for the failure by the State to deliver his mortal remains to them. Furthermore, the representatives acknowledged that the state obligation to deliver the mortal remains is provided for in the Judgment of preliminary objections, merits and reparations delivered by the Court on June 7, 2003 in the instant case, and stated that the requested measures "consist in the immediate delivery of the mortal remains of Juan Humberto Sánchez" to his next of kin, because the failure to do so "is causing additional violations of the next of kin's rights." In turn, the Inter-American Commission considered that the failure to deliver the mortal remains of the victim to his next of kin amounts to a contempt by the State of the Court's orders under the above mentioned Judgment and that "the provisions of operative paragraph number eleven of [said] Judgment [...] should be complied with immediately by means of the action that the Court may deem convenient in order to restore the public order." Lastly, the State failed to deliver an opinion on the request for provisional measures.

5. That operative paragraph number eleven of the Judgment of preliminary objections, merits and reparations delivered on June 7, 2003, the Court ordered that "the State must 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" (*supra* Having Seen clause No. 1).

6. Based on the above, the Court noted in the recent Order of Compliance with Judgment of September 12, 2005 that "13 years have elapsed from the date of the victim's execution, more than two years from the date of the Judgment of the Court and more than one year from the date of exhumation of the victim's mortal remains; however, the State has not delivered the remains to the relatives in the place agreed by them. It is essential that the State take the necessary actions to make delivery and facilitate burial of the victim's remains, according to the provisions of the judgment of the Court, as the reasonable time to do so has already elapsed." Consequently, the Court decided not to close the proceedings concerning the oversight of compliance with the unfulfilled obligations, and decided "to require the State to take the necessary measures to fully and immediately comply with the operative paragraphs pending fulfillment of the Judgment of preliminary objections, merits and reparations delivered by the Court on June 7, 2003 and this Order, according to the provisions of Article 68(1) of the American Convention on Human Rights (*supra* Having Seen clause No. 4).

7. That, in considering a request for provisional measures, it is not possible to take into account an argument which is not strictly related to the extreme gravity, urgency and need to avoid irreparable damage to persons. Any other matter can only be taken into account by the Court in contentious cases or requests for advisory opinions.¹

8. That from the grounds of fact and law of the request for provisional measures (*supra* Having Seen clauses No. 7 to 9), it can be inferred that the purpose of the request filed by the representatives is identical to the purpose of the obligation imposed on the State under operative paragraph number eleven of the above mentioned Judgment, which is pending fulfillment and is being monitored by this Court. Consequently, the issue raised before the Court is not a matter which may be resolved by provisional measures under Article 63(2) of the Convention, but a matter inherent to the oversight of compliance with the Judgment delivered in the instant case.

NOW, THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

In exercise of the powers conferred on it Article 63(2) of the American Convention, Article 25 of the Statute of the Court and Article 25 of its Rules of Procedure,

¹ Cf. *Case of Cesti-Hurtado*. Provisional Measures. Order of the Inter-American Court of Human Rights of November 25, 2005, Considering clause No. 5; *Matter of Castañeda-Gutman*. Provisional Measures. Order of the Inter-American Court of Human Rights of November 25, 2005, Considering clause No. 8; *Matter of James et al.* Provisional Measures. Order of the Inter-American Court of Human Rights of August 29, 1998, Considering clause No. 6.

DECIDES:

1. To dismiss the request for provisional measures submitted by the representatives of Juan Humberto Sanchez's next of kin, based on the fact that the issue raised before the Court is not a matter which may be resolved by provisional measures under Article 63(2) of the Convention, but a matter inherent to the measure of reparation ordered by means of operative paragraph number eleven of the Judgment of preliminary objections, merits and reparations delivered by the Court in the instant case on June 7, 2003, the compliance of which is being monitored.

2. To reiterate the request to State to take the necessary measures to fully and immediately comply with the operative paragraphs pending fulfillment as ordered in the above mentioned Judgment and in the Orders issued on November 17, 2004 and September 12, 2005, according to the provisions of Article 68(1) of the American Convention on Human Rights.

3. To notify this Order to the State of Honduras, the Inter-American Commission on Human Rights and 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

Pablo Saavedra-Alessandri
Secretary

So ordered,

Sergio García-Ramírez
President

Pablo Saavedra-Alessandri
Secretary