

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS*
OF NOVEMBER 29, 2006**

CASE OF YATAMA V. NICARAGUA

MONITORING COMPLIANCE WITH JUDGMENT

HAVING SEEN:

1. The Judgment on preliminary objections, merits, reparations and costs (hereinafter "the Judgment") delivered by the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court") on June 23, 2005, in which it:

DECID[ED]:

Unanimously, to

1. Reject the five preliminary objections raised by the State, pursuant to paragraphs 63 to 67, 71 to 73, 82 to 96 and 100 to 103 of the [...] Judgment.

DECLAR[ED]:

By a seven-to-one vote, that

2. The State violated the right to a fair trial embodied in Article 8(1) of the American Convention on Human Rights, in relation to Article 1(1) thereof, to the detriment of the candidates proposed by YATAMA for the 2000 municipal elections, as established in paragraphs 147 to 164 of the [...] Judgment.
Ad hoc Judge Montiel-Agüero dissen[ted].

3. The State violated the right to judicial protection embodied in Article 25(1) of the American Convention on Human Rights, in relation to Articles 1(1) and 2 thereof, to the detriment of the candidates proposed by YATAMA for the 2000 municipal elections, as established in paragraphs 165 to 176 of the [...] Judgment.
Ad hoc Judge Montiel-Agüero dissen[ted].

4. The State violated the right to participate in government and the right to equal protection provided for in Articles 23 and 24 of the American Convention on Human Rights, in relation to Articles 1(1) and 2 thereof, to the detriment of the candidates proposed by YATAMA to participate in the 2000 municipal elections, in the terms of paragraphs 201 to 229 of the [...] Judgment.
Ad hoc Judge Montiel-Agüero dissen[ted].

5. [The] Judgment constitutes *per se* a form of reparation, as established in its paragraph 260.
Ad hoc Judge Montiel-Agüero dissen[ted].

AND DECIDE[D]:

* Judge Oliver Jackman did not take part in the deliberations on and signing of this Order as he advised the Court that, for reasons beyond his control, he would be unable to be present at the Seventy-third Regular Session of the Court.

By a seven-to-one vote, that:

6. Within a term of one year, the State is required to publish in the Official Gazette and another large nation-wide circulation newspaper, section VII (Proven Facts), paragraphs 153, 154, 157 to 160, 162, 164, 173, 175, 176, 212, 218, 219, 221, 223, 224, 226 and 227, from sections IX and X on the violations found by the Court, and the operative paragraphs of the [...] Judgment at least once, as spelled out in paragraph 252 [t]hereof.

Ad hoc Judge Montiel-Agüero dissen[ted].

7. Within a term of one year, the State is to publish the full text of the [...] Judgment on the State's official web page, as spelled out in paragraph 252 [t]hereof. *Ad hoc* Judge Montiel-Agüero dissen[ted].

8. Within a term of one year, the State is required to publicize, via broadcast by a radio station with a large coverage area in the Atlantic Coast, paragraphs 124(11), 124(20), 124(28), 124(31), 124(32), 124(39), 124(40), 124(46), 124(51), 124(62), 124(68), 124(70) and 124(71) of section VII (Proven Facts), paragraphs 153, 154, 157 to 160, 162, 164, 173, 175, 176, 212, 218, 219, 221, 223, 224, 226 and 227 from Sections IX and X, concerning the violations found by the Court, and the operative paragraphs of the [...] Judgment, in Spanish, Miskito, Sumo, Rama and English, at least four times at intervals of two weeks, as spelled out in paragraph 253 of the [...] Judgment.

Ad hoc Judge Montiel-Agüero dissen[ted].

9. Within a reasonable time period, the State is to adopt such legislative measures as may be required to provide for a simple, fast and effective judicial remedy to review any decisions of the Supreme Elections Council that may affect human rights, such as the right to participate in government, in compliance with the relevant legal and treaty guarantees, and repeal any provisions preventing said remedy from being pursued, as spelled out in paragraphs 254 and 255 of the [...] Judgment.

Ad hoc Judge Montiel-Agüero dissen[ted].

10. The State is to amend Elections Law No. 331 of 2000 in order that said Law will clearly regulate the consequences of non-compliance with the electoral participation requirements, the procedures to be followed by the Supreme Elections Council in declaring such non-compliance with the requirements set, and the reasoned decisions the Council is required to deliver on the matter, as well as the rights of those whose participation is impaired by a decision of the State, as established in paragraph 258 of the [...] Judgment.

Ad hoc Judge Montiel-Agüero dissen[ted].

11. The State is to amend the regulation of those requirements laid down in Elections Law No. 331 of 2000 that were found to be in violation of the American Convention on Human Rights and, within a reasonable term, it shall take such measures as may be required for members of indigenous and ethnic communities to be able to effectively take part in election processes, with due regard to their traditions, uses and customs, as spelled out in paragraph 259 of the [...] Judgment.

Ad hoc Judge Montiel-Agüero dissen[ted].

12. The State is required to pay, as compensation for pecuniary and non-pecuniary damage, the amount set forth in paragraph 248 of the [...] Judgment, which amount shall be paid to the YATAMA organization, to be thereupon distributed by the latter as appropriate.

Ad hoc Judge Montiel-Agüero dissen[ted].

13. The State is required to pay, as costs and expenses incurred domestically and internationally before the Inter-American system for the protection of human rights, the amount set forth in paragraph 265 of the [...] Judgment to the YATAMA organization, which shall subsequently deliver to CENIDH and CEJIL such portion thereof as may be required to reimburse the latter for any expenses defrayed by them.

Ad hoc Judge Montiel-Agüero dissen[ted].

14. Within a term of one year as from the date of notice of the [...] Judgment, the State is required to pay the amounts due as non-pecuniary and pecuniary damage and

reimbursement of costs and expenses, as spelled out in paragraphs 266 and 268 to 273 [t]hereof.

Ad hoc Judge Montiel-Agüero dissen[ted].

15. It will monitor full compliance with [...] Judgment and will close this case once the State has fully complied with the measures ordered [t]herein. Within one year of the date of notification of th[e] Judgment, the State shall submit a report to the Court on the measures taken to comply with the [...] Judgment, as established in paragraph 274 [t]hereof.

Ad hoc Judge Montiel-Agüero dissen[ted].

[...]

2. The brief of January 17, 2006, whereby the State of Nicaragua (hereinafter "the State" or "Nicaragua") reported on "the progress made in the process of compliance with the Judgment." Basically, it stated as follows:

a) Regarding its duty to publish section VII, the required paragraphs from sections IX and X and the operative paragraphs of the Judgment in the Official Gazette and in another large national newspaper at least once, such text was published in the La Gaceta Official Gazette on December 12, 13 and 14, 2005, and quotations were requested for publication in the La Prensa and El Nuevo Diario newspapers. The State provided a copy of the aforementioned publications in the La Gaceta Official Gazette;

b) Regarding publication of the full text of the Judgment on the State's official web site, said Judgment has been available on the "Important Notices" section of the Ministry of Foreign Affairs' web page, at www.cancilleria.gob.ni, since October 3, 2005;

c) Regarding the duty to publicize, via broadcast by a radio station with a large coverage area in the Atlantic Coast, section VII (Proven Facts), certain paragraphs of sections IX and X and the operative paragraphs of the Judgment in Spanish, Miskito, Sumo, Rama and English, at least four times at intervals of two weeks, quotations have been requested to have the Judgment translated into the aforementioned languages;

d) Regarding the creation of a simple, fast and effective judicial remedy to review any decisions of the Supreme Elections Council that may affect human rights, and repeal any provisions preventing said remedy from being pursued, as well as the duty to amend Elections Law No. 331 of 2000, the Executive Branch is working on a bill for the amendment of the Elections Law, and the advice of the Inter-American Commission on the subject has been requested; and

e) Regarding compliance with the obligation to pay pecuniary and non-pecuniary damages and reimburse court costs and expenses, "said amounts have been provided for in the Republic's 2006 General Budget in order that payment may be made within the deadlines prescribed therefor."

3. The July 27, 2006 letter of the Secretariat of the Court, whereby, further to the instructions of the President of the Court, the State was reminded that the term prescribed for it to submit its report on compliance with Judgment expired on July 14, 2006, and was thus called upon to submit the report shortly.

4. The brief of August 23, 2006, whereby the State submitted its report on compliance with Judgment, as required by the Court in the fifteenth operative paragraph of the Judgment (*supra* Having Seen clause No. 1). Basically, it reported as follows:

a) Regarding its duty to publish section VII, the required paragraphs from sections IX and X, and the operative paragraphs of the Judgment in the Official Gazette and in another large nation-wide circulation newspaper at least once, such text was published in the La Gaceta Official Gazette on December 12, 13 and 14, 2005, and in the La Prensa newspaper on July 22, 2006. It provided a copy of the July 22, 2006 publication in the "El Nuevo Diario" newspaper;

b) Regarding publication of the full text of the Judgment on the State's official web site, it repeated the statements set forth in the brief of January 17, 2006 (*supra* Having Seen clause No. 2);

c) Regarding the duty to publicize, via a radio station with a large coverage area in the Atlantic Coast, section VII (Proven Facts), certain paragraphs of sections IX and X and the operative paragraphs of the Judgment in Spanish, Miskito, Sumo, Rama and English, at least four times at intervals of two weeks, this was complied with in June, through broadcasts by various independent radio stations in the Atlantic region. Regarding the publicizing in Rama, this measure has not yet been complied with given the difficulty of finding a translator; however, translation is currently under way, for which purpose the Ministry of Foreign Affairs paid 50% of the translator's fees;

d) Regarding the creation of a simple, fast and effective judicial remedy to review any decisions of the Supreme Elections Council that may affect human rights, and repeal any provisions preventing said remedy from being pursued, as well as the duty to amend Elections Law No. 331 of 2000, a draft amendment bill has already been prepared, but the State is currently awaiting submission of a draft amendment by YATAMA, which undertook to submit said draft no later than April 30, 2006. The Inter-American Commission was asked to provide a team of experts in order that, along with the State's experts, they may jointly prepare a draft that will meet the requirements set by the Court; and

e) Regarding compliance with the obligation to pay pecuniary and non-pecuniary damages and reimburse court costs and expenses, the incorporation of said amounts into the 2006 budget was requested but not effected on account of existing urgent social needs. The Ministry of the Treasury has been requested to secure a budgetary expansion to be debated by the National Assembly in September 2006.

5. The brief of September 21, 2006, whereby the representatives of the victims submitted their comments to the State's report of August 23, 2006. Basically, they stated as follows:

a) Regarding the duty to publish section VII (Proven Facts), the required paragraphs from sections IX and X and the operative paragraphs of the Judgment in the Official Gazette and in another large national newspaper at least once, such text was published in La Gaceta, the State's Official Gazette, and in the La Prensa newspaper, as reported by the State.

b) Regarding publication of the Judgment on the State's official web site, Nicaragua has also complied with this measure;

c) Regarding the duty to publicize, via broadcast by a radio station with a large coverage area in the Atlantic Coast, section VII (Proven Facts), certain paragraphs of sections IX and X, and the operative paragraphs of the Judgment in Spanish, Miskito, Sumo, Rama and English, at least four times at intervals of two weeks, the representatives only verified that a portion of the Judgment was broadcast in Puerto Cabezas by Radio Caribe, both in Miskito and English. They requested that the State indicate the dates and times on which the relevant portions of the Judgment were broadcast by the other specified radio stations, and that it state whether the remaining three broadcasts and the relevant broadcast in Rama were actually performed;

d) Regarding the creation of a simple, fast and effective judicial remedy to review any decisions of the Supreme Elections Council that may affect human rights, and repeal any provisions preventing said remedy from being pursued, as well as the duty to amend Elections Law No. 331 of 2000, they have no information on the draft bill for the amendment of the Elections Law referred to by the State. They stated that, even though at the March 23, 2006 meeting YATAMA's representatives did in fact undertake to submit a draft amendment, they made a point of the fact that they required legal assistance therefor, which assistance has not been provided. They further noted that the electoral reform is the exclusive responsibility of the State. It is their view that, if the State does in fact have a draft ready, such draft could be submitted to YATAMA's members for their consideration; and

e) Regarding the amounts due on account of pecuniary damage, non-pecuniary damage, costs and expenses, the State has not yet effected such payments.

6. The brief of October 16, 2006 whereby, after securing a deadline extension from the President, the Inter-American Commission submitted its observations to the State's report. Basically, it stated that:

a) Regarding the duty to publish section VII (Proven Facts), the required paragraphs from sections IX and X, and the operative paragraphs of the Judgment at least once, such text was published in La Gaceta, the State's Official Gazette, and in the La Prensa newspaper;

b) Regarding publication of the Judgment on the State's official web site, the Judgment has been available on the Ministry of Foreign Affairs' web site since October 3, 2005;

c) Regarding the duty to publicize, via broadcast by a radio station with a large coverage area in the Atlantic Coast, section VII (Proven Facts), certain paragraphs from sections IX and X and the operative paragraphs of the Judgment in Spanish, Miskito, Sumo, Rama and English, at least four times at intervals of two weeks, the broadcasting of said paragraphs in Rama is still pending, and this obligation has thus been only partially complied with;

d) Regarding the creation of a simple, fast and effective judicial remedy to review any decisions of the Supreme Elections Council that may affect human rights, and repeal any provisions preventing said remedy from being pursued, as well as the duty to amend Elections Law No. 331 of 2000, the interested indigenous peoples and communities should be involved in their formulation. It requested that the draft amendment bill be made available to the parties, and that the State report on the mechanism to be implemented to secure the involvement of the relevant indigenous peoples and communities in the drafting of the aforementioned elections amendment; and

e) Regarding the amounts due on account of pecuniary damage, non-pecuniary damage, costs and expenses, it is concerned over the fact that such obligation is still pending fulfillment and the term prescribed for compliance therewith has already elapsed.

CONSIDERING:

1. That monitoring compliance with its decisions is a power inherent in the judicial functions of the Court.

2. That Nicaragua has been a State Party to the American Convention since September 25, 1979, and that it accepted the binding jurisdiction of the Court on February 12, 1991.

3. That, pursuant to Article 68(1) of the American Convention, “[t]he States Parties to the Convention undertake to comply with the judgment of the Court in any case to which they are parties.” For such purpose, States are required to guarantee implementation of the Court’s rulings at the domestic level.¹

4. That, given the final and not-subject-to-appeal nature of the Court’s judgments as established in Article 67 of the American Convention, said judgments are to be promptly and fully complied with by the State.

5. 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, as supported by international case law, under which States are required to comply with 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 their pre-established international responsibility.² The treaty obligations of States Parties are binding on all State powers and organs.

6. That the States Parties to the Convention are required to guarantee compliance with the provisions thereof and their effects (*effet utile*) at the domestic law level. This

¹ Cf. *Case of Bámaca-Velásquez*. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of July 4, 2006, Considering clause No. 3; *Case of the "Five Pensioners"*. Order of the Inter-American Court of Human Rights of July 4, 2006, Considering clause No. 3; and *Case of 19 Tradesmen*. Order of the Inter-American Court of Human Rights of February 2, 2006, Considering clause No. 3.

² Cf. *Case of Bámaca-Velásquez*. Monitoring Compliance with Judgment, *supra* note 1, Considering clause No. 5; *Case of the "Five Pensioners"*, *supra* note 1, Considering clause No. 7; and *Case of 19 Tradesmen*, *supra* note 1, Considering clause No. 5.

principle applies not only in connection with the substantive provisions of human rights treaties (*i.e.* those dealing with the rights thereby protected) but also in connection with procedural rules, such as the ones concerning compliance with the decisions of the Court. Such obligations are to be interpreted and enforced in a manner such that the protected guarantee is truly practical and effective, considering the special nature of human rights treaties.³

7. That those States Parties to the Convention that have accepted the binding jurisdiction of the Court are under a duty to fulfill the obligations set by the Court. This obligation includes the State's duty to report on the measures adopted to comply with such decisions of the Court. Timely fulfillment of the State's obligation to report to the Court on the exact manner in which it is complying with each of the aspects ordered by the latter is essential to evaluate the status of compliance with the Judgment as a whole.

*
* *
*

8. That, in monitoring comprehensive compliance with the Judgment on preliminary objections, merits, reparations and costs delivered in the instant case, and after having analyzed the information supplied by the State, the Inter-American Commission and the victims' representatives in their briefs on compliance with reparations (*supra* Having Seen clauses No. 2, 4, 5, and 6), the Court has verified which aspects of such Judgment have been fully and partially complied with by Nicaragua, and which reparations are still pending compliance.

9. That the Court has verified that the State has complied with its obligation to:

a) Publish section VII (Proven Facts), paragraphs 153, 154, 157 to 160, 162, 164, 173, 175, 176, 212, 218, 219, 221, 223, 224, 226 and 227, from sections IX and X, dealing with the violations found by the Court, and the operative paragraphs of the Judgment at least once in the Official Gazette and in another large nation-wide circulation newspaper (*sixth operative paragraph of the Judgment of June 23, 2005*). Based on the documents submitted by the State, the Court has verified that the aforementioned portions of the Judgment were published in the La Gaceta Official Gazette on December 12, 13 and 14, 2005, and in the "El Nuevo Diario" newspaper on July 22, 2006. Furthermore, the State, as well as the representatives and the Commission, have all stated that such portions of the Judgment were also published in the La Prensa newspaper;

b) Publish the full text of the Judgment on the State's official web site (*seventh operative paragraph of the Judgment of June 23, 2005*). The Court has verified that the "Other issues of interest" section of said web page features a direct link to the full text of the Judgment.

10. That the Court has verified that Nicaragua has partially complied with its duty to publicize, via broadcast by a radio station with a large coverage area in the Atlantic Coast, the required paragraphs of section VII (Proven Facts) and of sections IX and X,

³ Cf. *Case of Bámaca-Velásquez*. Monitoring Compliance with Judgment, *supra* note 1, Considering clause No. 6; *Case of the "Five Pensioners"*, *supra* note 1, Considering clause No. 8; and *Case of 19 Tradesmen*, *supra* note 1, Considering clause No. 6.

and the operative paragraphs of the Judgment in Spanish, Miskito, Sumo, Rama and English, at least four times at intervals of two weeks (*eighth operative paragraph of the Judgment of June 23, 2005*). The State reported that the required broadcasts were made by several radio stations in the independent Atlantic regions in June 2006, and that the relevant portions of the Judgment are being translated into Rama so that they may be broadcast in said language. Moreover, the representatives stated that they had only verified that "a portion of the Judgment was broadcast in Puerto Cabezas by Radio Caribe, both in Miskito and English." It is the Court's view that, in order for it to assess full compliance with this measure, it is necessary for the State to prove compliance with the radio broadcast obligations, so that the name of the broadcasting radio station and the dates and languages of the broadcasts can be identified.

11. That it is the Court's view that it is essential for the State to provide it with up-to-date information on the following aspects, compliance with which is still pending:

a) The adoption, within a reasonable time period, of such legislative measures as may be required to provide for a simple, fast and effective judicial remedy to review any decisions of the Supreme Elections Council that may affect human rights, such as the right to participate in government, in compliance with the relevant legal and treaty guarantees, and repeal any provisions preventing said remedy from being pursued (*ninth operative paragraph of the Judgment of June 23, 2005*). Nicaragua's statements that it has prepared a draft bill for the amendment of Elections Law No. 331 of 2000 have been duly noted by the Court. In this regard, the Court finds it necessary for the State to submit up-to-date information on any progress made in connection with any domestic legislative steps taken to comply with this measure of reparation;

b) The amendment of Elections Law No. 331 of 2000, so that it will clearly regulate the consequences of non-compliance with electoral participation requirements, the procedures to be followed by the Supreme Elections Council for such findings of non-compliance, and the reasoned decisions to be adopted by the Council in that regard, as well as the rights of those whose participation is impaired by a decision of the State (*tenth operative paragraph of the Judgment of June 23, 2005*). Nicaragua's statements that it has prepared a draft bill for the amendment of Elections Law No. 331 of 2000 have been duly noted by the Court. In this regard, the Court finds it necessary for the State to submit up-to-date information on any progress made in connection with any domestic legislative steps taken to comply with this measure of reparation;

c) The amendment of the regulation of those requirements laid down in Elections Law No. 331 of 2000 that were found to be in violation of the American Convention, and the adoption of such measures as may be required for members of indigenous and ethnic communities to be able to effectively take part in election processes, with due regard to their traditions, uses and customs (*eleventh operative paragraph of the Judgment of June 23, 2005*). Nicaragua's statements that it has prepared a draft bill for the amendment of Elections Law No. 331 of 2000 have been duly noted by the Court. In this regard, the Court finds it necessary for the State to submit up-to-date information on any steps taken domestically to comply with this measure of reparation, including any progress made in connection with any legislative or other measures adopted in relation thereto;

d) Payment of the compensation set for pecuniary and non-pecuniary damage, which amount is to be paid to the YATAMA organization, to be thereupon distributed by the latter as appropriate (*twelfth operative paragraph of the Judgment of June 23, 2005*). In this regard, the State provided information on the steps taken to comply with this measure of reparation;

e) Payment of the amount due on account of costs and expenses incurred domestically and internationally before the Inter-American system for the protection of human rights, to the YATAMA organization, which shall subsequently deliver to CENIDH and CEJIL such portion thereof as may be required to reimburse the latter for any expenses defrayed by them (*thirteenth operative paragraph of the Judgment of June 23, 2005*). In this regard, the State provided information on the steps taken to comply with this measure of reparation.

12. That the Court will consider the general status of compliance with the Judgment on preliminary objections, merits, reparations and costs of June 23, 2005 once it is provided with the relevant information on the pending reparations.

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 Considering clause No. 9 of this Order, the State has fully complied with its obligation to:

a) Publish section VII (Proven Facts), paragraphs 153, 154, 157 to 160, 162, 164, 173, 175, 176, 212, 218, 219, 221, 223, 224, 226 and 227 from sections IX and X, dealing with the violations found by the Court, and the operative paragraphs of the Judgment at least once in the Official Gazette and in another large nation-wide circulation newspaper (*sixth operative paragraph of the Judgment of June 23, 2005*); and

b) Publish the full text of the Judgment on the State's official web site (*seventh operative paragraph of the Judgment of June 23, 2005*).

2. That, as stated in Considering clause No. 10 of this Order, the State has partially complied with its duty to publicize, via broadcast by a radio station with a large coverage area in the Atlantic Coast, the required paragraphs of section VII (Proven Facts) and of sections IX and X, and the operative paragraphs of the Judgment in Spanish, Miskito, Sumo, Rama and English, at least four times at intervals of two weeks (*eighth operative paragraph of the Judgment of June 23, 2005*). As stated in Considering clause No. 10 of this Order, it is the Court's view that, in order for it to

assess full compliance with this measure, it is necessary for the State to prove compliance with the radio broadcasts, so that the name of the broadcasting radio station and the dates and languages of the broadcasts can be identified.

3. That, in accordance with Considering clauses No. 10 and 11 of this Order, it will keep open the proceeding for monitoring compliance with the points pending compliance in the instant case, namely:

a) The adoption, within a reasonable time period, of such legislative measures as may be required to provide for a simple, fast and effective judicial remedy to review any decisions of the Supreme Elections Council that may affect human rights, such as the right to participate in government, in compliance with the relevant legal and treaty guarantees, and the revocation of any provisions preventing said remedy from being pursued (*ninth operative paragraph of the Judgment of June 23, 2005*);

b) The amendment of Elections Law No. 331 of 2000, so that it will clearly regulate the consequences of non-compliance with electoral participation requirements, the procedures to be followed by the Supreme Elections Council for a finding of non-compliance, and the reasoned decisions to be adopted by the Council in that regard, as well as the rights of those whose participation is impaired by a decision of the State (*tenth operative paragraph of the Judgment of June 23, 2005*);

c) The amendment of the regulation of those requirements laid down in Elections Law No. 331 of 2000 that were found to be in violation of the American Convention, and the adoption of such measures as may be required for members of indigenous and ethnic communities to be able to effectively take part in election processes, with due regard to their traditions, uses and customs (*eleventh operative paragraph of the Judgment of June 23, 2005*).

d) Payment of the compensation set for pecuniary and non-pecuniary damage, which amount is to be paid to the YATAMA organization, to be thereupon distributed by the latter as appropriate (*twelfth operative paragraph of the Judgment of June 23, 2005*);

e) Payment of the amount due on account of costs and expenses incurred domestically and internationally before the Inter-American system for the protection of human rights, to the YATAMA organization, which shall subsequently deliver to CENIDH and CEJIL such portion thereof as may be required to reimburse the latter for any expenses defrayed by them (*thirteenth operative paragraph of the Judgment of June 23, 2005*); and

f) The publication, via broadcast by a radio station with a large coverage area in the Atlantic Coast, of the required paragraphs of section VII (Proven Facts) and of sections IX and X and the operative paragraphs of the Judgment in Spanish, Miskito, Sumo, Rama and English, at least four times at intervals of two weeks (*eighth operative paragraph of the Judgment of June 23, 2005*).

AND DECIDES:

1. To call upon the State to adopt such measures as may be necessary to promptly and effectively comply with the pending aspects ordered by the Court in the

Judgment of June 23, 2005 on preliminary objections, merits, reparations and costs, pursuant to Article 68(1) of the American Convention on Human Rights.

2. To request that, by March 5, 2007, the State submit to the Inter-American Court of Human Rights a report specifying such measures as may have been adopted to comply with the reparations ordered by this Court and which are still pending fulfillment, as spelled out in Considering clauses No. 10 to 12 and the second and third declarative paragraphs of this Order.

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 those parts of the Judgment on preliminary objections, merits, reparations and costs of June 23, 2005 that are still pending compliance.

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

Sergio García-Ramírez
President

Alirio Abreu-Burelli

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