

**Order of the
Inter-American Court of Human Rights
of January 29, 2008
Case of Servellón-García *et al.* v. Honduras
(*Monitoring Compliance with Judgment*)**

HAVING SEEN:

1. The judgment on the merits, reparations and costs issued on September 21, 2006 (hereinafter "the Judgment") by the Inter-American Court of Human Rights (hereinafter "the Court", "the Inter-American Court", or "the Court",) by means of which the said Court:

Decided that:

[...]

8. The State must seriously 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 Marco Antonio Servellón-García, Rony Alexis Betancourth-Vásquez, Orlando Álvarez-Ríos, and Diomedes Obed García-Sánchez, for criminal effects and any other that may result from the investigation of the facts. For this, the State must remove, in a reasonable period of time, all obstacles and mechanisms of fact and law that have maintained the impunity in the present case, in the terms of paragraphs 192 through 196 of the present Judgment.

9. The State must publish, within a six-month period, the Chapter on facts proven of this Judgment, without the corresponding footnotes, and the operative part of the same, once, in the terms of paragraph 197 of the present Judgment.

10. The State must hold, within a six-month period, a public act of acknowledgment of its international responsibility, in the terms of paragraph 198 of the present Judgment.

11. The State must name, within a one-year period, a street or a plaza, in the city of Tegucigalpa, in memory of Marco Antonio Servellón-García, Rony Alexis Betancourth-Vásquez, Diomedes Obed García-Sánchez, and Orlando Álvarez-Ríos. The State must place a plaque on said street or park with the names of the mentioned four victims, in the terms of paragraph 199 of the present Judgment.

12. The State must establish, within a reasonable period of time, 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, be located in different installations, in the terms of paragraph 200 of the present Judgment.

13. The State must carry out, within a reasonable period of time, 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, and make the population see that children and youngsters in situations of social risk are not identified with delinquency. Likewise, the State must issue, within a one-year period, a postal stamp allusive to the protection due by the State and society to children and youngsters in risky

situations, in order to prevent them from becoming victims of violence, in the terms of paragraphs 201 and 202 of the present Judgment.

14. The State must create, within a reasonable period of time, 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, in the terms of paragraph 203 of the present Judgment.

15. The State must pay the next of kin of Marco Antonio Servellón-García, Rony Alexis Betancourth-Vásquez, Diomedes Obed García-Sánchez, and Orlando Álvarez-Ríos, in their condition of successors, and in a one-year period, as compensations for pecuniary and non-pecuniary damages, the amounts determined in paragraphs 176 and 184(a) and 184(b) of the present Judgment, in the terms of paragraphs 169 through 172, 176, 180, 182, 184(a) and 184(b) and 185 of the same.

16. The State must pay Bricelda Aide García-Lobo, Hilda Estebana Hernández-López, and Dilcia Álvarez-Ríos, within a one-year period, as compensation for pecuniary damages, the amount set in paragraph 177 of the present term, pursuant to its terms.

17. The State must pay Reyes Servellón-Santos, Bricelda Aide García-Lobo, Marja Ibeth Castro-García, Manases Betancourth-Núñez, Hilda Estebana Hernández-López, Zara Beatris Bustillo-Rivera, Ana Luisa Vargas-Soto, and Dilcia Álvarez-Ríos, within a one-year period, as compensation for non-pecuniary damages, the amounts set in paragraphs 184(c), 184(d), 184(e), 184(f) and 184(g) of the present Judgment, in the terms of paragraphs 180, 181, 183, 184(c), 184(d), 184(e), 184(f) and 184(g), and 185 of the same.

18. The State must pay, within a one-year period, in the concept of costs and expenses generated in the domestic realm and in the international proceedings before the Inter-American system for the protection of human rights, the amount set in paragraph 205 of the present Judgment, which must be delivered to Bricelda Aide García-Lobo, Hilda Estebana Hernández-López, and Dilcia Álvarez-Ríos, in the terms of paragraphs 204 and 205 of the same.

19. It will monitor the compliance of the present Judgment in all its aspects, and it will close the present case once the State has fully implemented all of the provisions of this Judgment. Within one year of notification of this Judgment, the State must present a report of the measures taken in compliance of this Judgment to the Court.

2. The two reports of the State of Honduras (hereinafter "the State") regarding the advances in the compliance with Judgment, which were submitted on January 31, 2007 and October 23, 2007.

3. The comments submitted by the representatives of the victims (hereinafter "the representatives") regarding the reports submitted by the State, which comments were submitted on March 14, 2007 and November 30, 2007.

4. The comments submitted by the Inter-American Commission on Human Rights, (hereinafter "the Commission" or "the Inter-American Commission") to the State Reports, which comments were submitted on January 8, 2008.

CONSIDERING:

1. That monitoring the compliance with its decisions is an inherent jurisdictional power of the Court.

2. That Honduras is a State Party to the American Convention on Human Rights (hereinafter "the Convention" or "the American Convention") since September 8, 1977 and recognized the mandatory jurisdiction of the Court on September 9, 1981.

3. That Article 68(1) of the American Convention sets forth that: "The States Parties to the Convention undertake to comply with the judgment of the Court in any case to which they are parties."¹ For that purpose, the States must ensure the implementation within their jurisdictions of the orders issued by the Court in its decisions.

4. That the obligation to comply with the decisions of the Court is a basic principle of law regarding the international responsibility of the State, which is supported by international jurisprudence, according to which the States must comply with their international conventional obligations in good faith (*pacta sunt servanda*) and that, as this Court has pointed out and pursuant to article 27 of the Vienna Convention on the Law of Treaties of 1969, the states may not, due to reasons of internal order, avoid the international responsibility which has already been established. The conventional obligations of the States Parties bind all powers and organs of the State.²

5. That the States Parties to the Convention must guarantee the compliance with conventional provisions and their own effects (*effet utile*) at internal level. This principle applies not only with regard to the substantive provisions of the human rights treaties (that is to say, those which express provisions regarding the protected rights,) but also with regard to the procedural rules, such as those referring to the compliance with the decisions of the Court. These obligations must be interpreted and applied so that the protected guarantee is truly practical and efficient, taking into account the special nature of the human rights treaties.³

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6. That, with regard to the resolution of the Court as stated in operative paragraph eight, referring to the obligation of the State to carry on any acts that may be necessary to identify, prosecute, and as the case may be, punish all the perpetrators and instigators for the violations committed against the victims and also referring to the obligation to remove all obstacles and solve all questions of fact and of law that allow impunity to remain in the instant case, the State, in its first report has not provided any information. Subsequently, in its report submitted on October 23, 2007, the State stated the acts that had been carried out in order to criminally prosecute the perpetrators and instigators of the violations "committed in detriment of the minor victims" (*original in block capitals, bold and underlined*) Marco Antonio Servellón-García and Rony Alexis Betancourth-Vásquez. The acts reported are: a) criminal proceedings had been commenced against Víctor Hugo Vivas-Lozano, within which, the Public Prosecution submitted its conclusions

¹ Cf. *Case of Baena-Ricardo et al. Competence*. Judgment of November 28, 2003. Series C No. 104, para. 60; *Case of Palamara-Iribarne v. Chile*. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 30, 2007, Having Seen Clause 3; and *Case of the Girls Yean and Bosico V. República Dominicana*. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 28, 2007, Having Seen Clause 4.

² Cf. *International Responsibility for the issuance and enforcement of laws that violate the Convention* (articles 1 and 2 of the American Convention on Human Rights.) Advisory Opinion OC-14/94 of December 9, 1994. Series A No. 14, para. 35; *Case of the Plan de Sánchez Massacre v. Guatemala*. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 28, 2007, Having Seen Clause 3; and *Case of Palamara-Iribarne v. Chile*, *supra* note 1, Having Seen Clause 5.

³ Cf. *Case of Ivcher-Bronstein. Competence*. Judgment of September 24, 1999. Series C No. 54, para. 37; *Case of the Plan de Sánchez Massacre v. Guatemala*, *supra* note 2, Having Seen Clause 4; and *Case of Palamara-Iribarne v. Chile*, *supra* not1 1, Having Seen Clause 6.

on August 31, 2007, requesting "the notification of pleading to the private prosecutor, [...and] informing that the notification of pleading to the defense was expected to be ordered;" b) criminal proceedings had been commenced against Roxana Sierra-Ramírez, and in such proceedings, a warrant of arrest was pending execution. According to the State "[...] apparently, the defendant shall appear voluntarily before the court;" c) with regard to Mario Roberto Maldonado-Ortega, who had appeared voluntarily before the court, the State reported that a criminal proceeding had been commenced wherein dismissal was ordered for lack of merits. The Public Prosecutor's Office appealed such decision and the matter was pending resolution before the Court of Appeals; d) a criminal proceeding had been commenced against José Alberto Alfaro-Martínez, in which a commitment order was issued and such matter was pending final resolution before the Court of Appeals and they were expecting that the records of the case be sent to the Court of First Instance; and e) criminal proceedings were commenced against David Abraham Mendoza, Marco Tulio Regalado-Hernández, Mario Maldonado-Ortega, Oscar Francisco Andrade, Leonel Matute-Chávez and José Antonio Martínez, wherein the Public Prosecutor's Office requested that a warrant of arrest be issued against them, but such request was rejected and therefore, an appeal for relief was pending decision (*supra* Having Seen Clause 2)

7 That the representatives, in their comments to the State report of October 23, 2007, stated that such information made reference to isolated acts within the criminal prosecution, and that they did not reflect significant advances that might lead to the knowledge of the truth about the facts in the instant case. They further stated that: a) with regard to the criminal proceeding against Víctor Hugo Vivas-Lozano, the State reported that the Public Prosecutor's Office had "formulated conclusions on August 31, 2007." However, they informed that no report had been made regarding the arguments contained in such conclusions; b) with regard to the criminal proceeding commenced against Roxana Sierra Ramírez, they reported that the warrant of arrest had been pending execution since August 6, 1996 and that the Public Prosecutor's Office made new requests for such execution on January 14, 2005 and February 9, 2005, and such warrant of arrest was still pending execution and, even more, they also reported that the accused did not submit herself to the incumbent authorities;" and c) with regard to the criminal proceeding against José Alfaro Martínez, the information submitted by the State was confusing since it did not inform the dates on which such acts had been carried out (*supra* Having Seen Clause 3.)

8. That the Commission, in its comments submitted on January 8, 2008, stated that the information provided by the State was insufficient, since it did not state the dates on which the referred acts were completed, and it also failed to provide a context to determine the relevance or appropriateness of the acts in question." The Commission further mentioned that the State must provide a detailed report about the investigations carried on, about the investigation leads followed and about their relation to the orders that had been given (*supra* Having Seen Clause 4.)

9. That due to the fact that the parties have not sent to the Court enough information to evaluate the compliance with operative paragraph eight, the Court considers that the State must submit a detailed report regarding the measures adopted to identify, prosecute and as the case may be, punish all those perpetrators and instigators of the violations committed against the victims, as well as all measures taken to remove obstacles and solve all questions of fact and of law that allow impunity to continue in the instant case (*supra* Having Seen Clause 1.)

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10. That regarding operative paragraph nine, related to the publication of the proven facts, without footnotes and the operative part of the Judgment, the State reported that it had made such publication on June 25, 2007 in the "Heraldo" which is a national newspaper and the State further informed that in the near future such information would be published in the Official Gazette (*supra* Having Seen Clause 2.)

11. That the representatives confirmed that the publication under the terms ordered by the Court had been made in the "Heraldo", which is a nationwide distributed newspaper, and such representatives further stated that the information was pending publication in "La Gaceta" which is the Official Gazette of the State. Finally, they stated that the term fixed by the Court to complete the publication was overdue (*supra* Having Seen Clause 3.)

12. That the Commission in its comments of January 8, 2007, valued the publication made by the State in a newspaper of national circulation and stated that it hoped that the publication of the pertinent parts of the Judgment ordered by the Court would be made in a short time in the Official Gazette. In view of the aforesaid, the Commission considered that the State had partially complied with this operative paragraph (*supra* Having Seen Clause 4.)

13 That pursuant to the information submitted by the parties, the Court considers that the State has partially complied with operative paragraph nine of the Judgment (*supra* Having Seen Clause 1.)

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14 That with regard to operative paragraph ten, relating to the performance of a public act of acknowledgement of international responsibility by the State, the State reported that through the Secretary of State's office departments of Government and Justice, a public act was conducted by means of which "the State publicly acknowledged its international responsibility in the instant case, acknowledging the illegal detention, torture and extrajudicial execution of Marco Antonio Servellón-García, Rony Alexis Betancourth-Vásquez, Diomedes Obed García-Sánchez y Orlando Álvarez-Ríos, and further acknowledging the impunity that is still present in this case, and also apologized to the victims and their next of kin." The State also reported that for such act, a press conference was convened and that "several communication media were present and therefore, it was widely covered" (*supra* Having Seen Clause 2.)

15. That the representatives, in their first comments, confirmed the information provided by the State. However, they pointed out that the public act conducted on April 18, 2007 had not complied with the purpose of repairing the damage caused to the victims and their next of kin, since the next of kin had not been taken into account in the preparation and the making of the act, and "Casa Alianza" was given notice of such act only two hours before the time scheduled for its commencement. They further stated

that due to the aforesaid, the next of kin went towards the end of the act to protest for not having been taken into account, since they should have been the main protagonists. Furthermore, they considered that given the circumstances surrounding the said act, it had not provided any reparation at all, and that was why they had requested the State to conduct another act wherein the next of kin of the victims could participate. They further pointed out that the Minister of Government had told the next of kin of the victims that another act would be organized so that they could participate, though he did not specify the date. Finally, they requested the Court not to consider this operative paragraph as fulfilled (*supra* Having Seen Clause 3.)

16. That the Commission expressed that the State had not provided any documentary information that might allow the "Court to verify the circumstances under which the act was conducted, the terms of the acknowledgement of responsibility and the manner in which apologies were requested, the authorities that were present and whether there had been any prior coordination tasks with the next of kin in order to allow the act to be conducted so as to comply with its purpose of providing the reparation ordered by the Court." Furthermore, the Commission stated that the State must send such information to the Court and that the Court should take into consideration the objections submitted by the next of kin of the victims. Finally, the Commission stated that it would appreciate that the State coordinated with the next of kin "to carry out a new act for the acknowledgement of responsibility and to apologize so that the said act may be conducted pursuant to the spirit of reparation which motivates it, acknowledging the dignity of the next of kin of the victims [...]" (*supra* Having Seen Clause 4.)

17. That on the basis of the information submitted by the parties, the State conducted a public act on April 18, 2007, in which it publicly acknowledged its international responsibility for the violations of the human rights of Marco Antonio Servellón-García, Rony Alexis Betancourth-Vásquez, Diomedes Obed García-Sánchez and Orlando Álvarez-Ríos, and that, considering the statements submitted by the representatives and by the Commission, regarding the manner in which such public act had been conducted, the Court considers it necessary that the State submits in the next report detailed information regarding the manner in which said public act had been conducted and to submit its comments to the statements made by the representatives and by the Commission in order to determine the compliance with operative paragraph ten of the Judgment (*supra* Having Seen Clause 1.)

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18. That with regard to operative paragraph ten, regarding the fact of naming a street or park in Tegucigalpa *in memoriam* of the victims, the State informed that by means of an agreement with the Municipal Government of the Central District, on May 7, 2007, it was decided to name the street that leads to the national stadium in memory of the victims, the said street would be opened soon, since the same is still being constructed (*supra* Having Seen Clause 2.)

19. That the representatives, in their comments submitted on November 30, 2007, informed that they knew about the agreement with the Municipal Government referred to by the State and also about the opening of the street. However, they also informed that no commemorative plaque had been placed as ordered in the Judgment; therefore, they

requested the Court to consider this operative paragraph partially fulfilled (*supra* Having Seen Clause 3.)

20. That the Commission, in its comments submitted on January 8, 2008, valued the actions taken by the State, which it considered as a partial fulfillment and further stated that it hoped the State placed the commemorative plaque as ordered by the Court (*supra* Having Seen Clause 4.)

21. That based on the aforesaid, the Court considers that the State has partially complied with operative paragraph eleven (*supra* Having Seen Clause 1.)

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22. That as regards operative paragraph twelve, relating to the establishment of a training program for police officers and judicial personnel regarding the special protection to be afforded by the State to children and youngsters, as well as training regarding the respect for human rights and guaranties awarded to detainees and the separation of convicts from accused persons pending trial. In this respect, the State has not furnished any information whatsoever.

23. That the representatives pointed out the lack of information by the State regarding this operative paragraph and submitted a petition to the Court to request the State to submit detailed information regarding the measures adopted in order to comply with this obligation (*supra* Having Seen Clause 3.)

24. That the Commission, in its comments submitted on January 8, 2008, pointed out that the State "had to comply with its obligation of establishing a training program as ordered by the Court in its judgment, and also with its duty to provide information in that respect" (*supra* Having Seen Clause 4.)

25. That since there is not enough information, the Court considers it necessary that the State informs the Court about the measures that it has adopted in order to establish the training program as ordered in its Judgment (*supra* Having Seen Clause 1,) so that the state of fulfillment of operative paragraph twelve may be evaluated in due time.

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26. That as regards operative paragraph thirteen, related to the carrying out of a campaign to sensitize the Honduran society with regard to the importance of the protection of children and youngsters and inform it of the specific duties for their protection that correspond to the family, society, and the State, this latter has not provided any information at all. As regards the issuance of a postal stamp allusive to the protection due by the State and society to children and youngsters in risky situations, the State has informed that the said obligation to issue the postal stamp had been complied with (*supra* Having Seen Clause 2.)

27. That the representatives informed they knew that on November 22, 2007, the State had complied with the duty to issue a postal stamp as ordered in the Judgment, and consequently, they requested the Court to consider operative paragraph thirteen as partially fulfilled. However, they pointed out that the State had not made reference to any measures adopted to comply with the carrying out of a national campaign for

sensitization with regard to children and youngsters in risky situations, and thus, they petitioned the Court to request the State to submit information about the measures that had been adopted to comply with this operative paragraph (*supra* Having Seen Clause 3.)

28. That the Commission valued the issuance of a postal stamp and pointed out that was expecting news about the carrying out of the campaign for the sensitization of society of the importance of the protection of children and youngsters in risky situations and also to draw the attention to the fact that said children and youngsters should not be associated to delinquency (*supra* Having Seen Clause 4.)

29. That pursuant to the information submitted by the parties, the Court considers that the State has partially complied with operative paragraph thirteen. As regards the campaign for sensitization that the State must carry out, this Court considers it necessary that the State submits information in that respect in order to evaluate the fulfillment thereof. (*supra* Having Seen Clause 1.)

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30. That with regard to operative paragraph fourteen, related to the creation of a unified database among all State's institutions involved in the investigation, identification and punishment of those responsible for the violent death of children and youngsters in risky situations, the State has not provided any information in that respect.

31. That the representatives pointed out that the State had not made reference to any measures adopted in order to comply with the creation of a database about violent death of children and youngsters and they petitioned the Court to request information about the measures that had been adopted to comply with the said operative paragraph (*supra* Having Seen Clause 3.)

32. That the Commission informed that the State had to comply with the obligation to create a unified database among all State's institutions involved in the investigation, identification and punishment of those responsible for the violent death of children and youngsters in risky situations and the duty to inform the Court in that respect (*supra* Having Seen Clause 4.)

33. That pursuant to the aforesaid, the Court considers that the State must inform about any measures that have been adopted to create a unified database among all institutions involved in the investigation, identification and, as the case may be, the punishment of those responsible for the violent death of children and youngsters in risky situations (*supra* Having Seen Clause 1,) in order to evaluate the due compliance with the order of the Court.

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34. That with regard to operative paragraphs fifteen, sixteen, seventeen and eighteen wherein the Court orders the payment of a compensation to the next of kin of the victims on account of the pecuniary and non-pecuniary damages and costs and expenses, on January 31, 2007, the State informed that it had started to comply with the payment of the pecuniary damages as ordered in the Judgment and that "partial payments agreed

upon with some of the beneficiaries and "Casa Alianza", as their representative, had been made". It further stated that during 2007, before the expiration of the term, they would verify the payment of unpaid amounts owed to those persons that had accepted partial payments and the payment of all the amounts owed to the victims that had not accepted partial payments. In its report of October 23, 2007, the State informed that "[...] all the amounts fixed in the Judgment on account of pecuniary and non-pecuniary damages had been duly paid to those persons appointed as beneficiaries, in some cases payments had been made in two installments and in some others a single payment had been made [...]." The State reported that in the case of Reyes Servellón-Santos and Concepción Álvarez, who had died, the payments were made to their widows. Finally, the State informed that the costs and expenses had been paid according to the terms of the Judgment.

35. That the representatives, in their comments submitted on November 30, 2007, confirmed that the payments on account of pecuniary and non-pecuniary damages and costs and expenses had been made by the State, and since those payments were made to the persons named in the Judgment, they requested the Court to consider said operative paragraphs as complied (*supra* Having Seen Clause 3.)

36. That the Commission valued "[...] the payment made in due time by the State and believed that the Court may consider such part of the Judgment as complied" (*supra* Having Seen Clause 4.)

37 That the Court considers that the State has complied with operative paragraphs fifteen, sixteen, seventeen and eighteen, of the Judgment (*supra* Having Seen Clause 1.)

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38. That the Court considers it is necessary that the State submits updated information regarding the following matters that are pending compliance, to wit:

a) the necessary actions to identify, criminally 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 to allow criminal effects and any other legal effect that may result from the investigation of the facts. Further, to remove all obstacles and mechanisms of fact and law that have maintained impunity in the instant case (*operative paragraph eight of the Judgment;*)

b) the concrete actions that have been carried out to make the public act of acknowledgment of the international responsibility by the State in the instant case (*operative paragraph ten of the Judgment;*)

c) the concrete actions that have been taken in order to establish a training program for the police and judicial personnel as well as personnel of the Public Prosecutor's Office and Penitentiary System regarding the protection of children and youngsters, about the principle of equality before the law, and the international standards regarding human rights and judicial guarantees afforded to persons when arrested (*operative paragraph twelve of the Judgment;*) and

d) the concrete actions that have been taken for the creation of 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 (*operative paragraph fourteen of the Judgment.*)

39. That the Court will consider the general status of the compliance with the Judgment (*supra* Having Seen Clause 1,) upon receiving the incumbent information regarding the reparations pending compliance.

NOW THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in the exercise of its powers to supervise the compliance with its judgments, 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 the Statute of the Court and article 29(2) of the Rules of Procedure,

Declares that:

1. Pursuant to the information contained in Having Seen Clauses 34 to 37 hereof, 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 herein, 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 hereof (*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 hereof (*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 hereof (*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 instant 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 hereof (*operative paragraph eight of the Judgment;*)

b) 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 hereof (*operative paragraph nine of the Judgment;*)

c) to carry out a public act of acknowledgment of international responsibility by the State, pursuant to Having Seen Clauses 14 to 17 hereof (*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 hereof (*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 hereof (*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 hereof (*operative paragraph thirteen of the Judgment;*) and

g) 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 hereof (*operative paragraph fourteen of the Judgment.*)

AND ORDERS:

1. To request the State to adopt all measures that may be necessary to promptly comply with all orders pending fulfillment, pursuant to article 68(1) of the American Convention on Human Rights.

2. To request the State to submit before the Inter-American Court of Human Rights, no later than May 16, 2008, a report informing about all measures adopted to comply with the reparations ordered by this Court that are still pending fulfillment.

3. To request the representatives of the victims and the Inter-American Commission of Human Rights to submit any comments that they may consider appropriate regarding the report of the State mentioned in the preceding operative paragraph, within a term of four and six weeks respectively, running as from the date on which such report is received.

4. To continue with the supervision of those orders pending fulfillment as stated in the Judgment of September 21, 2006.

5. To request the Secretary of the Court to serve notice of this Resolution to the State, the Inter-American Commission on Human Rights and the representatives of the victims

Cecilia Medina-Quiroga
President

Diego García-Sayán

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
Secretario