

# Juan Humberto Sánchez v. Honduras

## ABSTRACT<sup>1</sup>

*This case concerns the forced disappearance and extrajudicial killing of a left-wing political activist during the Salvadoran Civil War. Mr. Juan Humberto Sánchez was detained twice by the Honduran armed forces for his alleged ties with the Farabundo Martí National Liberation Front (FMLN) of El Salvador. On July 22, 1992, following the second detention, Mr. Humberto Sánchez's next of kin found his body in the Río Negro. The Court found that the State violated the American Convention on Human Rights.*

## I. FACTS

### A. Chronology of Events

**July 9, 1992:** Juan Humberto Sánchez is an El Salvador resident and works as a radio operator for the Salvadoran radio station *Radio Venceremos* (“We Shall Overcome” Radio).<sup>2</sup> *Radio Venceremos* is operated by *Frente Farabundo Martí para la Liberación Nacional* (FMLN), a left-wing political party, which opposes the government.<sup>3</sup>

He is visiting his mother (María Dominga Sánchez), step-father (Juan José Vijil Hernández), and four siblings (Juan Carlos, Celio, Florindo, and Domitila Vijil Sánchez) in his family home in Colomoncagua, a Honduran municipality.<sup>4</sup> He also has two daughters, Norma and Breydi.<sup>5</sup>

**July 10, 1992:** Mr. Humberto Sánchez is arrested and detained by

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1. Jenna Eyrich, Author; Grace Kim and Sascha Meisel, Editors; Sarah Frost, Chief Articles Editor; Cesare Romano, Faculty Advisor.

2. Juan Humberto Sánchez v. Honduras, Preliminary Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 99, ¶ 44(a), (b) (June 7, 2003).

3. BRIAN J. TANNEHILL, *ENCYCLOPEDIA OF INSURGENCY AND COUNTERINSURGENCY: A NEW ERA OF MODERN WARFARE*, 172-73 (Spencer C. Tucker, ed., 2013).

4. Juan Humberto Sánchez v. Honduras, Preliminary Objection, Merits, Reparations and Costs, ¶ 44(a), (b) (June 7, 2003).

5. *Id.*

members of the Tenth Infantry Battalion of Marcala, La Paz, under the command of lieutenant Ángel Belisario Hernández González.<sup>6</sup>

**July 11, 1992:** The Tenth Infantry Battalion releases Mr. Humberto Sánchez due to a lack of evidence.<sup>7</sup> Later that night, members of the First Battalion of Territorial Forces enter Mr. Humberto Sánchez's home by force.<sup>8</sup> The Territorial Forces are a special counterinsurgency force designed to counter subversion along the Honduran border zone.<sup>9</sup> The Territorial Forces are composed of former commanding officers, corporals, sergeants, and officers of the army.<sup>10</sup> Five of these officers beat down the door of Mr. Humberto Sánchez's parents' home and enter the house.<sup>11</sup> They aim firearms at the family and warn them not to take legal action against Mr. Humberto Sánchez's detainment.<sup>12</sup> They bind Mr. Humberto Sánchez and take him away with no explanation.<sup>13</sup> The Territorial Forces are known for capturing and imprisoning civilians they suspect are collaborating with the FMLN, even though it is against domestic policy to do so.<sup>14</sup>

**July 12, 1992:** Mr. Juan José Vijil Hernández, Mr. Humberto Sánchez's stepfather, reports his stepson's capture to the military detachment in Colomoncagua.<sup>15</sup>

**July 13, 1992:** Military officials take statements from Mr. Vijil Hernández.<sup>16</sup> Mr. Vijil Hernández later seeks advice from Father Celso Sánchez de Camasca.<sup>17</sup> The priest urges Mr. Vijil Hernández to file a

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6. *Id.* ¶ 1. The State alleged that Mr. Humberto Sánchez was arrested while committing a crime because he had threatened and attacked inhabitants of the community and was dressed in uniform with illegal military gear. Luis Alonso Discua Elvir, former commander in chief of the armed forces, testified before the Inter-American Court that he received a complaint against Mr. Humberto Sánchez from the mayor and the Justice of the Peace of Santo Domingo. Mr. Humberto Sánchez's involvement with the *Frente Farabundo Martí para la Liberación Nacional* (FMLN) of El Salvador was most likely the decisive factor leading to his arrest.

7. *Id.*

8. *Id.*

9. *Id.* ¶ 44(c).

10. *Id.*

11. *Id.* ¶ 44(a).

12. *Id.*

13. *Id.*

14. *Id.* ¶ 44(c).

15. *Id.* ¶ 70(B)9.

16. *Id.*

17. *Id.*

complaint regarding Mr. Humberto Sánchez's disappearance.<sup>18</sup> Meanwhile, Mr. Humberto Sánchez's mother becomes ill and is taken to a health center in Colomoncagua.<sup>19</sup>

**July 15, 1992:** Five officials from the Tenth Battalion return to Mr. Vijil Hernández's house to search for weapons.<sup>20</sup>

**July 20, 1992:** Leonel Casco Gutiérrez files a habeas corpus remedy with the Appellate Court of Comayagua on Mr. Humberto Sánchez's behalf against the Tenth Infantry Battalion of the territorial forces.<sup>21</sup> Mr. Leonel Casco Gutiérrez is a former coordinator of the legal department of Asociación de Cooperación Técnica Nacional, a human rights advocacy organization in western Honduras.<sup>22</sup> Mr. Vijil Hernández also informs Committee of Relatives of the Disappeared (*El Comité de Familiares de Detenidos Desaparecidos en Honduras*; "COFADEH") of Mr. Humberto Sánchez's disappearance.<sup>23</sup>

**July 21, 1992:** Mr. Humberto Sánchez's next of kin learn that his body has been found decaying in a deep area of the Río Negro lodged between two stones.<sup>24</sup> He was found with rope tied around his neck, hands, and feet, and a bullet wound in his head.<sup>25</sup> His nose and genitals had been severed, and his eyes removed.<sup>26</sup> The Justice of the Peace orders the body to be buried before the family can claim it.<sup>27</sup>

**July 22, 1992:** The Justice of the Peace of the Municipality of Colomoncagua begins an investigation into the events surrounding Mr. Humberto Sánchez's death.<sup>28</sup> At the same time, military personnel question Mr. Humberto Sánchez's next of kin and attempt to intimidate the family so they will not reveal the true circumstances surrounding Mr. Humberto Sánchez's disappearance.<sup>29</sup>

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18. *Id.*

19. *Id.* ¶¶ 44(a), 70(E)(41)(b).

20. *Id.*

21. *Id.* ¶¶ 44(d), 70(D.1)(18).

22. *Id.* ¶ 44(c).

23. *Id.* ¶ 44(a).

24. *Id.* ¶ 1.

25. *Id.* ¶¶ 1, 44(a), 70(B)(10).

26. *Id.* ¶ 44(a).

27. *Id.* ¶¶ 44(b), 70(B)(12).

28. *Id.* ¶ 70(D.2)(21).

29. *Id.* ¶ 70(C)(13).

**July 23, 1992:** Members of the Tenth Battalion force Mr. Vijil Hernández to sign a receipt certifying that he received Mr. Humberto Sánchez's body in good condition on July 11, 1992.<sup>30</sup>

**July 24, 1992:** The Judge of the First Instance of Marcala, La Paz informs the Appellate Court of Comayagua that the habeas corpus order had not been executed because the commander of the Tenth Battalion was out of town.<sup>31</sup>

**July 28, 1992:** Military officers summon Mr. Vijil Hernández and order him to tell them where Mr. Humberto Sánchez had hidden his weapons.<sup>32</sup> Mr. Vijil Hernández knows nothing about the existence of any alleged weapons.<sup>33</sup> The military officials then take Mr. Vijil Hernández to various military facilities in Tegucigalpa, where they order him to state that a group in the community was responsible for Mr. Humberto Sánchez's murder, not the military.<sup>34</sup> After Mr. Vijil Hernández is taken, Mrs. Dominga Sánchez informs the press that the military is threatening and attempting to intimidate her family.<sup>35</sup> In response to the habeas corpus remedy filed on July 20, 1992, the serving judge reports to the Appellate Court of Comayagua that the Tenth Battalion informed him that they had not detained Mr. Humberto Sánchez at their military detachment post.<sup>36</sup>

**July 29, 1992:** Two military officers take Mr. Vijil Hernández to render testimony at the Attorney General's Office.<sup>37</sup>

**July 30, 1992:** Mr. Vijil Hernández is returned to his home.<sup>38</sup>

**July 31, 1992:** General Luis Alonso Discua Elvir makes a statement to the daily newspaper, *El Heraldo*, denying the army's participation in Mr. Humberto Sánchez's death.<sup>39</sup> Mr. Elvir describes Mr. Humberto

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30. *Id.*

31. *Id.* ¶ 70(D.1)(19).

32. *Id.* ¶ 70(C)(13).

33. *Id.*

34. *Id.*

35. *Id.* ¶ 70(C)(14).

36. *Id.* ¶ 122.

37. *Id.* ¶ 70(C)(15).

38. *Id.*

39. *Id.* ¶ 70(C)(16).

Sánchez as a criminal and a member of the Salvadoran guerilla forces.<sup>40</sup>

**August 14, 1992:** The Appellate Court of Comayagua rejects the complaint filed on Mr. Humberto Sánchez's behalf after receiving a report by the serving judge, which states that no Constitutional guarantees or rights had been violated.<sup>41</sup>

**August 17, 1992:** The Appellate Court of Comayagua forwards the case to the Supreme Court of Judgment for confirmation of the judgment, but the body fails to issue a ruling.<sup>42</sup>

**October 22, 1992:** The Justice of the Peace of Colomoncagua discontinues the investigation of Mr. Humberto Sánchez's death.<sup>43</sup>

**February 17, 1993:** The Justice of the Peace of Colomoncagua forwards Mr. Humberto Sánchez's case file to the Second Court of the First Instance of the Department of Intibucá for filing.<sup>44</sup>

**February 22, 1993:** The Second Court of the First Instance returns the file to the Justice of the Peace of Colomoncagua to annul the testimony of Mr. Humberto Sánchez's parents rendered in 1992 due to procedural formalities.<sup>45</sup>

**March 4, 1993:** Mr. Humberto Sánchez's parents render testimony again before the Justice of the Peace of Colomoncagua.<sup>46</sup>

**February 20, 1995:** The Public Prosecutor requests that twenty-one persons be summoned to render testimony.<sup>47</sup>

**March 16, 1995:** The Second Court of First Instance is unable to summon the alleged perpetrator, Ángel Belisario Hernández González, the lieutenant who was in charge of detaining Mr. Humberto Sánchez, because the court does not know his address.<sup>48</sup>

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40. *Id.*

41. *Id.* ¶ 44(d).

42. *Id.*

43. *Id.* ¶ 70(D.2)(22).

44. *Id.* ¶ 70(D.2)(23).

45. *Id.*

46. *Id.*

47. *Id.* ¶ 70(D.2)(24).

48. *Id.*

**August 5, 1997:** The Supreme Court of Justice requests Mr. Humberto Sánchez's case file for review.<sup>49</sup>

**September 1, 1997:** The Supreme Court returns the case file to the Second Court of First Instance without issuing a ruling in order to respect the independence of the lower courts.<sup>50</sup>

**August 28, 1998:** The Second Court of First Instance requests testimony from twelve witnesses.<sup>51</sup>

**September 29, 1998:** The Second Court of First Instance requests that the Director of the Oversight Board of the National Police and the General Commander of the Armed Forces bring Mr. Belisario Hernández González before the court to make a preliminary statement.<sup>52</sup>

**October 28, 1998:** The Judge Advocate General of the Armed forces reports that they did not have any officer named Mr. Belisario Hernández González.<sup>53</sup>

**October 8, 1998:** The Second Court of First Instance certifies that Mr. Humberto Sánchez's case is in the preliminary proceedings stage.<sup>54</sup>

**October 13, 1998:** The Second Court of First Instance issues an order for the arrest of Mr. Belisario Hernández González for having participated in the murder of Mr. Humberto Sánchez.<sup>55</sup>

**June 23, 1999:** The Second Court of First Instance sends an official letter to the Ministry of Defense requesting them to bring Mr. Belisario Hernández González before the court.<sup>56</sup>

**July 1, 1999:** The Second Court of First Instance sets the case aside while awaiting the arrest of Mr. Belisario Hernández González.<sup>57</sup>

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49. *Id.* ¶ 70(D.2)(25).

50. *Id.*

51. *Id.* ¶ 70(D.2)(26).

52. *Id.* ¶ 70(D.2)(27).

53. *Id.*

54. *Id.* ¶ 70(D.2)(28).

55. *Id.* ¶ 70(D.2)(29).

56. *Id.*

57. *Id.* ¶ 70(D.2)(30).

**August 6, 2001:** The Secretariat of Foreign Affairs comes forward with information regarding the whereabouts of Mr. Belisario Hernández González.<sup>58</sup>

**February 26, 2002:** The Second Court of First Instance requests a nation-wide arrest warrant for Mr. Belisario Hernández González.<sup>59</sup>

**March 19, 2002 – March 21, 2002:** The State publishes in a nationally circulated daily newspaper a reward for Mr. Belisario Hernández González's capture.<sup>60</sup>

**April 25, 2002:** Mr. Belisario Hernández González's attorney appears in the Second Court of First Instance.<sup>61</sup>

**January 17, 2003:** Mr. Belisario Hernández González is arrested and detained.<sup>62</sup> He is informed that proceedings against him for the murder of Mr. Humberto Sánchez are in the preliminary stage.<sup>63</sup>

**January 23, 2003:** Mr. Belisario Hernández González is transferred to a police force facility due to his military status.<sup>64</sup> The military controls the police force.<sup>65</sup>

### *B. Other Relevant Facts*

In the 1980s and well into the 1990s, Guatemala, El Salvador, and Nicaragua were engulfed in civil wars.<sup>66</sup> Honduras, wedged between these countries, often experienced the effects of these conflicts.<sup>67</sup> During the period, Honduran military forces, acting under the guise of national security, created clandestine groups outside of judicial control to combat subversive groups and insurgencies.<sup>68</sup> It became common for

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58. *Id.* ¶ 70(D.2)(31).

59. *Id.* ¶ 70(D.2)(32).

60. *Id.*

61. *Id.* ¶ 70(D.2)(33).

62. *Id.* ¶ 70(D.2)(34).

63. *Id.*

64. *Id.*

65. *Id.* ¶ 97.

66. *Id.* ¶ 44(h).

67. *Id.*

68. *Id.*

military forces to take it upon themselves to determine if a person was dangerous, deprive the individual of his freedom, and torture, kill, and ultimately induce the individual's disappearance.<sup>69</sup> In the early 1990s, little was done to prevent this practice, since military power predominated over the judiciary, and the political class feared the military's response to their movements.<sup>70</sup> Seeking remedy for human rights violations typically proved fruitless during this period.<sup>71</sup>

Honduran authorities suspected that Salvadoran refugee camps set up within Honduras' borders—especially those in Mesa Grande, San Antonio, and Colomoncagua—were being used as rest areas by Salvadoran guerillas.<sup>72</sup> The regular military forces established special Territorial Forces to guard the border.<sup>73</sup> Members of the Tenth Battalion, a regular military force, and the Territorial Forces were implicated in numerous cases involving human rights violations, specifically those that followed the pattern of capture, torture, death, and disappearance.<sup>74</sup> Also, during this period, Honduras entrusted the operation of its judiciary system and investigation of criminal acts to its military forces.<sup>75</sup>

While the 1992 Peace Accords brought to an end the war in El Salvador,<sup>76</sup> the effects were felt for years in neighboring Honduras, as Honduran armed forces continued counterinsurgency operations.<sup>77</sup>

## II. PROCEDURAL HISTORY

### A. *Before the Commission*

**October 20, 1992:** A complaint is filed before the Commission by the *Comisión para la Defensa de los Derechos Humanos en Centroamérica* ("CODEHUCA") on behalf of Mr. Humberto Sánchez.

**March 6, 2001:** The Commission declares the complaint filed by CODEHUCA on behalf of Mr. Humberto Sánchez admissible.<sup>78</sup> The

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69. *Id.*

70. *Id.*

71. *Id.*

72. *Id.*

73. *Id.*

74. *Id.*

75. *Id.*

76. *Id.*

77. *Id.*

78. *Id.* ¶ 7.



Commission recommends that the State conduct a full investigation into the facts surrounding Mr. Humberto Sánchez's death, and make reparations to Mr. Humberto Sánchez's next of kin for the violations.<sup>79</sup> The Commission also recommends that the State adopt measures to avoid a recurrence of a similar event.<sup>80</sup>

*B. Before the Court*

**September 8, 2001:** The Commission submits the case to the Court after the State failed to adopt its recommendations.<sup>81</sup>

1. Violations Alleged by Commission<sup>82</sup>

Article 4 (Right to Life)  
Article 5 (Right to Humane Treatment)  
Article 7 (Right to Personal Liberty)  
Article 8 (Right to a Fair Trial)  
Article 25 (Right to Judicial Protection)

*all in relation to:*

Article 1 (Obligation to Respect the Rights) of the American Convention.

2. Violations Alleged by Representatives of the Victims<sup>83</sup>

Same Violations Alleged by Commission.

**January 11, 2002:** The State raises a preliminary objection regarding the exhaustion of domestic remedies.<sup>84</sup> The State argues that Ángel Belisario Hernández González was captured as a suspect in Mr. Humberto Sánchez's murder and is currently being tried in Honduras.<sup>85</sup>

**March 3, 2003 – March 5, 2003:** The Court holds a public hearing to

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79. *Id.*

80. *Id.*

81. *Id.* ¶ 1.

82. *Id.* ¶ 2.

83. *Id.* Juan Carlos Gutiérrez, Francisco Quintana, Luguely Cunillera, and Milton Jiménez Puerto served as representatives of the next of kin of Mr. Humberto Sánchez.

84. *Id.* ¶ 16.

85. *Id.* ¶ 61(g).

hear witness testimony and expert opinions submitted by the parties.<sup>86</sup>

**March 20, 2003:** The Court requests further evidence from the State and the victims' representatives, pursuant to Article 44 of the Rules of Procedure.<sup>87</sup>

**May 7, 2003:** The State submits the evidence the Court requested on March 20, 2003.<sup>88</sup>

### III. MERITS

#### A. *Composition of the Court*<sup>89</sup>

Antônio Augusto Cançado Trindade, President  
Sergio García Ramírez, Vice-President  
Máximo Pacheco Gómez, Judge  
Hernán Salgado Pesantes, Judge  
Oliver H. Jackman, Judge  
Alirio Abreu Burelli, Judge

Manuel E. Ventura Robles, Secretary  
Pablo Saavedra Alessandri, Deputy Secretary

#### B. *Decision on the Merits*

**June 7, 2003:** The Court issues its Judgment on Preliminary Objections, Merits, Reparations, and Costs.<sup>90</sup>

The Court found unanimously that Honduras had violated:

Article 7 (Right to Personal Liberty), in relation to Articles 1(1) (Obligation to Respect Rights) and 25 (Right to Judicial Protection) of the Convention, to the detriment of Mr. Humberto Sánchez,<sup>91</sup> because:

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86. *Id.* ¶¶ 22-23.

87. *Id.* ¶ 25.

88. *Id.* ¶ 25.

89. Judge Carlos Vicente de Roux Rengifo was unable to attend the LIX Regular Session of the Court due to intervening forces, and did not participate in the deliberation, decision, or signing of the judgment.

90. Juan Humberto Sánchez v. Honduras, Preliminary Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 99 (June 7, 2003).

91. *Id.* "And Declares That" ¶ 2.

*Mr. Humberto Sánchez was detained twice by the State, likely due to his involvement with the Frente Farabundo Martí para la Liberación Nacional (FMLN), a Salvadoran leftist political group.<sup>92</sup> Articles 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Established Beforehand by Law), and 7(3) (Prohibition of Arbitrary Arrest or Imprisonment) generally prohibit illegal and arbitrary detentions.<sup>93</sup> According to the Political Constitution of Honduras, no one may be arrested unless there is a written order from a competent authority, or they are caught while committing a crime.<sup>94</sup> The detainee must also be fully informed of the charges against him and his rights.<sup>95</sup> Mr. Humberto Sánchez was detained at his house at night, and so was not caught while committing a crime.<sup>96</sup> Mr. Humberto Sánchez was not immediately brought before a judge, and neither he nor his kin were made aware of the reasons for his detention.<sup>97</sup> The Court, therefore, found that the State violated Article 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Established Beforehand by Law).<sup>98</sup> Further, the objective of the arrest was to interrogate, torture, and possibly kill Mr. Humberto Sánchez.<sup>99</sup> Honduran authorities abused their power by arbitrarily detaining Mr. Humberto Sánchez.<sup>100</sup> The State also violated Article 7(3) (Prohibition of Arbitrary Arrest or Imprisonment).<sup>101</sup>*

*In addition, the Court found that the State violated Article 7(4) (Right to Be Informed of Reasons of Arrest and Charges).<sup>102</sup> Mr. Humberto Sánchez was not informed of the reasons for his first detention, and the second detention was carried out without a court order and without reason.<sup>103</sup>*

*The objective of Article 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time) is to ensure that all*

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92. *Id.* ¶ 76.

93. *Id.* ¶ 77.

94. *Id.* ¶ 79.

95. *Id.*

96. *Id.*

97. *Id.*

98. *Id.*

99. *Id.*

100. *Id.*

101. *Id.*

102. *Id.*

103. *Id.* ¶ 82.

cases of detainment receive judicial review to prevent arbitrary arrests.<sup>104</sup> Mr. Humberto Sánchez was not granted a trial within twenty-four hours of being detained the second time.<sup>105</sup> It also came to light that Honduran authorities responsible for detaining Mr. Humberto Sánchez never intended to submit the case for judicial review.<sup>106</sup> These acts violated Article 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time).<sup>107</sup>

Mr. Humberto Sánchez was also deprived of the opportunity to file a simple and effective remedy as a consequence of his arbitrary detention.<sup>108</sup> Since Mr. Humberto Sánchez was under the power of Honduran authorities at the time, the State violated Article 7(6) (Right to Have Recourse to a Competent Court) in relation to Articles 1(1) (Obligation to Respect Rights) and 25 (Right to Judicial Protection).<sup>109</sup>

Lastly, since members of the Honduran Army detained Mr. Humberto Sánchez in at least one secret detention facility, the State generally committed acts that violated Article 7 (Right to Personal Liberty).<sup>110</sup> The possibility that Mr. Humberto Sánchez was a Salvadoran guerilla does not excuse the State's inability to follow legal procedures to protect the fundamental rights of its citizens.<sup>111</sup>

Article 7 (Right to Personal Liberty), in relation to Article 1(1) (Obligation to Respect Rights) of the Convention, to the detriment of Mr. Vijil Hernández,<sup>112</sup> because

Mr. Vijil Hernández was taken from his community to the capital city and to the Office of the Attorney General by Honduran authorities and detained for at least two days.<sup>113</sup> Mr. Vijil Hernández's family was not informed of his whereabouts.<sup>114</sup> His detention was both illegal and arbitrary, and in violation of Article 7 (Right to Personal Liberty).<sup>115</sup>

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104. *Id.* ¶ 83.

105. *Id.*

106. *Id.*

107. *Id.* "And Declares That" ¶ 2.

108. *Id.* ¶ 85.

109. *Id.* ¶¶ 85, 88.

110. *Id.* ¶ 86.

111. *Id.*

112. *Id.* ¶ 87.

113. *Id.*

114. *Id.*

115. *Id.*

Article 5 (Right to Humane Treatment), in relation to Article 1(1) (Obligation to Respect Rights) of the Convention, to the detriment of Mr. Humberto Sánchez and his next of kin,<sup>116</sup> because:

*When a person is unlawfully detained, there is a high likelihood that other rights have been violated – namely, the right to humane treatment.<sup>117</sup> The Court acceded that it lacked sufficient evidence to prove that Mr. Humberto Sánchez was treated inhumanely during his detention.<sup>118</sup> However the Court inferred that Mr. Humberto Sánchez’s right to humane treatment was violated, given the pattern of inhumane treatment that accompanied other forced disappearances during the 1980s and early 90s.<sup>119</sup> The signs of torture found on Mr. Humberto Sánchez’s remains when his body was recovered supported this inference.<sup>120</sup> The State failed to explain why Mr. Humberto Sánchez’s remains suggested that he was tortured before death.<sup>121</sup> For this reason, Mr. Humberto Sánchez’s detention constituted an infringement of mental and moral integrity.<sup>122</sup>*

*The Court may find violations to the detriment of the next of kin of a victim of human rights violations.<sup>123</sup> Mr. Humberto Sánchez’s next of kin suffered inhumane treatment as a result of Mr. Humberto Sánchez’s illegal and arbitrary detention, which took place at the home where his parents and younger siblings lived.<sup>124</sup> They also suffered by not knowing Mr. Humberto Sánchez’s whereabouts for over a week, and subsequently discovering that he had been tortured and executed.<sup>125</sup> Mr. Vijil Hernández suffered personally by being threatened and illegally detained.<sup>126</sup> Mrs Dominga Sánchez and Mr. Vijil Hernández*

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116. *Id.* ¶¶ 89-103. Next of kin include María Dominga Sánchez (mother), Juan José Vijil Hernández (stepfather), Reina Isabel Sánchez (sister), Julio Sánchez (brother), María Milagro Sánchez (sister), Rosa Delia Sánchez (sister), Domitila Vijil Sánchez (sister), María Florindo Vijil Sánchez (sister) Juan Carlos Vijil Sánchez (brother), Celio Vijil Sánchez (brother), Donatila Argueta Sánchez (companion), Breidy Maybeli Sánchez Argueta (daughter), Velvia Lastenia Argueta Pereira (companion), and Norma Iveth Sánchez Argueta (daughter).

117. *Id.* ¶ 96.

118. *Id.* ¶¶ 97-98.

119. *Id.*

120. *Id.* ¶ 100.

121. *Id.*

122. *Id.* ¶ 98.

123. *Id.* ¶ 101.

124. *Id.*

125. *Id.*

126. *Id.*

*both suffered illnesses after learning of their son's death.*<sup>127</sup> *Moreover, the State failed to return Mr. Humberto Sánchez's remains to his next of kin and failed to perform a serious investigation into his death.*<sup>128</sup> *Mr. Humberto Sánchez's kin suffered feelings of powerlessness, frustration, and uncertainty, and therefore have been victims of inhumane treatment.*<sup>129</sup>

Article 4(1) (Prohibition of Arbitrary Deprivation of Life), in relation to Article 1(1) (Obligation to Respect Rights) of the Convention, to the detriment of Mr. Humberto Sánchez,<sup>130</sup> because:

*The State violated the right to life to the detriment of Mr. Humberto Sánchez in three ways:*<sup>131</sup>

*First, Mr. Humberto Sánchez's death followed the pattern of unsanctioned executions committed by military authorities that occurred at the same time as the facts of this case.*<sup>132</sup> *Since the State did little to curtail this problem, the Court found that the State behaved in a way that was incompatible with the protection of the right to life.*<sup>133</sup>

*Second, according to the Court, "[w]hen the right to life is not respected, all other rights lack meaning."*<sup>134</sup> *Article 4 requires both a negative obligation (the obligation not to deprive a person of life arbitrarily) and a positive obligation (the obligation to take the necessary steps to protect and preserve the right to life).*<sup>135</sup> *Considering this, the State failed in its positive obligation to prevent its military forces from committing arbitrary executions.*<sup>136</sup>

*Third, every State is responsible for protecting those under its custody.*<sup>137</sup> *If a detainee dies within its custody, the State is responsible for providing an explanation and evidence regarding the death.*<sup>138</sup> *The*

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127. *Id.*

128. *Id.* ¶ 102.

129. *Id.* ¶ 101.

130. *Id.* ¶ 104-113.

131. *Id.* ¶ 109.

132. *Id.*

133. *Id.* ¶ 110.

134. *Id.*

135. *Id.*

136. *Id.*

137. *Id.* ¶ 111.

138. *Id.*

*European Court of Human Rights has stated that an official investigation is required when people die as a result of the State's use of force.*<sup>139</sup> *Since no investigation was ordered, and no explanation for Mr. Humberto Sánchez's death was proffered, the Court found that the State violated Article 4(1) in relation to Article 1(1) (Obligation to Respect Rights).*<sup>140</sup>

Articles 8 (Right to a Fair Trial) and 25 (Right to Judicial Protection), in relation to Article 1(1) (Obligation to Respect Rights) of the Convention, to the detriment of Mr. Humberto Sánchez and his next of kin,<sup>141</sup> because:

*Since Mr. Humberto Sánchez's detainment was clandestine and resulted in his death, he was unable to file a remedy to establish the illegality of his detention or exercise his right to a defense.*<sup>142</sup> *The overall investigation into the events surrounding Mr. Humberto Sánchez's death proved inadequate.*<sup>143</sup>

*The Court has found that in cases involving unsanctioned executions, "the State must conduct a serious, impartial and effective investigation of what happened."*<sup>144</sup> *The State must meet the minimum requirements for a satisfactory investigation as set forth by the United Nations Manual on the Effective Prevention and Investigation on Extra-Legal, Arbitrary, and Summary Executions, otherwise known as the Minnesota Protocol.*<sup>145</sup>

*In Mr. Sanchez's case, the authorities did not perform an autopsy to determine Mr. Sanchez's cause of death, nor was any evidence collected at the scene of the crime.*<sup>146</sup> *Further, the ongoing proceedings before the Justice of the Peace of Colomoncagua and the Second Court of the First Instance failed to produce results within a reasonable time.*<sup>147</sup> *Judicial authorities incurred unnecessary delays and even experienced*

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139. *Id.*

140. *Id.* ¶ 113.

141. *Id.* ¶ 114-136.

142. *Id.* ¶ 125.

143. *Id.* ¶ 126.

144. *Id.* ¶ 127.

145. United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, U.N. Doc E/ST/CSDHA/12 (1991).

146. *Id.* ¶ 128.

147. *Id.* ¶ 129.

*protracted periods of inactivity during the ten years the case was pending before domestic courts.*<sup>148</sup> *The Court declared this unacceptable, given the non-complex nature of the case.*<sup>149</sup>

*In sum, despite attempts by the State to clarify the facts and punish the persons criminally responsible for Mr. Humberto Sánchez's detainment and death, the State's actions proved ineffective.*<sup>150</sup> *This violated Mr. Humberto Sánchez's right to judicial protection, and the rights of his kin to the same protection.*<sup>151</sup>

Article 1(1) (Obligation to Respect Rights) to the detriment of Mr. Humberto Sánchez and his next of kin,<sup>152</sup> because:

*Given the nature of the violations in this case, the Court believed it was important to consider the State's general obligation enshrined in Article 1(1).*<sup>153</sup> *The State had a duty to organize its public authority in a manner that ensured the free and full exercise of human rights to all persons under the its jurisdiction.*<sup>154</sup> *According to the rules of International Human Rights Law, an act or omission by a public authority is an act attributable to the State.*<sup>155</sup> *In the instant case, the State failed to prevent or investigate the arbitrary and illegal execution of Mr. Humberto Sánchez.*<sup>156</sup> *Therefore, State violated Article 1(1), in connection with the violations found in Articles 4 (Right to Life), 5 (Right to Humane Treatment), 7 (Right to Personal Liberty), 8 (Right to a Fair Trial), and 25 (Right to Judicial Protection).*<sup>157</sup>

### *C. Dissenting and Concurring Opinions*

[None]

## IV. REPARATIONS

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148. *Id.* ¶ 130.

149. *Id.*

150. *Id.* ¶ 135.

151. *Id.* ¶ 136.

152. *Id.* ¶ 137-146.

153. *Id.* ¶ 141.

154. *Id.* ¶ 142.

155. *Id.*

156. *Id.* ¶ 143.

157. *Id.* ¶ 146.



The Court ruled unanimously that the State had the following obligations:

*A. Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)*

1. Investigation and Domestic Proceedings

In light of the fact that the actors responsible for Mr. Humberto Sánchez's detention, torture, and execution have not been punished, the State must conduct an effective investigation, identify the perpetrators, and punish them criminally.<sup>158</sup> The domestic proceedings must address violations of the right to life and the right to humane treatment.<sup>159</sup> The results of the investigation must be publicized so that the Honduran society may know the truth.<sup>160</sup>

2. Delivery of the Mortal Remains

Mr. Humberto Sánchez's next of kin have a right to possess his remains.<sup>161</sup> The State must transfer Mr. Humberto Sánchez's remains to a location chosen by his next of kin.<sup>162</sup>

3. Public Act of Acknowledgment

The State must publicly acknowledge its responsibility for Mr. Humberto Sánchez's unlawful detainment and murder and make amends with the victim's kin.<sup>163</sup>

4. Publicize the Judgment

The State must publicize the operative parts of the Court's Judgment in the official gazette, and in another nationally circulated daily newspaper.<sup>164</sup>

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158. *Id.* ¶ 186.

159. *Id.*

160. *Id.*

161. *Id.* ¶ 187.

162. *Id.*

163. *Id.* ¶ 188.

164. *Id.*

## 5. Record of Detainees

The State must establish a record of detainees to deter illegal and arbitrary detentions.<sup>165</sup> The record must include the identification of each detainee, a reason for detention, the competent authority that permits detention, the date and time of admission and release, and information regarding the arrest warrant.<sup>166</sup>

### *B. Compensation*

The Court awarded the following amounts:

#### 1. Pecuniary Damages

\$25,000 for lost income, based on earnings Mr. Humberto Sánchez received as an operator at *Radio Venceremos* in El Salvador.<sup>167</sup> Fifty percent of the compensation is to be distributed equally to Breidy Maybeli Sánchez Argueta (daughter) and Norma Iveth Sánchez Argueta (daughter).<sup>168</sup> Twenty-five percent of the compensation is to be distributed equally to Donatila Argueta Sánchez (companion) and Velvia Lastenia Argueta Pereira (companion).<sup>169</sup> Twenty-five percent is to be distributed equally to Mrs. Dominga Sánchez (mother) and Mr. Vijil Hernández (stepfather).<sup>170</sup>

\$1,700 for expenses incurred while investigating Mr. Humberto Sánchez's whereabouts.<sup>171</sup> Mrs. Dominga Sánchez (mother) and Mr. Vijil Hernández (stepfather) are each to be awarded \$100.<sup>172</sup> Donatila Argueta Sánchez (companion) is to receive \$1,500.<sup>173</sup>

\$4,500 for lost income incurred by Donatila Argueta Sánchez (companion), Reina Isabela Sánchez (sister), and Domitila Vijil Sánchez (sister) while investigating Mr. Humberto Sánchez's whereabouts.<sup>174</sup> These women lost their jobs as a result of participating

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165. *Id.* ¶ 189.

166. *Id.*

167. *Id.* ¶ 163.

168. *Id.* ¶ 164.

169. *Id.*

170. *Id.*

171. *Id.* ¶ 166.

172. *Id.*

173. *Id.*

174. *Id.*

in the public hearing at the Inter-American Court.<sup>175</sup> The compensation is to be split equally.<sup>176</sup>

\$6,500 for medical treatment due to various illnesses caused by the uncertainty regarding Mr. Humberto Sánchez's whereabouts and subsequent grief following the discovery of his death.<sup>177</sup> Mrs. Dominga Sánchez (mother) and Mr. Vijil Hernández (stepfather) are each to receive \$3,000, and Donatila Argueta Sánchez shall receive \$500.<sup>178</sup>

\$2,000 for expenses incurred as a result of relocating to a different community after experiencing harassment following Mr. Humberto Sánchez's death.<sup>179</sup> The award is to be distributed equally between Mrs. Dominga Sánchez (mother) and Mr. Vijil Hernández (stepfather).<sup>180</sup>

## 2. Non-Pecuniary Damages

\$100,000 is awarded to Mr. Humberto Sánchez for experiencing an illegal and arbitrary detention, followed by torture and execution.<sup>181</sup> Fifty-percent of the compensation is to be distributed equally between Breidy Maybeli Sánchez Argueta (daughter) and Norma Iveth Sánchez Argueta (daughter).<sup>182</sup> Twenty-five percent of the compensation is to be distributed equally to Donatila Argueta Sánchez (companion) and Velvia Lastenia Argueta Pereira (companion).<sup>183</sup> Twenty-five percent is to be distributed equally to Mrs. Dominga Sánchez (mother) and Mr. Vijil Hernández (stepfather).<sup>184</sup>

\$20,000 to each of Mr. Humberto Sánchez's following kin for the emotional suffering they experienced as a result of his death: Mrs. Dominga Sánchez (mother), Mr. Vijil Hernández (stepfather), Donatila Argueta Sánchez (companion), Breidy Maybeli Sánchez Argueta (daughter), and Norma Iveth Sánchez Argueta (daughter).<sup>185</sup>

\$5,000 to each of Mr. Humberto Sánchez's following kin for the emotional suffering they experienced as a result of his death: Velvia

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175. *Id.*

176. *Id.*

177. *Id.*

178. *Id.*

179. *Id.*

180. *Id.*

181. *Id.* ¶ 177.

182. *Id.* ¶ 164.

183. *Id.* ¶ 177.

184. *Id.*

185. *Id.*

Lastenia Argueta Pereira (companion), Reina Isabel Sánchez (sister), Julio Sánchez (brother), María Milagro Sánchez (sister), Rosa Delia Sánchez (sister), Domitila Vijil Sánchez (sister), María Florindo Vijil Sánchez (sister) Juan Carlos Vijil Sánchez (brother), Celio Vijil Sánchez (brother).<sup>186</sup>

### 3. Costs and Expenses

\$16,000 for legal costs and expenses incurred as a result of the domestic and international proceedings.<sup>187</sup> COFADEH shall receive \$14,000.<sup>188</sup> CEJIL shall receive \$2,000.<sup>189</sup>

\$3,000 for costs that will be incurred by Mr. Humberto Sánchez's next of kin in future domestic proceedings to punish those responsible for Mr. Humberto Sánchez's death.<sup>190</sup> The reward is to be distributed equally between Mrs. Dominga Sánchez (mother), Mr. Vijil Hernández (stepfather).<sup>191</sup>

### 4. Total Compensation (including Costs and Expenses ordered):

\$303,700.00

### *C. Deadlines*

The State must pay the compensations and reimbursement for costs and expenses within six months of notification of the Judgment.<sup>192</sup>

## V. INTERPRETATION AND REVISION OF JUDGMENT

**October 6, 2003:** The State requested an interpretation of the Judgment "because the State is in total disagreement with the meaning and scope of the [J]udgment."<sup>193</sup> The State requested interpretation of the composition of the Court, the Court's assessment of the evidence, and the determination of the reparations.<sup>194</sup> The State also asked the Court to

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186. *Id.*

187. *Id.* ¶ 194.

188. *Id.*

189. *Id.*

190. *Id.* ¶ 195.

191. *Id.*

192. *Id.* ¶ 196.

193. *Id.* ¶ 13.

194. Juan Humberto Sánchez v. Honduras, Interpretation of the Judgment of Preliminary

grant it an appeal, although there is no appeal for review in the Inter-American Court.<sup>195</sup>

The Court has held that requests for interpretation should not be used as a means to appeal the judgment.<sup>196</sup> However, the Court has indicated that it will allow appeals in exceptional cases if a fact discovered after the Judgment reveals a substantial defect in the Judgment.<sup>197</sup> In this case, the State did not submit any such fact.<sup>198</sup>

Regarding the Judgment in the case and the composition of the Court when it was delivered, the State argued that the Judgment was not based on facts.<sup>199</sup> Moreover, the State pointed out that Judge Pacheco Gómez signed the Judgment, but was not present for the oral proceedings, which violated principles of democracy.<sup>200</sup>

In response, the Court noted that, due to the nature of the judicial proceedings, the formalities required of a domestic court are not always required of an international court, as long as adversarial principles are not violated.<sup>201</sup> It is the Court's responsibility to determine its own composition.<sup>202</sup> For instance, the Court may delegate some of its members to evaluate part of the evidence, while others collect probative elements needed for the Court's deliberations.<sup>203</sup> Furthermore, the fact that Judge Pacheco Gómez was absent during the oral proceedings was irrelevant since transcriptions of all oral proceedings were available to members of the Court prior to deliberation.<sup>204</sup> Therefore, the Court rejected the State's request for interpretation based on the composition of the Court.<sup>205</sup>

Regarding the Court's assessment of the evidence, the State alleged that compelling facts supplied by the State were ignored, including the original statements made by Mr. Humberto Sánchez's sisters that he was abducted by bearded paramilitary men, not by members of the Honduras Army.<sup>206</sup> According to the State, the Court's

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Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 102, ¶ 3 (Nov. 25, 2003).

195. *Id.*

196. *Id.* ¶ 14.

197. *Id.* ¶ 15.

198. *Id.*

199. *Id.* ¶ 19.

200. *Id.*

201. *Id.* ¶ 29.

202. *Id.* ¶ 28.

203. *Id.*

204. *Id.* ¶ 30.

205. *Id.* ¶ 33.

206. *Id.* ¶ 34.

Judgment was based on the existence of a pattern of forced disappearances, not on the facts.<sup>207</sup>

The Court responded that States do not appear before it as criminal defendants.<sup>208</sup> The State's role is to punish those responsible for violating human rights, protect the victims, and provide reparations for injuries resulting from the acts.<sup>209</sup> It is the State's duty to identify the individual(s) responsible for the offense.<sup>210</sup> The Court considered that the facts were sufficient in this case.<sup>211</sup> Further, the Court found that the State's defense could not be based on the petitioner's lack of evidence in cases where the State was withholding such evidence.<sup>212</sup>

Regarding reparations, the State argued that the Court should have allowed the Representatives to come to an agreement on the reparations, and should have intervened only if the State and Representatives could not reach an agreement.<sup>213</sup> To this, the Court responded that the State had ample time before the conclusion of the proceedings to initiate a friendly settlement.<sup>214</sup> If a Judgment includes reparations, the State must abide by it.<sup>215</sup> As a side note, the Court explained that the organ of the Inter-American system that may initiate friendly settlement between the parties is the Commission, not the Court.<sup>216</sup> Once the case reached the Court, the parties were responsible for initiating a friendly settlement between themselves.<sup>217</sup>

The State also argued that the system the Court used to calculate damages was not stated, the amount was unjustifiable, and only Mr. Humberto Sánchez's children, wife, and parents should have been allowed to claim reparations according to the State's domestic laws of succession.<sup>218</sup>

The Court clarified that it has flexible standards for assessing evidence and calculating reparations and compensation, with the guiding principle being fairness.<sup>219</sup> There are no rigid formulas, as the

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207. *Id.*

208. *Id.* ¶ 44.

209. *Id.*

210. *Id.*

211. *Id.* ¶ 46.

212. *Id.* ¶ 47.

213. *Id.* ¶ 50.

214. *Id.* ¶ 55.

215. *Id.*

216. *Id.*

217. *Id.*

218. *Id.* ¶ 50.

219. *Id.* ¶ 56.

State claimed.<sup>220</sup> The Court's job is to interpret treaties and facts to determine reasonable compensation for the State's human rights violations.<sup>221</sup> Furthermore, the Court can declare the next of kin of the deceased victim victims in their own right.<sup>222</sup> The State must compensate these victims according to the Court's Judgment.<sup>223</sup> In accordance with the principles of international law, the State must comply with its treaty obligations, despite conflicting domestic obligations.<sup>224</sup>

## VI. COMPLIANCE AND FOLLOW-UP

**March 11, 2004:** The Court requested the State to provide a report on compliance with the Judgment.<sup>225</sup>

**June 1, 2004:** The Court repeated its request that the State provide a report on compliance.<sup>226</sup>

**June 17, 2004:** The State presented a brief, informing the Court that it had contacted the Representatives to begin complying with the judgment.<sup>227</sup>

**November 17, 2004:** The Court released an order monitoring compliance with the Judgment, in which it decided to continue monitoring compliance with the Judgment until January 31, 2005, since it had not received adequate information from the State.<sup>228</sup>

**September 12, 2005:** The Court released an order monitoring compliance with the Judgment. The Court found that the State complied with the Court's order to publicly acknowledge its responsibility for the death of Mr. Humberto Sánchez at a ceremony held on November 4, 2004 for the victims and the media.<sup>229</sup> However, despite receiving

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220. *Id.*

221. *Id.*

222. *Id.* ¶ 57.

223. *Id.*

224. *Id.* ¶ 60.

225. Juan Humberto Sánchez v. Honduras, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. of H.R. "Having Seen" ¶ 4 (Nov. 17, 2004).

226. *Id.* ¶ 5.

227. *Id.* ¶ 6.

228. *Id.* "Considering That" ¶ 8, "Therefore" ¶ 1.

229. Juan Humberto Sánchez v. Honduras, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Considering" ¶ 8 (Sept. 12, 2005).

confirmation from the President of the State regarding publication of the judgment, the Court had received no proof of publication.<sup>230</sup>

The Court found that the State exhumed Mr. Humberto Sánchez's remains on August 24, 2004 and conducted an autopsy and DNA testing in furtherance of the investigation into his cause of death.<sup>231</sup> However, the State had failed to deliver Mr. Humberto Sánchez's remains to his next of kin.<sup>232</sup> The Court found it necessary for the State to adopt any means necessary to expedite the return of Mr. Humberto Sánchez's remains to his next of kin.<sup>233</sup>

According to the State's report to the Court, it had urged the General Prosecutor to continue seeking domestic judicial remedies.<sup>234</sup> The Court found that the State must provide a more detailed report of its compliance with the obligation to pursue domestic legal remedies on behalf of Mr. Humberto Sánchez.<sup>235</sup>

In regards to the State's obligation to implement a register of detainees, the State indicated that it had made efforts to coordinate the project.<sup>236</sup> The Court requested more detailed information from the State regarding compliance with the Judgment.<sup>237</sup>

Although the State had affirmed that it had taken steps to compensate the victims, the Court had received no proof of payment.<sup>238</sup> The Court required a detailed update to determine whether the State had complied with its obligation to compensate the victims.<sup>239</sup>

The Court required the State to submit a report on compliance with the Judgment by January 30, 2006.<sup>240</sup>

**February 7, 2006:** The Representatives of the victim's next of kin submitted a request for provisional measures to the Court requesting the Court to expedite the return of Mr. Humberto Sánchez's remains.<sup>241</sup> The Court dismissed the request because the issue was not one that could be

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230. *Id.* ¶ 9.

231. *Id.* ¶ 10.

232. *Id.*

233. *Id.*

234. *Id.* ¶ 11.

235. *Id.*

236. *Id.* ¶ 12.

237. *Id.*

238. *Id.* ¶ 13.

239. *Id.*

240. *Id.* "Decides" ¶ 2.

241. *Juan Humberto Sánchez v. Honduras, Request for Provisional Measures Submitted by the Representatives of the Victim's Next of Kin, Order of the Court, Inter-Am. Ct. H.R. (ser. E) "Having Seen" ¶ 8 (Feb. 7, 2006).*



resolved by provisional measures under Article 63(2) of the American Convention.<sup>242</sup>

**November 21, 2007:** The Court released an order monitoring compliance with the Judgment. The Court found that the State had complied with most of its obligations set forth in the Judgment.<sup>243</sup> Specifically, the State returned Mr. Humberto Sánchez's remains to his next of kin on May 9, 2007.<sup>244</sup> The State had paid pecuniary and non-pecuniary damages and legal costs and expenses to the victim's next of kin, except those to be distributed to Julio Sánchez, who the State believed had passed away since the Court's Judgment.<sup>245</sup> The Court required additional information from the Representatives regarding the alleged death of Julio Sánchez.<sup>246</sup> The State had publicly acknowledged its responsibility for Mr. Humberto Sánchez's death and published the Judgment in the Official Gazette and a daily newspaper with national circulation.<sup>247</sup>

The Court found that the State had failed to identify and prosecute those responsible for Mr. Humberto Sánchez's death in accordance with domestic laws.<sup>248</sup> The Court required further information from the State regarding the steps it had taken to comply with this obligation.<sup>249</sup>

The State had implemented two methods of recording detainees, known as *Sistema Automatizado de Recepción e Investigación de Casos* (Automatized Case Investigation and Reception System, "NACMIS") and *Sistema de Expediente Digital Interinstitucional* (Inter-Institutional Digital File System Project, "SEDI"). The Court requested further information from the State to ensure that the systems accurately catalogued detainees.<sup>250</sup>

The Court requested that the State submit a report on compliance with the Judgment by March 24, 2008.<sup>251</sup>

**May 22, 2009:** The President of the Court issued an order monitoring

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242. *Id.* "Decides" ¶ 1.

243. Juan Humberto Sánchez v. Honduras, Monitoring Compliance with Judgment. Order of the Court, Inter-Am. Ct. H.R. "Considering" ¶ 8 (Nov. 21, 2007).

244. *Id.* ¶ 9.

245. *Id.* ¶¶ 10-11.

246. *Id.* ¶ 11.

247. *Id.* ¶ 10.

248. *Id.*

249. *Id.*

250. *Id.*

251. *Id.* "Decides" ¶ 2.

compliance with the Judgment.<sup>252</sup> The Court summoned the parties to a private hearing to be held in San José, Costa Rica on July 8, 2009 so the Court could obtain information from the State regarding compliance with the Judgment.<sup>253</sup>

**June 29, 2009:** The Court suspended the private hearing.<sup>254</sup> Instead, the Court allowed the State to provide an updated report on the steps it had taken to complete its remaining obligations by August 19, 2011.<sup>255</sup>

**November 11, 2011:** The Court reiterated its request for a report from the State on measures taken to comply with the remaining orders in the Judgment.<sup>256</sup>

**February 20, 2012:** The Court found that the State was not complying with its obligation to inform the Court of the measures taken to compensate Julio Sánchez, identify and punish those responsible for Mr. Humberto Sánchez's death, and create a record of detainees.<sup>257</sup> The Court required the State to submit a full report on measures taken to comply with the Judgment by May 21, 2012.<sup>258</sup>

**August 22, 2013:** The Court delivered a judgment monitoring compliance and found that the State had not made reparations to Julio Sánchez for non-pecuniary damages.<sup>259</sup> The Court ordered the State to pay compensation to the heirs of Julio Sánchez.<sup>260</sup>

## VII. LIST OF DOCUMENTS

### A. *Inter-American Court*

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252. Juan Humberto Sánchez v. Honduras, Monitoring Compliance with Judgment, Order of the President of the Court, Inter-Am. Ct. H.R. "Having Seen" ¶ 1 (May 22, 2009).

253. *Id.* "Decides" ¶ 1.

254. Juan Humberto Sánchez v. Honduras, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Having Seen" ¶ 4 (Feb. 20, 2012).

255. *Id.* ¶ 5.

256. *Id.*

257. *Id.* "Decides That" ¶ 2.

258. *Id.* "And Decides" ¶ 2.

259.

Juan Humberto Sánchez v. Honduras, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Considering That" ¶ 2 (Aug. 22, 2013).

260. *Id.* "Decides That" ¶ 1.

### 1. Preliminary Objections

[Juan Humberto Sánchez v. Honduras, Preliminary Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 99 \(June 7, 2003\).](#)

### 2. Decisions on Merits, Reparations and Costs

[Juan Humberto Sánchez v. Honduras, Preliminary Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 99 \(June 7, 2003\).](#)

### 3. Provisional Measures

[Juan Humberto Sánchez v. Honduras, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Feb. 7, 2006\).](#)

### 4. Compliance Monitoring

[Juan Humberto Sánchez v. Honduras, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Aug. 22, 2013\).](#)

[Juan Humberto Sánchez v. Honduras, Monitoring Compliance with Judgment, Concurring Opinion of Judge Eduardo Vio Grossi, Inter-Am. Ct. H.R. \(Aug. 22, 2013\).](#)

[Juan Humberto Sánchez v. Honduras, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Feb. 20, 2012\).](#)

[Juan Humberto Sánchez v. Honduras, Monitoring Compliance with Judgment, Order of the President of the Court, Inter-Am. Ct. H.R. \(May 22, 2009\) \(Available only in Spanish\).](#)

[Juan Humberto Sánchez v. Honduras, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Nov. 21, 2007\).](#)

[Juan Humberto Sánchez v. Honduras, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Sept. 12, 2005\) \(Available only in Spanish\).](#)

[Juan Humberto Sánchez v. Honduras, Monitoring Compliance with](#)

[Judgment, Order of the Court, Inter-Am. Ct. of H.R. \(Nov. 17, 2004\).](#)

#### 5. Review and Interpretation of Judgment

[Juan Humberto Sánchez v. Honduras, Interpretation of the Judgment of Preliminary Objection, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 102 \(Nov. 26, 2003\).](#)

#### *B. Inter-American Commission*

##### 1. Petition to the Commission

[Not Available]

##### 2. Report on Admissibility

[Not Available]

##### 3. Provisional Measures

[None]

##### 4. Report on Merits

[Not Available]

##### 5. Application to the Court

[Not Available]

#### VIII. BIBLIOGRAPHY

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