

Servellón García et al. v. Honduras

ABSTRACT¹

Between September 15 and 16, 1995, a preventive detention operation was carried out by the Public Security Force and they arrested Marco Antonio Servellón García, Rony Alexis Betancourth Vásquez, Orlando Álvarez Ríos, and Diomedes Obed García Sánchez, two of whom were minors. State agents extrajudicially killed the victims and their bodies were found on September 17, 1995 out in the open in different places throughout the city of Tegucigalpa. The Court found that the State violated the American Convention on Human Rights.

I. FACTS

A. Chronology of Events

Early 1990s: Honduras begins to respond to increasingly violent youth gangs with armed violence.² The State performs extrajudicial killings of youth and children whom they believe to be a social risk.³ Between 1995 and 2002, 904 young people are killed as a result of State extrajudicial killings and gang violence.⁴

September 15, 1995: Parades are held at the Tiburcio Carias Andino National Stadium in celebration of Honduras' National Independence Day.⁵ In an effort to control disturbances during the parades, the Public Security Force ("FUSEP") conducts a preventative police operation, in which 128 people are indiscriminately arrested.⁶ Those arrested include Marco Antonio Servellón García, Rony Alexis Betancourth Vásquez,

1. Alessa Jonas, Author; Elise Cossart-Daly, Sarah Frost, Grace Kim, Sascha Meisel, Editors; Sarah Frost, Chief Articles Editor; Cesare Romano, Faculty Advisor.

2. *Servellón García et al. v. Honduras*, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 22, ¶ 79(1) (Sept. 21, 2006).

3. *Id.* ¶ 79(1).

4. *Id.*

5. *Id.* ¶ 79(5).

6. *Id.*

Orlando Álvarez Ríos, and Diomedes Obed García Sánchez.⁷

The next day, Police Judge Roxana Sierra Ramírez issues a pardon accompanying a list of sixty-two people, including Marco Antonio Servellón García, Rony Alexis Betancourth Vásquez, and Orlando Álvarez Ríos.⁸ Lieutenant José Alberto Alfaro Martínez orders, however, that Marco Antonio Servellón García, Rony Alexis Betancourth Vásquez, and Orlando Álvarez Ríos remain on the second floor of CORE VII Detention Center (“CORE VII”).⁹

1. Events Pertaining to Marco Antonio Servellón García

September 15, 1995: Sixteen-year-old Marco Antonio Servellón García is arrested during the FUSEP operation at the National Stadium parade.¹⁰ Mr. Servellón García is accused of being a thief, made to lie down on the ground, hit over the head with a gun, tied up, repeatedly hit in the face, back and stomach, and transported to a detention center, CORE VII, to be detained with adults.¹¹ Mr. Servellón García’s mother visits CORE VII and asks for her son, but is not allowed to see him.¹²

September 16, 1995: Mr. Servellón García’s mother visits CORE VII and asks for her son, but is not allowed to communicate with him.¹³ At 1:00 pm, Mr. Servellón García’s mother sees him alive for the last time when he walks, in custody, to the second floor of the CORE VII building.¹⁴

September 17, 1995: Mr. Servellón García’s body is found, with four bullet wounds in his head, near El Lolo, a town located near Tegucigalpa where the Tiburcio Carias Andino National Stadium is located.¹⁵ The Public Prosecutor’s Office performs an autopsy, but does not photograph the corpse.¹⁶

2. Events Pertaining to Rony Alexis Betancourt Vásquez

7. *Id.*

8. *Id.* ¶ 79(6).

9. *Id.* ¶ 79(7).

10. *Id.* ¶¶ 79(8), 79(9).

11. *Id.* ¶ 79(9).

12. *Id.* ¶ 79(10).

13. *Id.*

14. *Id.* ¶ 79(11).

15. *Id.*

16. *Id.* ¶ 79(13).

September 15, 1995: Seventeen-year-old Rony Alexis Betancourth Vásquez is detained during the FUSEP operation.¹⁷ Mr. Betancourth Vásquez is also transported to CORE VII and beaten.¹⁸ Mr. Betancourth Vásquez is detained with adults.¹⁹ He indicates to a fellow detainee that he believes he is going to be killed because FUSEP thinks he belongs to a gang referred to as the “mara of the poison.”²⁰

September 16, 1995: A police judge informs Mr. Bentacourt Vásquez’s partner, Ana Luisa Vargas Soto, that he is not going to be released and will remain in custody because he is going to be investigated.²¹

September 17, 1995: Mr. Bentacourt Vásquez’s body is found with two bullet wounds in the head near Suyapa Village.²² His autopsy reveals four knife wounds, bruises, and other marks that indicate he was tortured.²³

3. Events Pertaining to Orlando Álvarez Ríos

September 15, 1995: Thirty-two-year-old Orlando Álvarez Ríos is also arrested and detained by the FUSEP during the operation.²⁴ He is allowed to contact a family member and calls his sister, Dilcia Álvarez Ríos, to tell her not to worry because he will be released on September 18, 1995.²⁵ Mr. Álvarez Ríos is transported to CORE VII.²⁶

September 17, 1995: Mr. Álvarez Ríos’ body is found with gunshot wounds to the head, near the community of Las Moras in Tegucigalpa.²⁷ His autopsy indicates that he was the victim of sexual assault.²⁸

September 19, 1995: Mr. Álvarez Ríos’ sister goes to CORE VII to

17. *Id.* ¶ 79(15).

18. *Id.*

19. *Id.*

20. *Id.*

21. *Id.* ¶ 79(16).

22. *Id.* ¶ 79(17).

23. *Id.* ¶ 79(18).

24. *Id.* ¶ 79(19).

25. *Id.* ¶ 79(20).

26. *Id.*

27. *Id.*

28. *Id.* ¶ 79(23).

check on the status of her brother.²⁹ Commanders inform her that no one by the name Orlando Álvarez Ríos has been at CORE VII and that if he had been there he had already left.³⁰ She eventually went to the morgue, where she identified her brother's body.³¹

4. Events Pertaining to Diomedes Obed García Sánchez

September 15, 1995 - September 16, 1995: Nineteen-year-old Diomedes Obed García Sánchez is arrested in a video game establishment in Tegucigalpa.³² Prior to his arrest, Lieutenant José Alberto Alfaro Martínez tells Mr. García Sánchez that if he does not leave Tegucigalpa Lieutenant Alfaro Martínez will “finish him off.”³³

September 17, 1995: Mr. García Sánchez's body is found in Tegucigalpa.³⁴ An autopsy reveals eight bullet wounds, a machete wound to his shoulder and his neck, and a knife wound on his neck.³⁵ The Public Prosecutors Office does not take photographs of the body, due to “a lack of film.”³⁶

5. Events Pertaining to Marco Antonio Servellón-García, Rony Alexis Betancourth Vásquez, Orlando Álvarez Ríos, and Diomedes Obed García Sánchez

September 18, 1995: The Human Rights Public Prosecutors' Office receives a complaint regarding Mr. Servellón García's illegal arrest from Mr. Servellón García's sister.³⁷

October 5, 1995: The Human Rights Public Prosecutors' Office receives a complaint from Mr. Álvarez Ríos' sister regarding Mr. Álvarez Ríos' murder.³⁸

March 5, 1996: Mr. Betancourth Vásquez's father, Manases Betancourt

29. *Id.* ¶ 79(21).

30. *Id.*

31. *Id.*

32. *Id.* ¶ 79(24).

33. *Id.* ¶ 79(26).

34. *Id.* ¶ 79(30).

35. *Id.*

36. *Id.*

37. *Id.* ¶ 79(36).

38. *Id.* ¶ 79(37).

Núñez, formally accuses several police officers of abusing their authority, violating their duties, illegal arrest, and murder.³⁹ The Public Prosecutors Office begins a criminal investigation into the death of Mr. Betancourth Vásquez.⁴⁰

May 6, 1996: The Public Prosecutor's Office presents a criminal complaint to the Criminal Court of the First Instance against several members of the National Police, including Lieutenant Alfaro Martínez, for the murders of Marco Antonio Servellón-García, Rony Alexis Betancourth Vásquez, Orlando Álvarez Ríos, and Diomedes Obed García Sánchez.⁴¹ The Public Prosecutor's Office requests that the Criminal Court of the First Instance issue arrest warrants.⁴²

August 6, 1996: Mr. Betancourt Nuñez requests that the Criminal Court of the First Instance issue arrest warrants.⁴³ The Criminal Court of the First Instance denies the request.⁴⁴ Mr. Betancourt Nuñez appeals.⁴⁵

January 21, 1997: The First Court of Appeal denies Mr. Betancourt Nuñez's appeal and upholds the Criminal Court of the First Instance's refusal to grant arrest warrants.⁴⁶

May 16, 2002: The Supreme Court of Honduras requests that the Criminal Court of the First Instance forward the case to the Criminal Chamber of the Supreme Court, so that the Criminal Chamber of the Supreme Court may examine the delay in the investigation.⁴⁷

August 12, 2002: The Criminal Chamber of the Supreme Court declares that the investigation impermissibly remains in a preliminary stage and has been ineffective.⁴⁸

January 14, 2005: The Public Prosecutor's Office again requests arrest

39. *Id.* ¶ 79(38).

40. *Id.* ¶¶ 79(39), 149.

41. *Id.* ¶ 79(40).

42. *Id.* ¶ 79(41).

43. *Id.* ¶ 79(42).

44. *Id.* ¶ 79(43).

45. *Id.*

46. *Id.*

47. *Id.* ¶ 79(45).

48. *Id.* ¶ 79(46).

warrants from the Criminal Court of the First Instance.⁴⁹

February 9, 2005: More than nine years after the victims' murders, the Criminal Court of the First Instance issues arrest warrants for some of the suspected murderers, including Lieutenant Alfaro Martínez.⁵⁰ The Public Prosecutor's Office appeals to request arrest warrants for the additional suspects.⁵¹

February 15, 2005: Lieutenant Alfaro Martínez turns himself in, and subsequently appeals his arrest warrant.⁵²

June 22, 2005: The First Appellate Court grants Lieutenant Alfaro Martínez's appeal, revokes his arrest warrant, and dismisses the criminal proceedings against him.⁵³ The State subsequently releases Lieutenant Alfaro Martínez.⁵⁴

Several appeals follow.⁵⁵ At the time of judgment, the State has ordered a full trial, but has not identified or punished those responsible for the deaths of Marco Antonio Servellón García, Rony Alexis Betancourth Vásquez, Orlando Álvarez Ríos, and Diomedes Obed García Sánchez.⁵⁶

B. Other Relevant Facts

[None]

II. PROCEDURAL HISTORY

A. Before the Commission

October 11, 2000: The Center for Justice and International Law ("CEJIL") and Covenant House Latin America file a petition with the Inter-American Commission on behalf of Mr. Servellón García, Mr. Betancourt Hernández, Mr. Obed García, and Mr. Álvarez Ríos.⁵⁷

49. *Id.* ¶ 79(47).

50. *Id.*

51. *Id.* ¶ 79(50).

52. *Id.* ¶ 79(48).

53. *Id.* ¶ 79(49).

54. *Id.* ¶ 79(51).

55. *Id.* ¶¶ 79(49), 79(50).

56. *Id.* ¶ 79(51).

57. Servellón García et al. v. Honduras, Admissibility Report, Report No. 16/02, Inter-

February 27, 2002: The Commission adopts Admissibility Report No. 16/02.⁵⁸

The State objects on the grounds that petitioners did not exhaust domestic remedies.⁵⁹ The State argues that the petition is not admissible under Article 46(1) of the American Convention, which requires that petitioners exhaust domestic remedies before the Commission has jurisdiction to hear a case.⁶⁰

The Commission notes that, under Article 46(2), the rules requiring exhaustion of domestic remedies are not applicable when the domestic legislation of the state does not allow for adequate redress and protection of the rights that have been allegedly violated or when there is an unwarranted delay in rendering a judgment.⁶¹ In this case, seven years have passed and still no one has been identified as culpable.⁶² Because that length of time is sufficient for a State to determine responsibility, initiate proceedings, and punish those responsible domestically, the Commission finds that the petitioners met the requirement to exhaust domestic remedies.⁶³

October 19, 2004: The Commission adopts Merits Report No. 74/04.⁶⁴ The Commission determines that the State violated Articles 4(1) (Prohibition of Arbitrary Deprivation of Life), 5(1) (Right to Physical, Mental, and Moral Integrity) and 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), 7 (Right to Personal Liberty), 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), and Article 25 (Right to Judicial Protection) in relation to Article 1(1) (Obligation to Respect Rights) with respect to the victims, and Articles 5(5) (Right of Minors in Detention to Be Separated from Adults) and 19 (Rights of the Child) to the detriment of minors Mr. Betancourt Vásquez and Mr. Servellón García.⁶⁵ The Commission also determines that the State violated Articles 8(1) (Right to a Hearing Within Reasonable Time by a

Am. Comm'n H.R., Case No. 12.331, ¶ 1 (Feb. 27, 2002).

58. *Id.*

59. *Id.* ¶ 22.

60. *Id.*

61. *Id.* ¶ 24.

62. *Id.* ¶ 27.

63. *Id.*

64. Servellón García et al. v. Honduras, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 22, ¶ 9 (Sept. 21, 2006).

65. *Id.* ¶ 7.

Competent and Independent Tribunal), and Article 25 (Right to Judicial Protection) in relation to Article 1(1) (Obligation to Respect Rights) to the detriment of the victims' next of kin.⁶⁶ The Commission requests that the State adopt measures to remedy these violations.⁶⁷

November 2, 2004: The Commission grants the State a two-month period to inform the Commission of the measures it has adopted to comply with the Commission's recommendations.⁶⁸

January 13, 2005: The State informs the Commission of measures it adopted to comply with the Commission's recommendations.⁶⁹

B. Before the Court

February 2, 2005: The Commission submits the case to the Court after the State failed to adopt its recommendations.⁷⁰

1. Violations Alleged by Commission⁷¹

To the detriment of Marco Antonio Servellón García, Rony Alexis Betancourth Vásquez, Orlando Álvarez Ríos, and Diomedes Obed García Sánchez:

Article 4(1) (Prohibition of Arbitrary Deprivation of Life)

Article 5(1) (Right to Physical, Mental, and Moral Integrity)

Article 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment)

Article 7 (Right to Personal Liberty)

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal)

Article 25 (Right to Judicial Protection)

all in relation to:

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

66. *Id.*

67. *Id.* The Merits, Reparations, and Costs Judgment does not list specific measures, and at the time this summary was written, Commission Merits Report No. 74/04 was unavailable.

68. *Id.* ¶ 8.

69. *Id.* ¶ 9.

70. *Id.* ¶ 11.

71. *Id.* ¶ 7.

To the detriment of Mr. Servellón García and Mr. Betancourt Hernández:

Article 5(5) (Right of Minors in Detention to Be Separated from Adults)
Article 19 (Rights of the Child)

all in relation to:

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

To the detriment of Mr. Servellón García, Mr. Betancourt Hernández, Mr. Álvarez Ríos, and Mr. García Sánchez's next of kin:

Article 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal)

Article 25 (Right to Judicial Protection)

all in relation to:

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

2. Violations Alleged by Representatives of the Victims⁷²

Same Violations Alleged by Commission, as well as the Right to Truth enshrined in:

Article 8 (Right to a Fair Trial)

Article 13 (Freedom of Thought and Expression)

Article 25 (Right to Judicial Protection)

all in relation to:

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

III. MERITS

A. *Composition of the Court*⁷³

Sergio García-Ramírez, President

72. *Id.* ¶ 15. The victims were represented by CEJIL and Covenant House Latin America (*Casa Alianza*).

73. *Id.* at n. **. Judge Oliver Jackman did not participate in the deliberation and signing of the Judgement due to reasons of force majeure.

Alirio Abreu Burelli, Vice-President
Antônio A. Cançado Trindade, Judge
Cecilia Medina Quiroga, Judge
Manuel E. Ventura Robles, Judge
Diego García-Sayán, Judge

Pablo Saavedra Alessandri, Secretary
Emilia Segares Rodríguez, Deputy Secretary

B. Decision on the Merits

September 21, 2006: The Court issues its Judgment on Merits, Reparations and Costs.⁷⁴

The Court unanimously found that Honduras had violated:

Articles 4(1) (Right to Life), 5(1) (Right to Physical, Mental, and Moral Integrity), 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), 5(5) (Right of Minors in Detention to Be Separated from Adults), 7(1) (Right to Personal Liberty and Security), 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law), 7(3) (Prohibition of Arbitrary Arrest or Imprisonment), 7(4) (Right to Be Informed of Reasons of Arrest and Charges), and 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time), in relation to Article 1(1) of the Convention, to the detriment of Mr. Servellón García, Mr. Betancourt Vásquez, Mr. Álvarez Ríos, and Mr. García Sánchez⁷⁵ because:

Article 7 (Right to Personal Liberty) of the Convention requires that the State respect a presumption of innocence, legality, and proportionality when arresting individuals.⁷⁶ Here, 128 individuals were arrested without warrants and without being caught in the commission of a crime.⁷⁷ Although the Court recognizes a State's need for a collective arrest in certain circumstances, there also must be legal grounds to do

74. Servellón García et al. v. Honduras, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 22 (Sept. 21, 2006).

75. *Id.* "Declares" ¶ 3.

76. *Id.* ¶ 88.

77. *Id.* ¶ 91.

so.⁷⁸ Each of the victims here were arrested without a warrant and detained without proper legal cause.⁷⁹ Additionally, after being pardoned by a state official, State agents did not release the victims and tortured and murdered them.⁸⁰

Article 5 (Right to Humane Treatment) prohibits torture and cruel, inhumane or degrading treatment.⁸¹ The State has an obligation to provide conditions that do not violate the right to humane treatment.⁸² The State failed to meet this obligation in this case.⁸³ Here, the victims were illegally detained, tortured, and killed by police officers.⁸⁴ All of the victims were forced to remain in CORE VII after being pardoned, were threatened by State officials, and murdered.⁸⁵

Regarding Article 4 (Right to Life), each victim's right to life was violated as they were found dead with bullet wounds to their head and wounds that indicated they were tortured.⁸⁶ As a result, the Court found that the State violated Articles 4(1) (Right to Life), 5(1) (Right to Physical, Mental, and Moral Integrity), 5(2) (Prohibition of Torture, and Cruel, Inhumane or Degrading Treatment), 5(5) (Right of Minors in Detention to Be Separated from Adults), 7(1) (Right to Personal Liberty and Security), 7(2) (Prohibition of Deprivation of Liberty Unless for Reasons and Conditions Previously Established by Law), 7(3) (Prohibition of Arbitrary Arrest or Imprisonment), 7(4) (Right to Be Informed of Reasons of Arrest and Charges), and 7(5) (Right to Be Promptly Brought Before a Judge and Right to a Trial Within Reasonable Time), in relation to Article 1(1) of the Convention.⁸⁷

Article 19 (Rights of the Child), in relation to Article 1(1) of the Convention, to the detriment of Mr. Servellón García and Mr. Betancourt Vásquez⁸⁸ because:

78. *Id.* ¶ 92.

79. *Id.* ¶ 99.

80. *Id.*

81. *Id.* ¶ 97.

82. *Id.* ¶ 103.

83. *Id.*

84. *Id.*

85. *Id.* ¶ 79(7).

86. *Id.*

87. *Id.* "Declares" ¶ 3.

88. *Id.*

Article 19 (Rights of the Child) of the Convention obliges the State to ensure the protection of the rights of the child.⁸⁹ The State must ensure the protection of children in poverty and children who are socially alienated, and avoid stigmatizing children as criminals.⁹⁰ The State violated these rights because the State failed to provide Mr. Servellón García and Mr. Betancourt Vásquez with an environment that would protect them from abuse and violence.⁹¹ The State did not provide these children with access to basic goods and services.⁹² Each child was subject to unlawful detention, and ultimately, killed. The State thus violated Article 19 (Rights of the Child) to the detriment of Mr. Servellón García and Mr. Betancourt Vásquez.⁹³

Articles 7(6) (Right to Have Recourse Before a Competent Court), 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal), 8(2) (Right to Be Presumed Innocent), and 25(1) (Right of Recourse Before a Competent Court), in relation to Article 1(1) of the Convention, to the detriment of Mr. Servellón García, Mr. Betancourt Vásquez, Mr. Álvarez Ríos, and Mr. García Sánchez⁹⁴ because:

Article 7(6) (Right to Have Recourse Before a Competent Court) provides that those deprived of liberty have a right to timely recourse in a competent court.⁹⁵ Article 8 (Right to a Fair Trial) provides a right to be presumed innocent and the right to a timely hearing in front of an impartial tribunal.⁹⁶ Article 25 (Right to Judicial Protection) also provides for simple and prompt recourse for protection against acts of the State that violate a victim's rights.⁹⁷ Here, efficient recourse was not provided for the victims.⁹⁸ At the time of judgment, the investigation was still in preliminary stages, and the State had not brought those responsible to justice.⁹⁹

89. *Id.* ¶ 114.

90. *Id.* ¶ 116.

91. *Id.* ¶ 117.

92. *Id.*

93. *Id.* ¶ 114.

94. *Id.* "Decides" ¶ 5.

95. *Id.* ¶ 141.

96. *Id.* ¶ 142.

97. *Id.* ¶ 143.

98. *Id.*

99. *Id.* ¶¶ 149-151.

Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25(1) (Right of Recourse Before a Competent Court), in relation to Article 1(1) of the Convention, to the detriment of Mr. Servellón García, Mr. Betancourt Vásquez, Mr. Álvarez Ríos, and Mr. García Sánchez's next of kin¹⁰⁰ because:

The State did not determine what happened to the victims, nor has it adequately investigated, prosecuted, or punished the responsible parties.¹⁰¹ The State thus failed to guarantee access to justice for the victims' family members.¹⁰² As a result, the Court found that the State violated Articles 8(1) (Right to a Hearing Within Reasonable Time by a Competent and Independent Tribunal) and 25(1) (Right of Recourse Before a Competent Court) of the Convention to the detriment of the victims' families.¹⁰³

C. Dissenting and Concurring Opinions

1. Separate Concurring Opinion of Judge Antônio A. Cançado Trindade

Judge Cançado Trindade wrote a separate opinion to reflect on violence against impoverished children.¹⁰⁴ Judge Cançado Trindade's opinion discussed the State's international responsibility for violence against street children, bases for international jurisdiction over these types of cases, how these violations threaten society, and how the law reacts to these types of violations.¹⁰⁵

First, Judge Cançado Trindade discussed the State's international responsibility for violence against street children,¹⁰⁶ and discussed the concept of aggravated international responsibility.¹⁰⁷

Second, he stated that it was important for the Court to recognize that the State was responsible for the phenomena of deaths of underage children, even if it did not employ a formal policy that ordered State

100. *Id.* ¶ 156.

101. *Id.*

102. *Id.*

103. *Id.* "Declares" ¶ 6.

104. Servellón García et al. v. Honduras, Merits, Reparations and Costs, Separate Opinion of Judge Antônio A. Cançado Trindade, Inter-Am. Ct. H.R. (ser. C) No. 22, ¶ 1 (Sept. 21, 2006).

105. *Id.* ¶ 1.

106. *Id.* ¶ 2.

107. *Id.* ¶¶ 8-10.

agents to murder children.¹⁰⁸

Third, he asserted that the phenomena of violence against underage children reflected Latin American society's indifference to the plight of marginalized groups.¹⁰⁹

Fourth, Judge Cançado Trindade explained how international human rights law honors and protects marginalized groups.¹¹⁰ He discussed, at length, the criminalization of poverty, and the pattern of State violence against impoverished youth in Honduras.¹¹¹

IV. REPARATIONS

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

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

1. Investigate, Identify, Prosecute and Sanction

The Court ordered the State to investigate the facts of the instant case, and identify, prosecute and sanction those responsible.¹¹²

2. Publish the Judgment

The Court ordered the State to publish the Court's judgment in the official newspaper or another newspaper with broad national circulation.¹¹³

3. Publically Acknowledge Responsibility

Within six months from the date of the Court's decision, the State must hold a public act to acknowledge its responsibility for the facts of this case.¹¹⁴

108. *Id.* ¶¶ 14-16.

109. *Id.* ¶¶ 17, 24.

110. *Id.* ¶¶ 27, 28.

111. *Id.* ¶¶ 28-33.

112. *Servellón García et al. v. Honduras, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 22, ¶ 191 (Sept. 21, 2006).*

113. *Id.* ¶ 197.

114. *Id.* ¶ 198.

4. Name a Street or Plaza for the Victims

The Court ordered the State to name a street or plaza in Tegucigalpa after the victims of this case.¹¹⁵ Within one year of the Court's judgment, a plaque must be placed on a street or plaza naming all four victims of this case.¹¹⁶

5. Establish Human Rights Training Programs

Within a reasonable time frame, the State must establish training programs for police and judicial persons focusing on human rights, equality, children, and non-discrimination.¹¹⁷

6. Implement a National Campaign to Promote Compassion for At-Risk Children and Youth

Within a reasonable time period, the State must establish a campaign designed to promote awareness regarding the importance of protecting children and youth and to combat the association of at-risk children with criminality.¹¹⁸

7. Create a Database of Youth Victims of Violence

The State must create, within a reasonable time period, a database to share information between institutions involved in the investigation, identification, and punishment of those responsible for violent deaths of children.¹¹⁹

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

The Court ordered the State to pay \$10,000 to Diomedes Obed García Sánchez, Orlando Álvarez Ríos, Rony Alexis Betancourt

115. *Id.* ¶ 199.

116. *Id.*

117. *Id.* ¶ 200.

118. *Id.* ¶ 201.

119. *Id.* ¶ 203.

Vásquez's family for loss of income, and \$1,500 for burial expenses.¹²⁰

2. Non-Pecuniary Damages

The Court ordered the State to pay \$25,000 to each victim's family, as well as \$13,000 for Mr. Servellón García and Mr. Bentacourt Vásquez, \$10,000 for Orlando Álvarez Ríos, and \$5,000 for Diomedes Obed García Sánchez.¹²¹

3. Costs and Expenses

The Court ordered the State to reimburse the victims' families \$11,000 for costs and expenses, and to reimburse CEJIL and Casa Alianza for their costs and expenses.¹²²

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

\$ 183,000

C. Deadlines

The Court ordered the State to publish the judgment in an official gazette and publically acknowledge responsibility within six months of the proceedings.¹²³ Within one year of the Court's judgment, the State must pay all beneficiaries, and place a plaque in a street, plaza or park to honor the victims.¹²⁴ The State must identify, prosecute, and punish those responsible; carry out a public education campaign; train law enforcement about at-risk youth; and create a database of victims within a reasonable period of time.¹²⁵

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

120. *Id.* ¶¶ 176, 177.

121. *Id.* ¶ 184.

122. *Id.* ¶ 205. The Court did not designate a specific amount to reimburse CEJIL or Casa Alianza.

123. *Id.* ¶ 198, "Decides" ¶ 10.

124. *Id.* ¶ 199.

125. *Id.* "Decides" ¶¶ 8, 12-14.

August 5, 2008: The Court found that the State has (1) published the judgment in the official Gazette; (2) carried out a public act of acknowledgement of international responsibility; (3) placed a plaque with the victims' names on a street that has been named in their memory; (4) established a training program for police and judicial personnel; (5) created a unified database documenting the deaths of children to violence.¹²⁶

The Court ordered the State to continue to identify, prosecute, and punish those responsible for the violations committed,¹²⁷ and carry out a campaign to inform Honduran society of the importance of protecting children, duties that correspond to family, society, and the State, and to disassociate at-risk children from delinquency.¹²⁸

November 10, 2008: Judge Roxana Sierra Ramírez, who issued the ignored pardon for the arrestees, was sentenced to serve one year in prison for her involvement in the crimes of the instant case.¹²⁹

July 22, 2010 - June 14, 2011: The State implemented a campaign to promote and disseminate information on the rights of children in fourteen government departments spanning from Department of Francisco Morazán to Department of Olancho.¹³⁰

November 22, 2011: The Court ordered the State to continue to comply with all measures to locate, prosecute, and punish those responsible for the violations that occurred.¹³¹ The State was required to provide a report indicating these measures to the Court no later than March 5, 2012.¹³²

VII. LIST OF DOCUMENTS

A. *Inter-American Court*

1. Preliminary Objections

126. Servellón-García et al v. Honduras, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. ¶ 2 (November 22, 2011).

127. *Id.* ¶ 2(2).

128. *Id.*

129. *Id.* "Considering That" ¶ 7.

130. *Id.* "Considering That" ¶ 11.

131. *Id.* "Declares" ¶ 2.

132. *Id.*

[None]

2. Decisions on Merits, Reparations and Costs

[Servellón García et al. v. Honduras, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 22 \(Sept. 21, 2006\).](#)

3. Provisional Measures

[None]

4. Compliance Monitoring

[Servellón García et al v. Honduras, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Nov. 22, 2011\).](#)

[Servellón García et al v. Honduras, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Aug. 5, 2008\).](#)

[Servellón García et al v. Honduras, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Jan. 29, 2008\).](#)

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

[None]

2. Report on Admissibility

Servellón García et al. v. Honduras, Admissibility Report, Report No. 16/02, Inter-Am. Comm'n H.R., Case No. 12.331 (Feb. 27, 2002).

3. Provisional Measures

[None]

4. Report on Merits

[Not Available]

5. Application to the Court

[Not Available]

VIII. BIBLIOGRAPHY

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M. Ferial Tinta, *THE LANDMARK RULINGS OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS ON THE RIGHTS OF THE CHILD*, 32, 351-369 (2008).