

# Velásquez Rodríguez v. Honduras

## ABSTRACT<sup>1</sup>

*This is the first case decided by the Inter-American Court of Human Rights. The Velásquez Rodríguez case, together with the Godínez Cruz, and Fairén Garbí and Solís Corrales cases, all considered by the Court around the same time, form a trio of landmark cases targeting forced disappearance practices by the Honduran government during the early 1980s.*

## I. FACTS

### A. Chronology of Events

**September 12, 1981:** Mr. Angel Manfredo Velásquez Rodríguez, a student at the National Autonomous University of Honduras (*Universidad Nacional Autónoma de Honduras*, “UNAH”), is involved in activities that the State considers dangerous to national security.<sup>2</sup> Between 4:30 and 5:00 pm, several heavily armed men in civilian clothes, driving a white Ford vehicle without license plates, kidnap Mr. Velásquez Rodríguez from a parking lot in downtown Tegucigalpa.<sup>3</sup> Mr. Velásquez Rodríguez is taken to an armed forces station located in Barrio El Manchén of Tegucigalpa, where he is detained by members of the National Office of Investigations (“DNI”) and the Honduran Armed Forces, who accuse him of political crimes, and subject him to harsh interrogation and torture.<sup>4</sup>

**September 17, 1981:** Mr. Velásquez Rodríguez is moved to the First Infantry Battalion, an armed forces command area, near Tegucigalpa.<sup>5</sup>

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

2. Velásquez Rodríguez v. Honduras, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 4, ¶ 147(g)(i) (July 29, 1988).

3. *Id.* ¶ 147(e).

4. *Id.* ¶ 3.

5. *Id.*

The police and security forces deny that he was ever detained there.<sup>6</sup>

### *B. Other Relevant Facts*

Between 1981 and 1984, approximately 150 people disappear in Honduras.<sup>7</sup> These disappearances all follow a similar pattern: the victims are kidnapped by force from public places in broad daylight by armed men in civilian clothes and disguises.<sup>8</sup> It is common knowledge that the kidnappings are carried out by military personnel or the police, or persons acting under government orders.<sup>9</sup> The victims are usually persons whom the authorities consider to be dangerous to State security, and who have been under surveillance for long periods of time.<sup>10</sup>

Military and police officials either deny these disappearances or claim that they are incapable of preventing or investigating them, unable to punish those responsible, or powerless to help locate the victims or their remains.<sup>11</sup> The investigative committees created by the State and the Armed Forces are ineffective in producing results, and judicial proceedings regarding these disappearances are handled inefficiently.<sup>12</sup>

## II. PROCEDURAL HISTORY

### *A. Before the Commission*

**October 7, 1981:** A petition is submitted to the Inter-American Commission of Human Rights on behalf of Mr. Angel Manfredo Velásquez Rodríguez.<sup>13</sup>

**October 4, 1983:** The Commission adopts Resolution No. 30/83, which presumes the allegations contained in the petition to the Commission are true.<sup>14</sup> The petition concerns the detention and possible disappearance of Mr. Velásquez Rodríguez, and lays out the allegations that Mr. Velásquez Rodríguez was kidnapped by government officials, taken away to armed forces' headquarters, detained, interrogated and

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6. *Id.*

7. *Id.* ¶ 147(a).

8. *Id.* ¶ 147(b).

9. *Id.* ¶ 147(c).

10. *Id.* ¶ 147(c)(i).

11. *Id.* ¶ 147(d)(v).

12. *Id.*

13. *Id.* ¶ 1.

14. *Id.* ¶ 4.

tortured.<sup>15</sup>

**November 18, 1983:** The State requests reconsideration of Resolution No. 30/93 on the grounds that domestic remedies have not been exhausted, and further claims that the National Government of Investigations has no knowledge of the whereabouts of Mr. Velásquez Rodríguez, and that the State is making every effort to locate Mr. Velásquez Rodríguez.<sup>16</sup> The State further contends that Mr. Velásquez Rodríguez is rumored to be “with Salvadoran guerilla groups.”<sup>17</sup>

**May 30, 1984:** The Commission informs the State that it has decided “in light of the information submitted by the Honorable Government” to reconsider Resolution No. 30/83 and to continue its study of the case.<sup>18</sup>

**April 18, 1986:** The Commission adopts Resolution No. 22/86, finding that the new information presented by the Government is insufficient to warrant reconsideration of Resolution No. 30/83. To the contrary, the Commission finds that all evidence points to the State being responsible for the disappearance of Mr. Velásquez Rodríguez, who is still missing.<sup>19</sup> The Commission confirms Resolution No. 30/83 and refers the matter to the Court.<sup>20</sup>

### B. Before the Court

**April 24, 1986:** The Commission submits the case to the Court after the State failed to adopt its recommendations.<sup>21</sup>

#### 1. Violations Alleged by Commission<sup>22</sup>

Article 4 (Right to Life)

Article 5 (Right to Humane Treatment)

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15. *Id.* ¶¶ 3, 4.

16. *Id.* ¶ 5.

17. *Id.*

18. *Id.* ¶ 6.

19. *Id.* ¶ 10.

20. *Id.*

21. *Id.* ¶ 1.

22. *Id.* ¶ 2. The Merits Judgment does not indicate that the Commission alleged that the State violated Articles 4 (Right to Life), 5 (Right to Humane Treatment), and 7 (Right to Personal Liberty) in relation to Article 1(1) (Obligation to Respect Rights). *Id.*

## Article 7 (Right to Personal Liberty)

2. Violations Alleged by Representatives of the Victims<sup>23</sup>

## Same Violations Alleged by Commission.

Amnesty International, Association of the Bar of the City of New York, Lawyers Committee for Human Rights, and Minnesota Lawyers International Human Rights Committee submit *amicus curiae* briefs to the Court.<sup>24</sup>

**July 23, 1986:** Judge Jorge R. Hernández Alcerro recuses himself from hearing the case.<sup>25</sup>

**August 21, 1986:** The State names Judge Rigoberto Espinal Irías as judge *ad hoc*.<sup>26</sup>

**October 31, 1986:** The State raises objections that the Commission did not follow proper admissibility procedures; that the Commission did not take into account information provided by the State regarding the failure to exhaust domestic legal remedies; and further that these domestic legal remedies were not pursued or exhausted.<sup>27</sup> The State also objects on grounds that the Commission did not follow proper procedure for preparing reports, ignored the Convention's provision on friendly settlements, failed to comply with case referral procedures, and that submitting the State's observations on the merits is inappropriate at this time.<sup>28</sup>

**June 15, 1987:** The State raises its preliminary objections at a hearing.<sup>29</sup> The State asserts six preliminary objections: lack of a formal declaration of admissibility by the Commission, failure to attempt a friendly settlement, failure to carry out an on-site investigation, lack of a prior

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23. The victim's representative is never mentioned in Court documents.

24. Velásquez Rodríguez v. Honduras, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 4, ¶ 38 (July 29, 1988).

25. *Id.* ¶ 13.

26. *Id.*

27. Velásquez Rodríguez v. Honduras, Preliminary Objections, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 1, ¶¶ 25(1)-(3) (June 26, 1987).

28. *Id.* ¶¶ 25(4)-(7).

29. *Id.* ¶ 22.

hearing, and improper application of Articles 50, which provides that the Commission may draw up a report if a settlement is not reached, and 51, which provides that if the State has not responded to the Commission's report within three months, the Commission may by majority vote set forth its opinions regarding the question submitted.<sup>30</sup>

**June 26, 1987:** The Court delivers its judgment on the State's preliminary objections.<sup>31</sup> The Court unanimously rejects all of the State's preliminary objections except one, the lack of exhaustion of domestic legal remedies,<sup>32</sup> which the Court orders to be joined to the merits of the case because lack of effective domestic remedy often occurs in forced disappearances.<sup>33</sup>

With respect to the objection of the lack of a formal declaration of admissibility by the Commission, the Court finds that there is nothing in the American Convention's procedures requiring an express declaration of admissibility when the Commission itself is involved.<sup>34</sup> Therefore, the Commission's failure to make an express declaration on the question of admissibility is not a valid basis for barring proper consideration by the Court.<sup>35</sup>

Regarding the State's argument that the Commission did not promote a friendly settlement, the Court reasons that based on the text of the American Convention, attempting such a friendly settlement need only happen when "the circumstances of the controversy make the option suitable or necessary," and that the decision is at the Commission's sole discretion.<sup>36</sup>

The Court further finds that the Commission's failure to conduct an on-site investigation to be inconsequential on the grounds that the rules governing on-site investigations are subject to the discretionary powers of the Commission.<sup>37</sup>

With respect to the State's objection to the Commission's failure to hold a preliminary hearing, the Court holds that a preliminary hearing is a procedural requirement only when the Commission considers it

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30. *Id.* ¶ 32.

31. Velásquez Rodríguez v. Honduras, Preliminary Objections, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 1, (Jun. 26, 1987).

32. *Id.* ¶ "Now, therefore, the Court," ¶ 1.

33. *Id.* ¶ 94.

34. *Id.* ¶ 39.

35. *Id.* ¶ 41.

36. *Id.* ¶ 44.

37. *Id.* ¶ 49.

necessary or when the parties express such a request.<sup>38</sup> Since neither the petitioners nor the State asked for a hearing, the Commission did not consider it necessary, and was not required to hold one.<sup>39</sup>

As for the State's objection to the improper application of Articles 50 and 51 of the Convention, the Court finds that, despite that the requirements were not fully complied with, there has been no impairment of the State's rights such that the Court should rule the case inadmissible.<sup>40</sup>

**March 20, 1987:** In response to the State's objections, the Commission draws the conclusion that the State violated Articles 4 (Right to Life), 5 (Right to Humane Treatment), and 7 (Right to Personal Liberty) of the American Convention because it detained Mr. Velásquez Rodríguez on September 12, 1981 and he has been missing ever since.<sup>41</sup> The Commission further asserts that the substantive or procedural objections raised by the State have no legal basis, and requests that the Court find that the State violated the aforementioned rights of Mr. Velásquez Rodríguez.<sup>42</sup>

**November 6, 1987 - December 18, 1987:** The Commission asks the Court to take provisional measures in view of threats against several witnesses who have testified or who have been asked to testify before the Court.<sup>43</sup>

**January 15, 1988:** After being informed that witnesses were assassinated on January 5, 1988 and on January 14, 1988, the Court adopts provisional measures requesting that the Government of Honduras adopt all measures necessary to prevent further infringements on the basic rights of those who have appeared or have been summoned to appear before the Court in all pending forced disappearance cases (*Velásquez Rodríguez*, *Fairén Garbi and Solís Corrales* and *Godínez Cruz* cases).<sup>44</sup> The Court further requests that the State do everything

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38. *Id.* ¶ 53.

39. *Id.* ¶ 54.

40. *Id.* ¶ 77.

41. *Id.* ¶ 26(1).

42. *Id.* ¶¶ 26(2)-(3).

43. *Velásquez Rodríguez v. Honduras*, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 4, ¶ 39 (July 29, 1988); *see also* *Velásquez Rodríguez v. Honduras*, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. (ser. E), "Having Regard To" ¶¶ 1-3 (Jan. 15, 1988).

44. *Velásquez Rodríguez v. Honduras*, Merits, Judgment, ¶ 39; *see also* *Velásquez Rodríguez v. Honduras*, Provisional Measures, Order of the Court.

within its power to investigate unsolved cases, identify the perpetrators, and impose punishment on those responsible for forced disappearances.<sup>45</sup>

**January 19, 1988:** The Court unanimously orders the State to adopt additional provisional measures requesting the State inform the Court, within two weeks, on the measures that have or will be adopted to protect witnesses, the judicial investigations that have been or will be undertaken with respect to threats against and assassinations of witnesses, and actions the State will take to punish those responsible.<sup>46</sup>

### III. MERITS

#### A. Composition of the Court

Rafael Nieto Navia, President  
Héctor Gros Espiell, Vice-President  
Rodolfo E. Piza Escalante, Judge  
Thomas Buergenthal, Judge  
Pedro A. Nikken, Judge  
Héctor Fix Zamudio, Judge  
Rigoberto Espinal Irías, Judge *ad hoc*

Charles Moyer, Secretary  
Manuel Ventura, Deputy Secretary

#### B. Decision on the Merits

**July 29, 1988:** The Court issues its Judgment on the Merits.<sup>47</sup>

The Court found unanimously that Honduras had violated:

Article 4 (Right to Life), in relation to Article 1(1) of the Convention, to the detriment of Mr. Velásquez Rodríguez,<sup>48</sup> because:

*Article 4 (Right to Life) of the Convention protects the right of every*

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45. Velásquez Rodríguez v. Honduras, Merits, Judgment, ¶¶ 40, 41.

46. *Id.* ¶ 45(1).

47. Velásquez Rodríguez v. Honduras, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 4 (Jul. 29, 1988).

48. *Id.* ¶ 194(4).

person to have his life respected.<sup>49</sup> The practice of disappearances in Honduras often involved secret executions and concealment of bodies, the practice is a flagrant violation of the right enshrined in Article 4.<sup>50</sup> Since Mr. Velásquez Rodríguez has been disappeared for seven years, and because his body was never discovered, the Court found there was a reasonable presumption that he had been killed.<sup>51</sup> The Court stated that even if there is the slightest doubt as to this whether Mr. Velásquez Rodríguez is dead, it is presumed that his fate was impacted by authorities who systematically executed detainees without trial and who concealed bodies to avoid punishment.<sup>52</sup> Taking the above evidence along with the State's failure to investigate or to take steps to prevent such forced disappearances from happening, the Court found that the State violated Article 4 (Right to Life).<sup>53</sup>

Article 5 (Right to Humane Treatment), in relation to Article 1(1) of the Convention, to the detriment of Mr. Velásquez Rodríguez,<sup>54</sup> because:

*Article 5 (Right to Humane Treatment) of the Convention recognizes the right that every individual has to have their physical, mental, and moral integrity respected.<sup>55</sup> Article 5 also recognizes the right to be free from cruel, inhuman, or degrading torture, punishment, and treatment.<sup>56</sup> Investigations into the practice of forced disappearance in addition to the testimony of found victims suggest that victims of this practice are usually subject to cruel, inhumane, and degrading treatment during their detention.<sup>57</sup> Though there is no direct evidence showing that Mr. Velásquez Rodríguez was tortured, the Court concluded that Mr. Velásquez Rodríguez was kidnapped and imprisoned by government officials, and, because the State has been shown to subject detainees to torture in the past, the Court held that the State violated Article 5 (Right to Humane Treatment) in this case of forced disappearance.<sup>58</sup>*

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49. *Id.* ¶ 157.

50. *Id.*

51. *Id.* ¶ 188.

52. *Id.*

53. *Id.* ¶ 185.

54. *Id.* ¶ 194(3).

55. *Id.* ¶ 156(1).

56. *Id.* ¶ 156(2).

57. *Id.* ¶ 156.

58. *Id.* ¶¶ 185, 187.

Article 7 (Right to Personal Liberty), in relation to Article 1(1) of the Convention, to the detriment of Mr. Velásquez Rodríguez,<sup>59</sup> because:

*The kidnapping of a person is an arbitrary deprivation of liberty, and an infringement of the right to be brought without delay before a judge or to invoke appropriate procedures to review the legality of an arrest.<sup>60</sup> Based on the evidence presented in the case, the Court found that Mr. Velásquez Rodríguez was a victim of arbitrary detention, which deprived him of his physical liberty without cause.<sup>61</sup> For that reason, the Court found that the State violated Article 7 (Right to Personal Liberty).<sup>62</sup>*

*Although the Commission did not allege a violation of Article 1(1) (Obligation to Respect Rights) of the American Convention, the Court specifically applies this violation because Article 1(1) contains the generic basis of the protection of all the rights recognized by the Convention.<sup>63</sup> The Court discussed the essential nature of Article 1(1) in determining whether a violation of human rights can be imputed to a State by charging States with the duty to respect and guarantee rights that are recognized in the American Convention.<sup>64</sup>*

The Court also rejected the State's final preliminary objection of non-exhaustion of domestic remedies,<sup>65</sup> because:

*The requirement of exhaustion of domestic remedies exists to allow the State to resolve the problem under its internal law before being confronted with an international proceeding.<sup>66</sup> The Court agreed with the State that this requirement is necessary because domestic law precedes the international system in the protection of human rights,<sup>67</sup> however, the Court also reasoned that the international protection of human rights is founded on the very need to protect victims from*

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59. *Id.* ¶ 194(2).

60. *Id.* ¶ 155.

61. *Id.* ¶ 186.

62. *Id.* ¶ 185.

63. *Id.* ¶ 162.

64. *Id.* ¶ 163.

65. *Id.* ¶ 81.

66. *Id.* ¶ 61.

67. Velásquez Rodríguez v. Honduras, Preliminary Objections, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 1, ¶ 92 (June 26, 1987).

arbitrary exercises of governmental authority.<sup>68</sup> For that reason, when a petitioner alleges a lack of adequate domestic remedy, international protection is not only justified, but necessary and urgent.<sup>69</sup> The Court noted that not all remedies are applicable in every circumstance, and not all remedies are effective.<sup>70</sup> The Commission was able to show that although writs of habeas corpus and criminal complaints were filed, they were ineffective.<sup>71</sup> While there may have been legal remedies in the State that would have theoretically allowed a detained person to be found, the State's attempts to solve the cases of disappearance were ineffective because the imprisonments were clandestine, and suspicious procedures were used to bring those responsible to justice.<sup>72</sup>

### C. Dissenting and Concurring Opinions

#### 1. Separate Opinion of Judge Rodolfo E. Piza Escalante

In a separate opinion, Judge Piza Escalante discussed his disagreement with the majority's opinion recognizing the Commission as the sole procedural party in the case, as opposed to only the victims.<sup>73</sup> Though the Judge conceded that the Commission may be in a better position to oversee the interests of Mr. Velásquez Rodríguez, and that a specific agreement between the State and Commission may have greater international standing than an agreement between the State and the victim, Judge Piza Escalante opines that the Commission lacks the same standing as the victim.<sup>74</sup> Judge Piza Escalante likens the Commission to a public prosecutor of the Inter-American Human Rights System and not a party in its own right.<sup>75</sup> In the Judges' opinion, the Court did not interpret the Convention and the Regulations of the Commission and Rules of Procedure of the Court correctly, and the Court did not adhere to the norms of the Convention based on its ordinary textual meaning.<sup>76</sup>

The Judge stated that he would have approved the majority's

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68. *Id.* ¶ 93.

69. *Id.*

70. Velásquez Rodríguez v. Honduras, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 4, ¶¶ 64, 66 (July 29, 1988).

71. *Id.* ¶ 81.

72. *Id.* ¶ 80.

73. Velásquez Rodríguez v. Honduras, Merits, Separate Opinion of Judge Piza Escalante, Inter-Am. Ct. H.R. (ser. C) No. 4, ¶ 6 (July 29, 1988).

74. *Id.* ¶ 8.

75. *Id.* ¶ 3.

76. *Id.* ¶ 8.

judgment in its entirety if the majority had framed its holding regarding compensation to the victim to say “the form and amount of such compensation, failing agreement between *the parties, with the intervention of the Commission*, within six months of the date of this judgment” instead of “. . . agreement between *Honduras and the Commission* within six months.”<sup>77</sup> The Judge thus emphasized his stance that the victim and his assignees should be the only active party in the proceeding, and that the Commission should not be construed as a party in any substantial sense.<sup>78</sup>

In this separate opinion, Judge Piza Escalante does not suggest that the Commission remove itself from actively participating in negotiations of a settlement with the State entirely, but rather points out that the Court should not name the Commission as the only party to consult with the State when the State must compensate the victim.<sup>79</sup>

#### IV. REPARATIONS

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

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

###### 1. Judgment as a Form of Reparation

The Court indicated that the Judgment on the Merits should be considered itself a type of reparation and give significant moral satisfaction to the families of the victim as the Judgment recognized the State’s violation of Mr. Velásquez Rodríguez’s human rights.<sup>80</sup>

###### 2. Continue Investigation into the Fate of the Disappeared

The Court noted that State must continue to investigate the fate of a disappeared person as long as their fate is unknown.<sup>81</sup> Since the fate of

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77. *Id.* ¶¶ 1, 3, 4; *see also* Velásquez Rodríguez v. Honduras, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 4, ¶ 194(6) (July 29, 1988).

78. Velásquez Rodríguez v. Honduras, Merits, Separate Opinion of Judge Piza-Escalante, ¶¶ 1, 3-4.

79. *Id.* ¶ 7.

80. Velásquez Rodríguez v. Honduras, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 7, ¶ 36 (July 21, 1989).

81. *Id.* ¶ 34.

Mr. Velásquez Rodríguez is still unknown, the State must maintain its duty to investigate his disappearance.<sup>82</sup>

### *B. Compensation*

The Court awarded the following amounts:

#### 1. Pecuniary Damages

[None]

#### 2. Non-Pecuniary Damages

The Court ordered the State to pay \$93750 to Ms. Emma Guzmán Urbina de Velásquez, the wife of Mr. Velásquez Rodríguez, for psychological damage and loss of income from losing her husband.<sup>83</sup>

The Court ordered the State to pay \$281250 dollars to the three children of Mr. Velásquez Rodríguez: Héctor Ricardo, Herling Lizzett, and Nadia Waleska Velásquez, for psychological harm due to the forced disappearance of their father, and for loss of income from losing their father as a provider.<sup>84</sup>

#### 3. Costs and Expenses

The Court did not find it necessary to render a decision concerning the costs and expenses.<sup>85</sup>

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

\$375,000

### *C. Deadlines*

The State must pay Ms. Urbina de Velásquez's award within ninety

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82. *Id.*

83. *Id.* ¶¶ 50-51, 60(2).

84. *Id.* ¶¶ 50-51, 60(3).

85. Velásquez Rodríguez v. Honduras, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 4, ¶ 194(8) (July 29, 1988).

days from the date of notification of the Judgment.<sup>86</sup> If the State decides to pay the award in six monthly installments, the first payment must be paid within ninety days of the Judgment and the remaining payments in the five successive months, with the balance of the award accruing appropriate interest.<sup>87</sup> The award for Ms. Urbina de Velásquez should be given to her directly, and the funds awarded to the children shall be held in a trust fund at the Central Bank of Honduras.<sup>88</sup> Mr. Velásquez Rodríguez's children are to receive monthly payments from this trust fund and will receive their proportionate share when they turn twenty-five.<sup>89</sup>

#### V. INTERPRETATION AND REVISION OF JUDGMENT

**August 17, 1990:** The Court admitted the Commission's request for interpretation of the Judgment, and issued an interpretation of its July 21, 1989 Judgment on the Merits.<sup>90</sup> The Interpretation of the Judgment assessed the compensatory damages against the State.<sup>91</sup> In requesting an interpretation of the Judgment, the Commission wanted the Court to clarify the meaning and scope of the judgment in regard to the future value of compensation that was placed in a trust for Mr. Velásquez Rodríguez's children.<sup>92</sup> The Commission requested that the Court tie the amounts in the trust to an appropriate index to protect the purchasing power of the amounts, because hyperinflation has historically occurred in Latin American countries.<sup>93</sup> In response, the Court interpreted the expression "under the most favorable conditions" to refer to any decision by the trustee to ensure that the amount awarded to the beneficiaries maintains an equivalent level of purchasing power as when it was assigned and that "generates sufficient earnings or dividends to increase" the amount assigned.<sup>94</sup>

In their petition, the Commission emphasized that eight months have elapsed since the damages became due and payable, that the State

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86. Velásquez Rodríguez v. Honduras, Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 7, ¶ 57 (Jul. 21, 1989).

87. *Id.*

88. *Id.* ¶ 58.

89. *Id.*

90. Velásquez Rodríguez v. Honduras, Interpretation of Judgment of Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 9 (Aug. 17, 1990). Judge Thomas Buergenthal was unable to participate in the Interpretation of Judgment of Reparations. *See id.*

91. *Id.*

92. *Id.* ¶ 18.

93. *Id.* ¶¶ 18, 19, 34.

94. *Id.* ¶ 31.

has not yet complied with the judgment, and that for this reason, the Court should order payment of interest for delay as well as adjust the payment to reflect the purchasing power of the lempira so that its current value is on par with what the lempira was worth when the payment should have been made.<sup>95</sup>

The Court declared the Commission's request for amplification of the petition for clarification of the judgment inadmissible because, while Article 67 of the Convention empowers the Court to interpret its judgments whenever there is disagreement as to the meaning or scope of a judgment, the Commission's petition requesting "amplification" of the previous request for interpretation did not mention any controversy as to the "meaning or scope" of the judgment.<sup>96</sup> Instead, the Commission is claiming that there has been nonperformance of clearly stated terms of the judgment.<sup>97</sup>

Nonetheless, because the State has yet to comply with the payment of damages, the Court retains jurisdiction over the case,<sup>98</sup> and since the State has not made any payments to the beneficiaries, the Court found it appropriate to demand payment of interest on the entire amount of the capital due.<sup>99</sup>

Judge Piza Escalante concurred with the unanimous vote of the Court on their general lines of reasoning, but the Judge disagreed with the paragraphs of the Interpretation of the Judgment of Reparation and Costs that invoked the immediate applicability of Article 67 of the Convention, which governs requests for interpretation of judgments, in a separate statement.<sup>100</sup> In his separate statement, Judge Piza Escalante discussed his disagreement with allowing the Judgment of Reparations and Costs to be interpreted at all because Article 67 interpretation procedures should only apply to "final judgments," and in the Judge's opinion, the final judgment was made on July 29, 1988, in the Judgment on the Merits.<sup>101</sup> There was no interpretation requested, and none required, of the July 29, 1988 decision.<sup>102</sup> In Judge Piza Escalante's opinion, on July 21, 1989, when the Court issued the Judgment of

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95. *Id.* ¶ 34.

96. *Id.* ¶ 36.

97. *Id.*

98. *Id.* ¶ 37.

99. *Id.* ¶ 40.

100. Velásquez Rodríguez v. Honduras, Interpretation and Revision of Judgment, Separate Opinion of Judge Piza-Escalante, Inter-Am. Ct. H.R. (ser. C) No. 9, ¶ 1 (Aug. 21, 1989).

101. *Id.* ¶¶ 3, 4.

102. *Id.* ¶ 4.

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Reparations and Costs, the Court only *enforced* the judgment.<sup>103</sup>

VI. COMPLIANCE AND FOLLOW-UP

[None]

VII. LIST OF DOCUMENTS

A. *Inter-American Court*

1. Preliminary Objections

[Velásquez Rodríguez v. Honduras, Preliminary Objections, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 1 \(Jun. 26, 1987\).](#)

2. Decisions on Merits, Reparations, and Costs

[Velásquez Rodríguez v. Honduras, Merits, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 4 \(Jul. 29, 1988\).](#)

[Velásquez Rodríguez v. Honduras, Merits, Separate Opinion of Judge Piza-Escalante, Inter-Am. Ct. H.R. \(ser. C\) No. 4 \(Jul. 29, 1988\).](#)

[Velásquez Rodríguez v. Honduras, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 7 \(Jul. 21, 1989\).](#)

3. Provisional Measures

[Velásquez Rodríguez v. Honduras, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Jan. 19, 1988\) \(Available only in Spanish\).](#)

[Velásquez Rodríguez v. Honduras, Provisional Measures, Order of the Court, Inter-Am. Ct. H.R. \(ser. E\) \(Jan. 15, 1988\) \(Available only in Spanish\).](#)

4. Compliance Monitoring

[None]

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103. *Id.*

## 5. Review and Interpretation of Judgment

[Velásquez Rodríguez v. Honduras, Interpretation of Judgment of Reparations, and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 9 \(Aug. 17, 1990\).](#)

[Velásquez Rodríguez v. Honduras, Interpretation of Judgment of Reparations, and Costs, Separate Opinion of Judge Piza-Escalante, Inter-Am. Ct. H.R. \(ser. C\) No. 9 \(Aug. 17, 1990\).](#)

### *B. Inter-American Commission*

#### 1. Petition to the Commission

Velásquez Rodríguez v. Honduras, Petition No. 7920, Inter-Am. Comm'n H.R. (Oct. 7, 1981).

#### 2. Report on Admissibility

[Not Available]

#### 3. Provisional Measures

[None]

#### 4. Report on Merits

[Velásquez Rodríguez v. Honduras, Report on Merits, Report No. 22/86, Inter-Am. Comm'n H.R., Case No. 7920 \(Apr. 18, 1986\).](#)

#### 5. Application to the Court

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