

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS*
OF AUGUST 27, 2010**

**CASE OF THE GIRLS YEAN AND BOSICO V. DOMINICAN REPUBLIC
MONITORING OF COMPLIANCE WITH JUDGMENT**

HAVING SEEN:

1. The Judgment on preliminary objections, merits, reparations, and costs (hereinafter "the Judgment") issued in the present case by the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court") on September 8, 2005.

2. The Order on Monitoring Compliance with Judgment issued by the Inter-American Court of Human Rights on November 28, 2007, whereby it declared:

1. That the State had fully complied with the compensation payments awarded for non-pecuniary damage to Dilcia Yean and Violeta Bosico, as well as with the payments of costs and expenses to Tiramen Bosico Cofi and Leonidas Olive Yean, awarded by the Court in operative paragraphs nine and ten, respectively, in the Judgment delivered by the Inter-American Court of Human Rights on September 8, 2005 in the present case.

2. That the procedure to monitor compliance with the following outstanding obligations in the present case shall remain open, namely:

a) To publish, at least once in the official gazette and in another nationally circulated newspaper in the Dominican Republic, both the section entitled "Proven Facts", without the corresponding footnotes, and also the operative paragraphs of the Judgment (*operative paragraph six of the Judgment*);

b) To organize a public act acknowledging its international responsibility and apologizing to the victims Dilcia Yean and Violeta Bosico, and to Leonidas Oliven Yean, Tiramen Bosico Cofi and Teresa Tucent Mena, with the participation of state authorities, the victims and their next of kin, as well as their representatives, and to disseminate it in the media (radio, press and television) (*operative paragraph seven of the Judgment*); and,

c) To adopt within its domestic legislation, in accordance with Article 2 of the American Convention, the legislative, administrative and any other measures needed to regulate the procedure and requirements to acquire Dominican nationality by means of the late registration of births (*operative paragraph eight of the Judgment*).

AND DECID[ED]:

1. To call upon the State to adopt all necessary measures to promptly and effectively comply with outstanding reparation measures ordered by the Court in the Judgment on preliminary objections, merits, and reparations and costs of September 8, 2005, as set forth in Article 68(1) of the American Convention on Human Rights.

* Judge Abreu Blondet excused herself from participating in the deliberation and signing of this Order.

2. To request that the State submit a report to the Inter-American Court of Human Rights, no later than April 4, 2008, specifying all measures adopted to fully comply with the outstanding reparations ordered by this Court, in accordance with the provisions of Considering paragraph eleven and declarative paragraph two of the [...] Order.

3. To request the representatives of the victims and their next of kin and the Inter-American Commission on Human Rights to submit their observations on the State's report referred to in the preceding operative paragraph, within a period of four and six weeks, respectively, from the date of receipt of the report.

4. To continue monitoring the outstanding operative paragraphs of the Judgment on preliminary objections, merits, reparations, and costs of September 8, 2005.

[...]

3. The briefs of January 21, April 7 and 14, 2008, June 22, September 14, October 13, and November 20 and 23, 2009, whereby the Dominican Republic (hereinafter "the State" or "the Dominican Republic") reported on the status of compliance with the Judgment.

4. The briefs of September 4, 2008, June 18, 2009, and January 21, 2010, whereby the victims' representatives (hereinafter "the representatives") submitted their observations regarding the monitoring of compliance with Judgment.

5. The communications of August 27, 2008, July 21, 2009, and March 26, 2010, whereby the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") submitted its observations on the monitoring of compliance with Judgment.

6. The Order of the then President of the Court of May 18, 2009, whereby she convened the State, the representatives, and the Inter-American Commission to hold a private hearing at the Court's headquarters in San Jose, Costa Rica, on July 8, 2009, concerning the monitoring of compliance with the Judgment issued by the Court on September 8, 2005.

7. The private hearing held on July 8, 2009 at the Court's headquarters,¹ so as to obtain information from the State regarding compliance with the three outstanding operative paragraphs and hear the representatives and the Commission's observations.

8. The communication of the Secretariat of the Court (hereinafter "the Secretariat") of July 30, 2009, whereby, following the instructions of the President of the Court, it requested the State to submit a report on compliance and formulated specific questions in relation to the private hearing held on July 8, 2009, and granted a non-extendable period up until September 14, 2009 within which to submit the information requested.

9. The communications of September 29 and October 13, 2009, whereby the State requested extensions. The Secretariat's communications of October 2 and October 16, 2009, whereby it granted the State non-extendable periods up until October 13 and November 13, 2009, respectively.

10. The communication of January 6, 2010, whereby the Commission requested an extension to submit its observations, given that it did not have the representatives' response.

¹ In conformity with Article 6(2) of the Rules of Procedure in effect at the time, the Court held a hearing with a commission of Judges composed of: Cecilia Medina Quiroga, President; Manuel E. Ventura Robles and Margarette May Macaulay. The following individuals appeared at the hearing, for the State: Mayerlyn Cordero, Minister Counsel of the Permanent Mission of the Dominican Republic before the Organization of American States (OAS), and José Marcos Iglesias Iñigo, Agent of the State before the Court; for the victims' representatives: Francisco Quintana (CEJIL), Sonia Pierre (MUDHA) and Roxana Altholz (*International Human Rights Law Clinic at the University of California*), and for the Inter-American Commission: Lilly Ching Soto and Juan Pablo Albán.

The communication of January 12, 2010, whereby the Secretariat, following the instructions of the President of the Court, granted an additional period up until January 22, 2010, and reminded the representatives to submit their observations.

CONSIDERING:

1. Monitoring compliance with decisions is an inherent power to the judicial functions of the Court.
2. The Dominican Republic has been a State Party to the American Convention on Human Rights (hereinafter "the American Convention" or "the Convention") since April 19, 1978, and it acknowledged the Court's contentious jurisdiction on March 25, 1999.
3. Pursuant to Article 67 of the American Convention, the Court's judgments shall be fully and promptly complied with by the State.
4. In addition, Article 68(1) of the American Convention stipulates that "[t]he States Parties to the Convention undertake to comply with the judgment of the Court in any case to which they are parties." Therefore, States must ensure that the rulings set out in the decisions of the Court are implemented at a domestic level.²
5. The obligation to comply with the Court's judgments corresponds to a basic principle of the law on international responsibility of the State, as supported by international jurisprudence, under which States must comply with their international treaty obligations in good faith (*pacta sunt servanda*) and, as previously held by the Court and provided for in Article 27 of the Vienna Convention on the Law of Treaties of 1969, States cannot, for domestic reasons, neglect its pre-established international responsibility. The States Parties' treaty obligations bind all State branches and bodies.³
6. The States Parties to the Convention must ensure compliance with the provisions thereof and their effectiveness (*effet utile*) within their respective domestic legal systems. This principle applies not only in connection with the substantive provisions of human rights treaties (*i.e.* those addressing protected rights) but also in connection with procedural rules, such as those concerning compliance with the Court's decisions. These obligations should be interpreted and enforced in such a manner that the protected guarantee is truly practical and effective, bearing in mind the special nature of human rights treaties.⁴

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² Cf. *Case of Baena Ricardo et al. v. Panama. Competence*. Judgment of November 28, 2003. Series C No. 104, para. 131; *Case of Baena Ricardo et al. v. Panama. Monitoring Compliance with Judgment*. Order of the Inter-American Court of Human Rights of May 28, 2010, Considering Clause three, and *Case of Vargas Areco v. Paraguay. Monitoring Compliance with Judgment*. Order of the President of the Inter-American Court of Human Rights of July 20, 2010, Considering Clause three.

³ Cf. *International Responsibility for the Promulgation and Enforcement of Laws in Violation of the Convention (Arts. 1 and 2 American Convention on Human Rights)*. Advisory Opinion OC-14/94 of December 9, 1994. Series A No. 14, para. 35; *Case of Baena Ricardo et al. v. Panama, supra* note 2, Considering Clause five, and *Case of Vargas Areco v. Paraguay, supra* note 2, Considering Clause four.

⁴ Cf. *Case of Ivcher Bronstein v. Peru. Competence*. Judgment of September 24, 1999. Series C No. 54, para. 37; *Case of Baena Ricardo et al. v. Panama, supra* note 2, Considering Clause six, and *Case of Vargas Areco v. Paraguay, supra* note 2, Considering Clause five.

7. Regarding operative paragraph six of the Judgment, which manifests that the State must publish, within six months of notification of the Judgment in the Official Gazette and in another nationally circulated newspaper in the Dominican Republic, both the section entitled "Proven Facts", without the corresponding footnotes, and also the operative paragraphs of the Judgment, in its reports of June 22 and November 20, 2009, the State reported that it published the corresponding parts of the Judgment in the newspaper "El Nuevo Diario" on June 15, 2009, and in the Official Gazette on September 29, 2009, pursuant to the representatives' request that the victims' initials be cited in the publication rather than their full names. Therefore, the State considered that it complied with this operative paragraph.

8. During the private hearing the representatives recognized that the State published the pertinent parts of the Judgment in the newspaper "El Nuevo Diario", and subsequently, in its observations January 21, 2010, they stated that they were in favor of the publication made by the State in the Official Gazette, hence they considered that the State complied with this operative paragraph of the Judgment.

9. The Inter-American Commission, in its observations dated July 21, 2009 and March 26, 2010, stated that it saw the publications made by the State in the "El Nuevo Diario" newspaper and in the Official Gazette, respectively, and considered that "the State had complied with the obligation to publish as stipulated by the Court in its Judgment."

10. Based on information submitted by the parties, the Court observes that the State published the pertinent parts of the Judgment in "El Nuevo Diario" newspaper on June 15, 2009 and in the Official Gazette on September 29, 2009. Therefore, the Court deems that operative paragraph six of the Judgment (*supra* Having Seen 1) has been complied with and acknowledged its full compliance.

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11. Regarding operative paragraph seven, which orders the State to organize a public act acknowledging its international responsibility and apologize to the victims Dilcia Yean and Violeta Bosico, and to Leonidas Oliven Yean, Tiramen Bosico Cofi and Teresa Tucent Mena, within six months, the State reported in the private hearing of July 8, 2010, as well as in its September 14, 2009 report, that, with the help of the Ministry of Foreign Affairs, it began to make arrangements for the public act acknowledging its responsibility and to apologize, and thus contacted the representatives of the girls Dilcia Yean and Violeta Bosico; however, the parties have still not been able to coordinate the corresponding dates.

12. In its observations dated June 18, 2009 and January 21, 2010, the representatives indicated that they held a meeting with State agents, and that the agreement reached was verbally expressed to the Court during the hearing, without the State's objection. According to the representatives, the State agents were going to take the proposal to the Dominican Republic and later notify them "of the results of the process." In addition, they agreed that the act would be planned and held within a period of no less than one month and no greater than three months. To date the State has not made contact with them.

13. During the private hearing, the Commission highlighted the importance of coordination between the parties in order to carry out the public act, and referred to the meetings held by the parties to this end. The Commission emphasized the objective of the public apology as well as the importance of its satisfaction effect.

14. In consideration of the parties' manifestations, the Court states that there is a rapprochement between the victims and/or their representatives and the State so as come to an agreement regarding the performance of this public act. However, pursuant to paragraph 260 of the Judgment, this measure had to be implemented within a period of six months as of

the date of its notification. More than four years have elapsed since the end of this period and this operative paragraph is yet to be fully complied with. Therefore, the Court deems it of great importance that the State takes all necessary and conducive steps so as to hold this public act as soon as possible, pursuant to the Judgment, and in coordination with the victims and their representatives, who must collaborate (*supra* Having Seen 2(2)(b)). In order to monitor this obligation, in its next report the State should indicate: a) the actions taken and to be performed to hold this act, and b) the scheduling or provisional dates for this act, as agreed by all of the parties.

15. Due to the non-compliance during the time period set forth in the Judgment, the Court requests that all measures necessary be taken to immediately comply with operative paragraph seven of the Judgment.

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16. Regarding operative paragraph eight, which sets forth the need to “[adopt] within its domestic legislation, in an acceptable time period and pursuant to Article 2 of the American Convention, the legislative, administrative and any other measures needed to regulate the proceedings and requirements to acquire Dominican nationality through late registration of birth,” the State indicated that it has taken several measures within its domestic legislation to comply with this operative paragraph, and provided several documents (*infra* Considering 17) as evidence of the domestic measures adopted. It is worth noting that a lot of these documents refer to measures issued prior to the Court’s Judgment, and that the State did not explain their relationship to the compliance with this operative paragraph.

17. Likewise, in the private hearing of July 8, 2009 the State provided 21 documents to evidence, in compliance with operative paragraph eight, the adoption of legislative,⁵ administrative,⁶ and other measures⁷ on a domestic level. Such measures were adopted following the issuance of the Judgment of September 8, 2005. The State also presented additional documentation that had been issued prior to the Judgment.⁸ However, the State did not precisely explain how these documents contribute toward complying with this operative paragraph. In the private hearing the representatives referred to the concept of

⁵ Cf. Law No. 218-07 “Amnesty to the Late Registration of Birth” of August 14, 2007, published in the Official Gazette No. 10428 of August 20, 2007; Resolution No. 45-2008 of October 3, 2008 on Late Registrations of Birth for Persons with ID cards over 60 years old whose ID only provides the maternal last name; Resolution No. 02-2009 on the Issue of Certificates of Marital Status with Incorrect Information and Omissions of March 24, 2009, and Model of Abstract of Birth Certificate, 2007.

⁶ Cf. Guidelines for the Functioning of the Central Unit of Late Registrations of Birth, approved by the Administrative Chamber of the Junta Central Electoral [Central Elections Board] of October 22, 2008; Communication No. 28/2005; Addendum to Communication No. 42; Communication No. 38/2007; Communication No. 30/2007; Communication No. 029/2007; Communication No. 17/2007; Communication No. 16/2007; Communication No. 9/2007; Preliminary Guidelines Communication No. 44/2008; Communication No. 41/2008; Communication No. 39/2008; Communication No. 12/2008, and Communication No. 01/2008.

⁷ These measures include publications, pamphlets, and other materials related to campaigns, trainings, and awareness campaigns on the late registration of birth. Cf. Publication by the Junta Central Electoral entitled “Civil Registry in a New Era”; Document prepared by the Central Unit of Late Registrations of Birth entitled “Declaring your sons and daughters and opening their doors to the future”; CDs on “late registrations of birth” and photos of the “training and awareness campaigns” performed by the Central Unit of Late Registrations of Birth between 2007 and 2009; Information Bulletins of the Central Unit of Late Registrations of Birth of the Junta Central Electoral; Publications “2008 Elections” of December 2007-January 2008, and “Elections 2010” of March 2009; Pamphlets and posters of the awareness campaign “Declaring your sons and daughters and opening their doors to the future.”

⁸ The State provided the following laws prior to the Court’s Judgment of September 8, 2005: Resolution No. 5-99 of August 4, 1999; Resolution No. 07/2003 of November 17, 2003 and Manual or Guidelines for the application of Order No. 07/2003 of November 17, 2003 of the Junta Central Electoral regarding the instruments for late registrations for individuals older than 16 years of age; Dossier Communications of the Full Junta Central Electoral of 1997, and Dossier Communications Junta Central Electoral of 2004.

foreigners “in transit,” which constituted an exception to birth right citizenship, in relation to this operative paragraph (*infra* Considering Clause 21), and the State reported that it would submit more information on the domestic laws that amend this concept.

18. The Court observes that, through the communications of July 30 and October 2, 2009 (*supra* Having Seen 8 and 9), it requested the State to submit an updated and detailed report on the outstanding operative paragraphs of the Judgment, and to provide specific information on the following aspects: “a) birth certificates: i) how many of the void certificates affect Haitian descendants, and ii) the 2007 guidelines that allow an investigation to be opened to turn down or revoke citizenship that has already been acquired; b) the entry of Haitian descendants: i) information on how many Haitian descendants have been registered, and ii) how many have been excluded; and c) Article 11 of the Constitution of the Dominican Republic: i) the laws that regulate said article, and ii) the judicial decisions issued in relation to Article 11 of the Constitution.”

19. From the information submitted by the State in response to the requested points mentioned above, it provided a power point table, showing that 771 Civil Registry records have been made for sons and daughters of foreigners in 2009, 559 in 2008, and 56 in 2007, of which 716, 495, and 32, respectively, had at least one Haitian parent. However, this document only compiled these statistics, without directly addressing points a) or c) formulated by the Court in its communication of July 30, 2009. In the same communication the State stated that “Dominican lawmakers are currently working on amending the Dominican Constitution, therefore there is no final text for this legal instrument.”

20. Subsequently, in the report dated September 14, 2009, the State expressed that “it made amendments to its legislation, specifically to the laws applicable to the late registration of births, while the case was being heard by bodies of the Inter-American System for the Protection of Human Rights.” In addition, it submitted the following documentation on domestic laws related to operative paragraph eight:

a) Resolution No. 45-2008 of October 3, 2008, which regulates the requirements and instruments to grant late registration of births to those people with ID cards, over 60 years of age, and whose ID only states the maternal surname. The person’s “Personal ID card” (Old ID) is required, or, the identification and voting card, as well as the ID of “the person who will execute the [birth] registration, preferably a relative” and “[a]ny other document that confirms the identity of the person being registered,” such as marriage, birth, or baptism certificates. It states that the mother of the person being registered may attend and make the registration [...] even if she does not have an ID and voting card” and that if the mother has passed away the corresponding certificate must be presented;

b) Guidelines for the Functioning of the Central Unit of Late Registrations of Birth of October 22, 2008, which state the Central Unit’s powers, the requirements and procedures for late births of birth for boys and girls under 12 years old, 13 to 16 years old, and over 16 years old. It provides for the verification, through the Central Unit, of the information submitted by the applicants. It states that the Central Unit of Late Registrations coordinates all that concerns late certificates of birth of minors and adults, the Unit’s organization, and the obligation to verify, purge, supervise, investigate, and review late registrations, as well as to comply with the requirements for late registrations. It also states that “all that is not provided for” under this law shall be referred to the Central Electoral Board, and

c) Law No. 218-07 of August 14, 2007, on the Amnesty of the Late Registration of Birth, which states that during a three year period as of the enactment of this law, all

boys and girls up to and including 12 years of age, may perform their late registration of birth "as an exception." It also establishes the late registration of birth for adolescents 13 to 16 years old "that have not been declared," with the additional requirement of "the presence and verbal statement of the principal of the high school where [...] he/she studies [...] and a certificate of approval [...] by the Director of the School District." "The registration of birth of the minor [...] must be performed by both the father and mother. If the mother appears without the father, she will only be able to declare him/her as her son or daughter." The registration is carried out "by the boy or girl appearing in person before the Civil Status Officer of the applicant's domicile, along with an affidavit." It also states that the Central Electoral Board shall enact a domestic regulation "to guarantee the registration of" those "boys and girls born after the enactment of this law."

21. Furthermore, in the private hearing, the representatives expressed their concern over the expansion of the foreigners "in transit" concept under which children born on Dominican soil are not eligible for Dominican Citizenship, as it constitutes an exception to the *jus soli* citizenship provided for in the Constitution, and it stated that in certain measures adopted by the State the temporariness of this concept has been expanded, infringing their rights.

22. In addition, in their observations dated January 21, 2010, the representatives stated that "the children of Haitian individuals or individuals of Haitian descent still have no access to Dominican citizenship in spite of the *jus soli* principle." (f. 1114) They manifested that the General Immigration Law of 2004,⁹ prior to the Judgment by this Court, "institutionalized a practice that denies Dominican citizenship to Dominican Republic-born children of Haitian immigrants, and henceforth Dominican authorities have gone against [the *jus soli* principle] of the National Constitution." (f. 1115) The representatives manifested their concern over the Pilot Plan of the Project to Include Citizens' Biometric Data, stating that it could "result in the replacement of ID cards currently issued and the exclude from the issuance of the new document those people currently affected by the provisions of Communication No. 017, and Order No. 02-2007 [`Order on the Implementation of the Registry Book of Births of Children of Foreign Non-Resident Mothers in the Dominican Republic´]." The representatives also expressed their concern over the constitutional reform process, expressing that "this proposal aims to contitutionalize a form of the *jus soli* principle, denies children of illegal residents in the Dominican Republic the right to citizenship" and that "the horrific violation of the rights of thousands of Dominicans of Haitian descent does not have a solution in the constitutional text proposed by the Executive Branch."¹⁰ In relation to the figures cited by the State in its communication of October 13, the representatives stated "of all the persons registered [as foreign], 87% are Haitian descendants. The State has not explained how the measures adopted do not bear a differential impact on this 87% [of Haitian descent] of the population to which it has been applied."

23. In its observations dated March 25, 2010, the Commission manifested that "the State present[ed] information without explaining its impact in relation to compliance with the Court's Judgment. In this regard, there is no information in the file that facilitates the

⁹ Cf. General Immigration Law No. 285-04 (Dom. Rep.), sections 36 to 38, August 15, 2004, and several documents annexed to the brief of observations of March 22, 2006, submitted by the representatives, including: Lawsuit to declare the unconstitutionality of the General Immigration Law 285-04, of August 27, 2005; Judgment on the appeal for registration of unconstitutionality of the General Immigration Law 285-04 of December 27, 2005, and Suggestions for Amendments presented by the Special Commission created through Decree 410-01 of March 21, 2001, based on the draft of the Constitution of the Republic created by the Consejo Nacional de Reforma del Estado [National Reform Council for the State] (CONARE).

¹⁰ The representatives annexed the project for the Constitution created by the Special Commission, in which two options were presented to define the exceptions to the general application of *jus soli*: a) "except for children of diplomatic foreign residents and those in transit or residing illegally therein" and b) "except for children of diplomatic foreign residents and those in transit." Cf. Suggestions for Amendments Presented by the Special Commission Created through Decree 410-01 of March 21, 2001, *supra* note 9.

assessment of the extent of the State's compliance with this reparation measure, a situation that is worsened by information that has been systematically presented by the representatives [...] in relation to the actions of the Executive, Legislative and Judicial Branches of the Dominican Republic, which could hinder compliance with the judgment." The Commission concluded that the State should be required to submit information, as soon as possible, to clarify the measures adopted in its domestic law to comply with the Judgment.

24. The Court notes that the legislative and administrative measures included in the State report of September 14, 2009 (Considering Clause 20) could help to make advances in compliance with operative paragraph eight. Nevertheless, the State has not explained the relevance and connection of the documents provided, and has not provided the information requested by the Court in a timely manner, nor has it referred to the representatives' observations, who have expressed that certain measures adopted by the State do not facilitate compliance with the Judgment.

25. In this regard, the Court observes that the State has repeatedly stated that it has implemented a variety of domestic measures to comply with operative paragraph eight. Nevertheless, it deems that, over four years after the Judgment was issued, although the State has provided many documents that refer to the domestic measures issued, it has not explained how these are related or argued specifically how such measures comply with the Judgment. It is worth noting that in the proceedings of contentious cases and the monitoring of compliance, the submission of evidentiary documents is not sufficient —parties are required to defend the relationship between the evidence and the facts under consideration,¹¹ therefore they must duly specify their appropriateness and justification. In view of the foregoing, the Court deems that to date the State has not made it possible to appropriately determine whether the domestic measures adopted by the State achieve the goal of "regulating the procedure and the requirements to attain Dominican citizenship, through the late registration of birth," pursuant to that established in paragraph 239 of the Judgment issued by this Court on September 8, 2005.

26. Based on the foregoing, the Court requests the State to present a clear, concise, and detailed report indicating: a) the specific legislative, administrative and other measures, following the of issuance of the Judgment, that comply with the Court's orders in operative paragraph eight; and b) how such measures regulate the proceeding and requirements to attain Dominican citizenship through the late registration of birth, pursuant to that set forth in operative paragraph eight of the Judgment of September 8, 2005. In addition, the Court deems it of great importance that both the representatives and the Commission present their observations, in a specific and justified manner, concerning the measures adopted that comply, and those that do not comply, with operative paragraph eight.

27. Finally, the Court deems that the State has taken several actions to execute operative paragraph eight of the present Judgment; however, it requests that the State executes the measures necessary for its immediate compliance.

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¹¹ Cf. *Case of Chaparro Álvarez and Lapo Íñiguez v. Ecuador*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 21, 2007. Series C No. 170, para. 277; *Case of the Las Dos Erres Massacre v. Guatemala*, Preliminary Objections, Merits, Reparations, and Costs. Judgment of November 24, 2009. Series C No. 211, para. 301, and *Case of Chitay Nech et al. v. Guatemala*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of May 25, 2010. Series C No. 212, para. 284.

28. The Court will consider the general status of compliance with the Judgment of preliminary objections, merits, reparations and costs of October 8, 2005, once it receives all pertinent information on the outstanding operative paragraphs.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in exercising its power to monitor compliance with its decisions and in accordance with Articles 33, 62(1), 62(3), 65, 67 and 68(1) of the American Convention on Human Rights, 25(1) and 30 of its Statute, and 31 and 69 of its Rules of Procedure,

DECLARES:

1. That in accordance with this Order, the State has fully complied with operative paragraph six of the Judgment on Reparations, regarding the publications, at least once, in the official gazette and another nationally circulated newspaper in the Dominican Republic, both the section entitled "Proven Facts", without the corresponding footnotes, and also the operative paragraphs of this judgment (*operative paragraph six of the Judgment*).

2. That in monitoring full compliance with the Judgment issued in the present case, it will maintain proceeding to monitor compliance open, with the following outstanding operative paragraphs:

a) to organize a public act acknowledging its international responsibility and apologize to the victims Dilcia Yean and Violeta Bosico, and to Leonidas Oliven Yean, Tiramen Bosico Cofi and Teresa Tucent Mena, with the participation of state authorities, the victims and their next of kin, as well as their representatives, and to disseminate it in the media (radio, press and television) (*operative paragraph seven of the Judgment*); and

b) to adopt within its domestic legislation, in accordance with Article 2 of the American Convention, the legislative, administrative and any other measures needed to regulate the procedure and requirements to acquire Dominican nationality through late registration of birth (*operative paragraph eight of the Judgment*).

AND DECIDES:

1. To call upon the State to adopt all measures necessary to promptly and effectively comply with the outstanding operative paragraphs as stipulated in declarative point two above, pursuant to Article 68(1) of the American Convention on Human Rights.

2. To require the State to submit before the Inter-American Court of Human Rights, by February 2, 2010 at the latest, a report indicating all of the measures adopted to comply with the outstanding reparations ordered by this Court, pursuant to Considering Clauses 14 to 15 and 24 to 27.

3. To request the representatives and the Inter-American Commission on Human Rights to submit their observations on the State's report mentioned in the previous operative paragraph, within four and six months, respectively, following the receipt of this report.

4. To continue monitoring the outstanding operative paragraphs from the Judgment on preliminary objections, merits, reparations, and costs of September 8, 2005.

5. To require the Secretariat of the Court to notify the State, the Inter-American Commission on Human Rights, and the victims' representatives about the present Order.

Diego García-Sayán
President

Leonardo A. Franco

Manuel E. Ventura Robles

Margarette May Macaulay

Alberto Pérez

Eduardo Vio Grossi

Pablo Saavedra Alessandri
Secretary

So directed,

Diego García-Sayán
President

Pablo Saavedra Alessandri
Secretary