

## **CONCURRING OPINION OF JUDGE MONTIEL-ARGÜELLO**

I have concurred in approving the above Order, although I feel obliged to furnish some explanations.

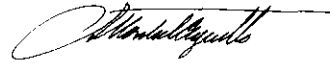
It is my view that the request of the Commission and the victims' representatives was blatantly inadmissible as the sole recourse permitted by the Convention against Judgments of the Inter-American Court is that of interpretation; the request does not seek an interpretation of the Judgment of September 14, 1996, since it expresses no disagreement as to the meaning or scope of the Judgment as required by Article 67 of the Convention.

Indeed, that Judgment states that it is improper to make any pronouncement on the Code of Military Justice of Venezuela, on the ground that it was not applied in this specific case, whereas the request maintains that it has been applied and in so doing challenges the decision.


Inasmuch as, under Article 67 of the Convention, the Judgment of the Court are final and not subject to appeal, the conclusion must be that the aforementioned request is, as I said earlier, blatantly inadmissible.

The fact that the Court in its Order has agreed to demonstrate, as it does in fact, that its Judgment was correct in stating that the Law of Military Justice of Venezuela had not been applied in the Case in question, does not mean that it accepts the admissibility of the request.

In view of the above, I would have preferred the inadmissibility of the request to be stated in the operative part. However, I voted in favor of the decision adopted because it has the same effect as a declaration of inadmissibility.



Alejandro Montiel-Argüello  
Judge



Manuel E. Ventura-Robles  
Secretary