

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

DAVID MURILLO and SILVIA	§	
MENCIAS on behalf of themselves and as	§	
Personal Representatives of their deceased	§	
son, ISIS OBED MURILLO, and his next	§	
of kin, including his SIBLINGS Barrio La	§	
Plazuela	§	
	§	CASE NO. 4:11-cv-02373
v.	§	
	§	
ROBERTO MICHELETTI BAIN	§	

**DECLARATION OF ROBERTO JOSE ALFREDO SAAVEDRA PAZ**  
**UNDER PENALTY OF PERJURY**

1. My name is José Alfredo Saavedra Paz. I am older than age 18, of sound mind, and capable of making this statement. The facts in this statement are known to me and are true and correct.

2. I am a graduate of the law school in Honduras, from 1989; I obtained my Bachelor’s Degree in Law and Social Sciences in 1991, and subsequently, in 2002 I obtained my title of Attorney-at-Law, both issued by the National Autonomous University of Honduras. After that, in 2008, I obtained a writ of exequatur to serve as a notary, authorized by the Honorable Supreme Court of Justice as of 1998; I serve on the faculty of the Law School, in the Department of Legal Procedure; I serve as a Solicitor in various Courts of the Republic, and I am an advisor to various companies in the country.

3. In Honduras it is not possible to serve a subpoena, notification, or summons by e-mail, fax, private messenger, ordinary or certified mail, or even by means of a telegram with acknowledgment of receipt, or using any other communication methods, if the notice in question requires the personal appearance or personal involvement or presence of a party to an action, as it does in the case that concerns us here. The above is based on Article 143, Numeral 1, associated with Numeral 4 of the Civil Procedure Code applicable as of November 1, 2010.

4. In Honduras, summons and subpoenas must be served by the Court Clerk or Receiver, who will deliver the documents; these must be signed by the Clerk serving them and by the persons to whom they are served. If the addressee of the communication is indeed found at that domicile but refuses to accept a copy of the resolution or warrant, or will not sign the diligence certifying delivery, the Clerk will advise him of his obligations under law. Upon a persistent refusal, the addressee will be told that it is at his disposal at the Office of the Court Clerk.

5. If the address where service is attempted is the legal address of the addressee, in accordance with official recourse, or if it is the home or rented premises of the summoned party, but if he is not there, service may be performed with any employee or relative older than age fourteen who is found in that place. The above is based on Article 144, Numeral 1, 2, 3, 4.

6. In accordance with our civil legislation, territorial competence appertains to the court of the summoned party's domicile; and if this is not within the national territory, the competent judge shall be the one for his residence in Honduras.

7. Pursuant to our National Legislation, the heirs or legal representatives of Mr. ISIS OBED MURILLO may, if they so desire and decide, file legal actions for indemnification before the Courts of the Country, against Mr. ROBERTO MICHELETTI BAIN, and they, i.e., the Courts, have the obligation to admit said actions when filed in accordance with the law.

8. Cognizance of a complaint based on private law shall be attributed to the court or tribunal with jurisdiction, generic civil competence; objective, functional, and territorial competence, as the case may be, shall be assigned in accordance with the norms for assigning cases. The above is based on Article 23 and 24, Numeral 1, of the current civil procedure code of Honduras.

9. In 1986 and 1987 the National Congress of the Republic of Honduras issued the laws to regulate the procedures for private individuals to file claims against the State. There are three laws: the General Law of Public Administration, the Law of Administrative Procedure, and the Law for Jurisdiction over Administrative Disputes.

10. The first establishes the organization of the Public Administration, classifying it into the Decentralized and the Central Public Administrations, in order to distinguish the central government, which is constituted by the various state secretariats from autonomous institutions (which are the decentralized institutions) and the municipalities. The Law of Administrative Procedure determines how administrative acts of the Public Administration are to be issued, and the procedure to be followed for all public administration acts, whenever they state, acknowledge, or restrict the rights of private individuals. Finally the Law for Jurisdiction over Administrative Disputes establishes a special jurisdiction, comprised by the tribunals of the Judicial Branch, whose purpose is to review the legality of the acts of the Public Administration. Article 1 of this law establishes its scope: **"This Law hereby regulates Jurisdiction over Administrative Disputes, in order to ascertain the intent to be attributed to acts of the Public Administration, of a particular or general nature, and which are bound by Administrative Law."**

11. This law created the administrative dispute tribunals, which began operating in 1989 and 1990.

12. In accordance with Article 42 of the Law for Jurisdiction over Administrative Disputes, in order to admit an Administrative Dispute suit, it is a requirement for the administrative procedure to have first been exhausted; that is to say, a claim must be filed directly with the Public Administration through the agency in question, in accordance with what is set forth in the Law of Administrative Procedure, whose Article 146 establishes that: "The State, autonomous institutions, and municipalities may not be sued in court, with regard to private Law, unless an administrative claim was previously submitted to the head of the respective agency or entity."

13. Accordingly, whoever seeks to be indemnified by the Honduran State on account of having been subjected to a violation of some right recognized by the law, must submit a claim directly to the State agency in question and exhaust the administrative procedure, until obtaining an administrative resolution, and must have exhausted the recourse established by the Law of Administrative Procedure. If said administrative resolution proves contrary to his intent, he may resort to the tribunals in the Jurisdiction over Administrative Disputes.

14. Private individuals may resort to the Administrative Dispute tribunals in order to sue for the nullification of the administrative act that ran counter to his intent, for which purposes it shall suffice to be the party entitled to a direct and legitimate issue in the matter, as set forth in Article 13 of the Law for Jurisdiction over Administrative Disputes. If, aside from the nullification of the administrative act, the interested party seeks the recognition of a unique legal situation and restitution, only the party entitled to a subjective right arising from the law shall have standing, in accordance with Article 14 of the aforementioned law.

15. The nullification of an administrative act may proceed due to any violation of the law, including abuse and misuse of power; abuse of power can include tampering with the facts, lack of a logical connection between the motivation and the relevant parts or orders of the act, an unjustifiable contradiction between that act and another previously handed down, or any other inherent flaw in the purpose or substance of the act. Misuse of power means the use of administrative authorities for purposes other than those established by law.

16. Recognition of a unique legal situation means an acknowledgment that the State, through its administrative resolution, failed to recognize, or restricted, or distorted the subjective right of the interested party in some way. The party entitled to the subjective right may request that the existence of a unique legal situation be recognized, and for the necessary measures to be taken for full restitution, including indemnification for damages and prejudices.

17. It is necessary to establish that, in accordance with Article 49 of the Criminal Procedure Code of the Republic of Honduras, the motion to determine civil liability arising from a punishable act may be pressed only by the prejudiced party and his heirs.

18. To conclude, the laws of the Republic of Honduras do indeed establish procedures and in fact even a special jurisdiction for interested parties to sue the Honduran State, to include indemnification for damages and prejudices, arising from a crime allegedly committed by an administrative official.

19. To the best of my knowledge and understanding, as an attorney-at-law and as a notary, and a member of the Bar of Attorneys-at-Law of Honduras, the legal system of Honduras works in an efficient and effective manner, and allows for the resolution of claims and indemnification for damages and prejudices as provided for by the laws of the Republic.

20. In accordance with the Inter-American Convention on Human Rights, and specifically Article 46, in order for a petition or communication submitted in accordance with Articles 44 and 45 to be admitted by the commission, the following shall be required: That the internal jurisdiction recourse has in fact been recurred to and exhausted in accordance with generally accepted principles of international law, and it must have been submitted no later than six months after the party whose rights were allegedly harmed was notified of the definitive decision. This provision is respected and applied in our country.

21. Based on my knowledge and belief, there is currently an investigative docket opened by the Attorney General of our country, through one of his prosecutorial offices, specifically that of the human rights prosecutor, in order to inquire into the circumstances of the death of Mr. ISIS OBED MURILLO, which as of this date has not specified any type of liability or responsibility with regard to Mr. ROBERTO MICHELETTI BAIN.

22. To the best of my knowledge and belief as of this date no civil or criminal procedure has been filed, nor any individualized administrative claim been filed against Mr. ROBERTO MICHELETTI BAIN, and said knowledge and belief is based on a review of the daily controls maintained for such purposes by the courts of the Republic.

23. I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Signed this 27th day of September of 2011.

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José Alfredo Saavedra Paz



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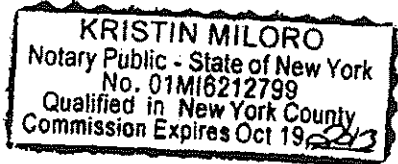
City of New York, State of New York, County of New York

I, Sara Hutchison, hereby certify that the document "Declaration of Jose Alfredo Saavedra Paz" is, to the best of my knowledge and belief, a true and accurate translation from Spanish to English.

Sara Hutchison

Sworn to before me this  
September 28, 2011

Signature, Notary Public



Stamp, Notary Public