

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS*
OF NOVEMBER 27, 2003**

**THE "STREET CHILDREN" CASE
(Villagrán Morales *et al.*)**

COMPLIANCE WITH JUDGMENT

HAVING SEEN:

1. The judgment on reparations delivered by the Court on May 26, 2001, in whose operative paragraphs the Court ordered:

[...]

1. That, for pecuniary damage, as a result of the death of Anstraun Aman Villagrán Morales, Henry Giovanni Contreras, Julio Roberto Caal Sandoval, Federico Clemente Figueroa Túnchez and Jovito Josué Juárez Cifuentes, the State of Guatemala must pay the following compensation:

- a) US\$32,286.00 (thirty-two thousand two hundred and eighty-six United States dollars) or the equivalent in Guatemalan currency, for the death of Anstraun Aman Villagrán Morales; this amount to be given to his mother, Matilde Reyna Morales García;
- b) US\$30,995.00 (thirty thousand nine hundred and ninety-five United States dollars) or the equivalent in Guatemalan currency, for the death of Henry Giovanni Contreras; this amount to be given to his mother, Ana María Contreras;
- c) US\$31,248.00 (thirty-one thousand two hundred and forty-eight United States dollars) or the equivalent in Guatemalan currency, for the death of Julio Roberto Caal Sandoval; this amount to be given to his grandmother, Margarita Urbina;
- d) US\$30,504.00 (thirty thousand five hundred and four United States dollars) or the equivalent in Guatemalan currency, for the death of Federico Clemente Figueroa Túnchez; this amount to be given to his mother, Marta Isabel Túnchez Palencia; and
- e) US\$28,181.00 (twenty-eight thousand one hundred and eighty-one United States dollars) or the equivalent in Guatemalan currency, for the death of Jovito Josué Juárez Cifuentes; this amount to be given to his mother, Noemí Cifuentes;

[...]

2. That, for non-pecuniary damage suffered by Anstraun Aman Villagrán Morales, Henry Giovanni Contreras, Julio Roberto Caal Sandoval, Federico Clemente Figueroa Túnchez and Jovito Josué Juárez Cifuentes, the State of Guatemala must pay the following compensations, which their successors will receive:

- a) US\$23,000.00 (twenty-three thousand United States dollars) or the equivalent in Guatemalan currency, to the mother of Anstraun Aman Villagrán Morales, Matilde Reyna Morales García;

* Judge Hernán Salgado Pesantes advised the Court that, owing to circumstance beyond his control, he would be unable to take part in the deliberation and signature of this Order.

- b) US\$27,000.00 (twenty-seven thousand United States dollars) or the equivalent in Guatemalan currency, to the mother of Henry Giovanni Contreras, Ana María Contreras;
- c) US\$30,000.00 (thirty thousand United States dollars) or the equivalent in Guatemalan currency, to the grandmother of Julio Roberto Caal Sandoval, Margarita Urbina;
- d) US\$27,000.00 (twenty-seven thousand United States dollars) or the equivalent in Guatemalan currency, to the mother of Federico Clemente Figueroa Túnchez, Marta Isabel Túnchez Palencia; and
- e) US\$30,000.00 (thirty thousand United States dollars) or the equivalent in Guatemalan currency, to the mother of Jovito Josué Juárez Cifuentes, Noemí Cifuentes.

[...]

3. That, for non-pecuniary damage, the State of Guatemala must pay a compensation of US\$26,000.00 (twenty-six thousand United States dollars) or the equivalent in Guatemalan currency, as indicated in paragraphs 92.b and 93 of this judgment, to each of the following persons: Matilde Reyna Morales García, Ana María Contreras, Rosa Carlota Sandoval, Margarita Urbina, Marta Isabel Túnchez Palencia and Noemí Cifuentes. The amount corresponding to Rosa Carlota Sandoval shall be given to her mother Margarita Urbina.

[...]

4. That, for non-pecuniary damage, the State of Guatemala must pay a compensation of US\$3,000.00 (three thousand United States dollars) or the equivalent in Guatemalan currency, as indicated in paragraphs 92.c, 93 and 118 of this judgment, to each of the following persons: Reyna Dalila Villagrán Morales, Lorena Dianeth Villagrán Morales, Gerardo Adoriman Villagrán Morales, Mónica Renata Agreda Contreras, Shirley Marlen Agreda Contreras, Osman Ravid Agreda Contreras, Guadalupe Concepción Figueroa Túnchez and Zorayda Izabel Figueroa Túnchez.

[...]

5. That, in accordance with Article 2 of the American Convention on Human Rights, the State of Guatemala must adopt in its domestic legislation, the legislative, administrative and any other measures that are necessary in order to adapt Guatemalan legislation to Article 19 of the Convention.

[...]

6. That the State of Guatemala must provide the resources and adopt the other measures needed for the transfer of the mortal remains of Henry Giovanni Contreras and their subsequent burial in the place chosen by his next of kin, as indicated in paragraph 102 of this judgment.

[...]

7. That the State of Guatemala must designate an educational center with a name allusive to the young victims in this case and place, in this center, a plaque with the names of Henry Giovanni Contreras, Julio Roberto Caal Sandoval, Federico Clemente Figueroa Túnchez, Jovito Josué Juárez Cifuentes and Anstraun Aman Villagrán Morales, as indicated in paragraph 103 of this judgment.

[...]

8. That the State of Guatemala must investigate the facts of this case, identify and punish those responsible and adopt, in its domestic law, the provisions needed to ensure compliance with this obligation.

[...]

9. That, in reimbursement of the expenses and costs in the internal jurisdiction and in the inter-American jurisdiction, the State of Guatemala must pay the

representatives of the victims' next of kin the amount of US\$38,651.91 (thirty-eight thousand six hundred and fifty-one United States dollars and ninety-one cents). Of this amount, the sum of US\$27,651.91 (twenty-seven thousand six hundred and fifty-one United States dollars with ninety-one cents) must be paid to the *Asociación Casa Alianza/América Latina* and the sum of US\$11,000.00 (eleven thousand United States dollars) to the Center for Justice and International Law (CEJIL).

2. The note of the Secretariat of the Inter-American Court of Human Rights (hereinafter "the Secretariat") of January 16, 2002, in which it requested the State of Guatemala (hereinafter "the State" or "Guatemala"), the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") and the representatives of the victims' next of kin to present a report on the status of compliance with the judgment on reparations delivered in the instant case, because the period of six months granted to the State for compliance had expired on December 13, 2001.

3. The brief of the representatives of the victims' next of kin of February 9, 2002, in which they advised that the State had proposed to Ana María Contreras, the mother of Henry Giovanni Contreras, to perform a symbolic burial ceremony for her son, alleging that it would be very expensive to find and transfer his remains, owing to the time that had elapsed since they were deposited in a common grave; and the mother of the victim had agreed to this. The representatives expressed their disagreement with this measure taken by the State to comply with the provisions of the judgment, because "what the Court ordered was very clear. When it stated that the State must 'provide the resources and adopt the other measures needed' to transfer the remains of Henry Giovanni, it was not referring to a symbolic burial, which is what the State performed." The representatives also advised that on December 19, 2001, the State had "made the payments corresponding to the compensation to the next of kin of the victims [and] to the costs corresponding to *Casa Alianza*, while payment of the costs of CEJIL is pending." The representatives indicated that, according to information provided by the State, a ministerial agreement of the Departmental Directorate of Education ordered that a school located at Tenth Street 2-37 of the Zone, in Guatemala City, should be named "*Escuela Oficial Mixta Tipo Escolar Centroamericana Niños de la Esperanza*" [Translator's note: basically "the Children of Hope School"], and also that there should be a plaque with the names of the youths as established in the judgment, but they did not know the exact date on which the school would be inaugurated.

4. The brief of the State of February 15, 2002, in which it advised that it had paid most of the agreed compensation and reimbursed costs and expenses to the representatives of the victims' next of kin. The only pending payment was that to Gerardo Adorimán Villagrán Morales and Osman Ravid Agreda Contreras, in whose favor the State had to establish deposit accounts in a solvent banking institution. The State also indicated that the next of kin of Henry Giovanni Contreras had "expressed their willingness that the remains [of the victim] should remain buried in the La Verbena Cemetery, in Zone 7 of Guatemala City [and], consequently, [the State had] ordered that a commemorative gravestone should be elaborated in [his] memory [...] which had been unveiled on [...] October 9, 2001." The State also advised that "on January 28, 2002, the Guatemalan Departmental Directorate of Education of the Ministry of Education had issued Resolution No. DEG-023-2002, by which it was decided to designate the Official Composite School "*Grupo Escolar Centroamericano Niños de la Esperanza*." Lastly, the State informed that it had forwarded copies of the judgments delivered by the Inter-American Court in this case to the President of the Supreme Court of Justice and to the Attorney General so that

they "could formulate their observations and adopt any measures they deem pertinent."

5. The brief of the Inter-American Commission of February 20, 2002, presenting its comments on the status of compliance with the judgment on reparations in this case. First, the Commission stated that, with regard to the first to fourth operative paragraphs, relating to the payment of compensation for pecuniary and non-pecuniary damage, only the payments in favor of Gerardo Villagrán Contreras and Osman Agreda Contreras remained pending. Second, it stated that there was no information available about the measures taken by the State to comply with the obligation to adopt in its domestic law, the legislative, administrative and any other measures necessary to adapt Guatemala legislation to Article 19 of the Convention. Third, the Commission expressed "its disappointment with the measure adopted by the State of elaborating a commemorative gravestone in memory of Henry Giovanni", because it was "evident that this measure did not correspond to the terms of the judgment, did not satisfy the claims of the representatives of the victim's next of kin or of the Commission and did not provide justice." Fourth, the Commission considered that the State's acceptance of the place suggested by the representatives of the victims' next of kin to establish the school in commemoration of the victims "displays a positive attitude on the part of the [...] State, taking into account the opinions of those directly affected." Lastly, with regard to the obligation to investigate the facts of the case, and to identify and punish those responsible, the Commission expressed its concern because the available information did not reveal any progress.

6. The note of the Secretariat of October 9, 2002, requesting the parties to present a report on the status of compliance with the judgment on reparations before November 8, 2002. Owing to an extension requested by the representatives, the time limit was extended until November 15, 2002, for all the parties.

7. The brief of the representatives of the victims' next of kin of November 15, 2002, advising that, in July 2002, the payment owing to Osman Ravid Agreda Contreras had been made and that only the payment in favor of Gerardo Adoriman Villagrán Morales was pending as he had still not been found; however, the State had made a deposit in his favor in the Bank of Guatemala; that, in a symbolic act, the State had designated an educational center with the name "*Escuela Grupo Centroamericano Niños de la Esperanza*" in allusion to the instant case, and had unveiled the corresponding plaque; thereby complying with the seventh operative paragraph; that the State had not complied with the provisions of the judgment with regard to the transfer of the mortal remains of Henry Giovanni Contreras, because it had limited itself to performing a symbolic act of burying his remains. The adaptation of legislation to Article 19 of the Convention and the investigation and punishment of those responsible for the facts were still pending.

8. The brief of the Inter-American Commission of November 20, 2002, recognizing and acknowledging the State's efforts to comply with the payments of compensation and indicating that only the payment in favor of Gerardo Adoriman Villagrán Morales was pending. It stated that the entry into force of the new Children and Adolescents Code was still pending. It repeated its disagreement with the measure adopted by the State with regard to the remains of Henry Giovanni Contreras. It also indicated that Guatemala had complied with important elements of the judgment, but that others remained pending. It requested the Court to call

upon the State to comply effectively with the remaining elements of the judgment and to forward a detailed report on the measures adopted in that respect.

9. The note of the Secretariat of December 13, 2002, in which, on the instructions of the whole Court, it requested the State to provide a report on compliance with judgment before June 16, 2003, and the note of the Secretariat of August 12, 2003, in which it reiterated to the State that it should present this report, granting it until September 5, 2003, to do so.

10. The report of the State of September 11, 2003, in which it advised that "in compliance with the decisions in the judgment on reparations, the State of Guatemala had paid compensation amounting to US\$470,214.00 in favor of the next of kin [of the victims] and also reimbursed US\$38,651.91 for costs and expenses to [the representatives of the victims' next of kin]; that Government officials had taken "the pertinent steps for the transfer and subsequent interment of the mortal remains of Henry Giovanni Contreras; however, owing to the time that had elapsed from the moment of his death until the request for interment, his remains had been deposited in a common grave, so that, following agreement between the victim's mother and State officials, and in view of the material impossibility of determining which were the remains of the victim, a private act honoring his memory [had been conducted, where] a commemorative plaque [had been unveiled]"; that, on July 26, 2002, a plaque commemorating the street children who were the victims in this case had been unveiled; and that on February 26, 1997, the Second Court of First Instance for Crimes, Drug-trafficking and Crimes against the Environment had declared the abatement of the criminal action owing to the death of the accused, Rafael Santiago Gómez; consequently, it had declared a stay of proceedings against him and left open the criminal action against the person found to be responsible.

11. The notes of the Secretariat of September 16, 2003, in which, on the instructions of the President of the Court, it requested the Commission and the representatives to submit their comments on the State's report.

12. The comments of the Commission of November 14, 2003, indicating that the last report presented by the State did not contain detailed information on the measures adopted in order to comply with the judgment on reparations delivered by the Court on May 26, 2001, and did not provide any information on the elements pending compliance. The Commission indicated that, with regard to the first to fourth operative paragraphs of the said judgment relating to the payment of compensation for pecuniary and non-pecuniary damage, only the payments in favor of Gerardo Adoriman Villagrán Morales and Osman Ravid Agreda Contreras were pending. As for the State's obligation to adopt, in accordance with Article 2 of the American Convention, the necessary legislative, administrative or any other measures in its domestic legislation to adapt Guatemalan legislation to Article 19 of the Convention, the Commission reported that "following an important effort by civil society during many years, on June 4, 2003, Guatemala adopted the Integral Protection of Children and Adolescents Act by Decree 27-03, registered under number 2,767, which protects the rights of childhood in a way that is more in keeping with the terms of Article 19 than the legislation previously in force, [... the said] Code entered into force on July 19, 2003." In that respect, the Commission indicated that the legislation in itself represented progress, but that "its real usefulness could only be measured following its proper enforcement by the State, so as to provide concrete improvements in the situation of Guatemalan children." Regarding the sixth operative paragraph, on the State's obligation to provide the

resources and adopt the necessary measures to transfer the mortal remains of Henry Giovanni Contreras and their subsequent interment in the place chosen by the next of kin, the Commission indicated that the measure adopted by the State to arrange a commemorative gravestone in memory of Henry Giovanni did not correspond to the terms of the judgment. The Commission recognized the efforts made by the State to designate an educational center with a name allusive to the victims in this case and the placing of a plaque with their names. Lastly, the Commission expressed its concern, because since the delivery of the judgment on reparations, "despite the evidence and the detailed information resulting from the proceedings both before the inter-American system and the domestic courts, those responsible for the different violations established [in the judgment of the Court] had not been punished, either through criminal proceedings for some of them, or administratively for others."

13. The comments of the representatives of the victims' next of kin of November 14, 2003, indicating that the State had complied fully with the judgment on reparations as regards the designation of the educational center with a name allusive to the young victims in this case; that it had complied partially with the financial reparation ordered, even though Gerardo Adoriman Villagrán Morales, beneficiary of the said reparation had still not been found, so that the State had had to deposit the corresponding amount in a current account in his name in a solvent banking institution. Moreover, the representatives considered that the State had complied partially with its obligation to adapt its domestic legislation on child protection, because on July 19, 2003, the Integral Protection of Children and Adolescents Act had entered into force, which, according to non-governmental organizations working in this area, "made substantial progress on the issue, improving the legal status of many girls, boys and adolescents, and generating changes in the structure of the institutions that would monitor compliance with the Act, by creating the Office of the Public Defender of Children and Youth, the Office of the Prosecutor and Courts specializing in children and adolescents, and Courts for adolescents in conflict with the criminal legislation." The representatives advised that the State was in total non-compliance with the substantial matters of investigation and punishment of those responsible in this case, and that the information forwarded by the State in its last report was totally outdated, because it dated from February 1997. They therefore requested the Court to urge the State "to provide updated information on the investigations that were being conducted or would be conducted, the procedural and legal difficulties faced in order to comply fully with the judgment, the authorities responsible and the material and logistic resources assigned to their work, and details of the judicial proceedings, testimony, investigation orders and all other measures carried out, since the judgment on reparations, to overcome the impunity that existed in this case." Lastly, with regard to the interment of the remains of Henry Giovanni Contreras, the representatives of the victims' next of kin expressed their disagreement with the criteria and interpretation of the State, in view of which, it should be considered that the sixth operative paragraph had not been complied with.

14. The note of the Secretariat of November 18, 2003, in which, on the instructions of the President, it requested the State to present information on the measures it had taken to comply with the provision in the judgment on reparations that it should pay US\$3.000,00 (three thousand United States dollars) for non-pecuniary damage to Gerardo Adoriman Villagrán Morales. The State was granted until November 27, 2003, with no possibility of extension, to provide the information.

CONSIDERING:

1. That one of the inherent attributes of the jurisdictional functions of the Court is to monitor compliance with its decisions.
2. That the State of Guatemala has been a State Party to the American Convention since May 25, 1978, and accepted the jurisdiction of the Court on March 9, 1987.
3. That, in view of the final and unappealable character of the judgments of the Court, as established in Article 67 of the American Convention, they should be complied with fully and promptly.
4. That 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." The treaty obligations of the States Parties are binding for all the powers and organs of the States.
5. That the obligation to comply with the provisions of the Court's judgments corresponds to a basic principle of the law of the international responsibility of the State, supported by international case law, according to which, a State must comply with its international treaty obligations in good faith (*pacta sunt servanda*) and, as this Court has already indicated and as established in Article 27 of the 1969 Vienna Convention on the Law of Treaties, a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty¹.
6. That the whereabouts of Gerardo Adoriman Villagrán Morales, beneficiary of the compensation ordered for non-pecuniary damage amounting to US\$3,000.00 (three thousand United States dollars), is unknown and that, in this respect, the State had to deposit this amount in favor of the beneficiary in a solvent Guatemala banking institution in accordance with paragraph 117 of the judgment on reparations of May 26, 2001, and present to the Court the voucher corresponding to this measure so that it could confirm compliance.
7. That, according to information provided by the State, Ana María Contreras, the mother of Henry Giovanni Contreras, accepted that the State conduct a symbolic act of burial for her son and consented that the necessary measures to locate, exhume, transfer and inter his remains in a place of her election should not be taken. The Commission and the representatives of the victims' next of kin have expressed their rejection of the way in which the State has attempted to comply with this obligation (*supra* third, fourth, fifth, seventh, eighth, tenth and twelfth having seen paragraphs).
8. That it is necessary to consult Ana María Contreras, the mother of Henry Giovanni Contreras, to know whether she accepts the said symbolic act conducted by

¹ Cf. *Benavides Cevallos case. Compliance with judgment*. Order of the Inter-American Court of Human Rights of September 9, 2003, third considering paragraph; *Baena Ricardo et al. case. Compliance with judgment*. Order of the Inter-American Court of Human Rights of June 6, 2003, fourth considering paragraph; "*The Last Temptation of Christ*" case (*Olmedo Bustos et al.*). *Compliance with judgment*. Order of the Inter-American Court of Human Rights of November 28, 2002, third considering paragraph; *El Amparo case. Compliance with judgment*. Order of the Inter-American Court of Human Rights of November 28, 2002, third considering paragraph; and *International Responsibility for the Promulgation and Enforcement of Laws in Violation of the Convention* (Arts. 1 and 2 of the American Convention on Human Rights). Advisory Opinion OC-14/94 of December 9, 1994. Series A No. 14, para. 35.

the State and that the remains of her son remain buried in the La Verbena Cemetery, Zone 7, of Guatemala City.

9. That, from examining the information provided by the State, the representatives of the victim's family, and the Inter-American Commission, the Court has confirmed that the State has complied with:

a) Payment of the compensation ordered for pecuniary damage in favor of the following next of kin of the victims: Matilde Reyna Morales García, Ana María Contreras, Margarita Urbina, Marta Isabel Túnchez Palencia and Noemí Cifuentes (*first operative paragraph of the judgment on reparations of May 26, 2001*);

b) Payment of the compensation ordered for non-pecuniary damage in favor of the following next of kin of the victims: Matilde Reyna Morales García, Ana María Contreras, Rosa Carlota Sandoval, Margarita Urbina, Marta Isabel Túnchez Palencia, Noemí Cifuentes, Reyna Dalila Villagrán Morales, Lorena Dianeth Villagrán Morales, Mónica Renata Agreda Contreras, Shirley Marlen Agreda Contreras, Osman Ravid Agreda Contreras, Guadalupe Concepción Figueroa Túnchez and Zorayda Izabel Figueroa Túnchez (*second, third and fourth operative paragraph of the judgment on reparations of May 26, 2001*);

c) Designation of an educational center with a name allusive to the young victims in this case and the placing in this center of a plaque with their names (*seventh operative paragraph of the judgment on reparations of May 26, 2001*);

d) Payment of the costs and expenses ordered in favor of the representatives of the victims' next of kin (*ninth operative paragraph of the judgment on reparations of May 26, 2001*); and

e) Adoption of the necessary legislative, administrative and other measures to adapt Guatemalan legislation to Article 19 of the American Convention (*fifth operative paragraph of the judgment on reparations of May 26, 2001*).

10. That, after examining the information provided by the State, the Commission and the representatives of the victims' next of kin in their briefs on compliance with the judgment on reparations, the Court considers that it is essential that the State of Guatemala should provide the Court with information on the following points:

a) Payment of the compensation for non-pecuniary damage ordered in favor of Gerardo Adoriman Villagrán Morales (*fourth operative paragraph of the judgment on reparations of May 26, 2001*); and

b) The investigation and punishment of the persons responsible for the human rights violations declared by the Court (*eighth operative paragraph of the judgment on reparations of May 26, 2001*) and, particularly concerning everything related to the measures taken by the State in this respect, after the delivery of the judgment on reparations of May 26, 2001.

11. That, with regard to the matters that the State has already complied with (*supra* ninth considering paragraph), this Court considers that it is not pertinent to request any further information.

12. That the matters that have still not been complied with (*supra* seventh, eighth and tenth considering paragraphs) must be carried out by the State as soon as possible. Consequently, the State must forward a report on the matters pending compliance indicated by the Court and, subsequently, the representatives of the victims and their next of kin and the Inter-American Commission, must submit their comments on this report.

13. That the Court will consider the general status of compliance with its judgment on reparations of May 26, 2001, when it has received this State report and the corresponding comments on the above-mentioned measures of reparation (*supra* seventh, eighth, tenth and twelfth considering paragraphs).

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in exercise of its authority to monitor compliance with its decisions and in accordance with Articles 67 and 68(1) of the American Convention sobre Derechos Humanos, Article 25(1) of its Statute and Article 29(2) of its Rules of Procedure,

DECLARES:

1. That the State has complied with the compensation ordered for pecuniary and non-pecuniary damage (*first, second, third and fourth operative paragraph of the judgment on reparations of this Court of May 26, 2001*), except for the payment to Gerardo Adoriman Villagrán Morales, as indicated in subparagraphs (a) and (b) of the ninth considering paragraph of this Order; with the designation of an educational center with a name allusive to the young victims in this case and the placing in this center of a plaque with their names; with the payment of the costs and expenses ordered in favor of the representatives of the victims' next of kin, and with the adoption of the necessary legislative measures to adapt Guatemalan legislation to Article 19 of the American Convention (*fifth, seventh and ninth operative paragraph of the judgment on reparations of this Court of May 26, 2001*), as indicated in subparagraphs (c), (d) and (e) of the ninth considering paragraph of this Order

2. That it will keep the procedure on monitoring compliance in this case open, as regards the following elements:

- a) Payment of the compensation for non-pecuniary damage ordered in favor of Gerardo Adoriman Villagrán Morales;
- b) The obligation to investigate, prosecute and punish those responsible for the human rights violations declared by the Court in the judgment of May 26, 2001, in accordance with the provisions of Article 68(1) of the American Convention on Human Rights; and
- c) The provision of the resources and the adoption of the other measures needed for the transfer of the mortal remains of Henry Giovanni

Contreras and their subsequent interment in the place chosen by his next of kin.

AND DECIDES:

3. To call upon the representatives of the victim's next of kin to submit a sworn statement or the equivalent by Ana María Contreras, the mother of Henry Giovanni Contreras, stating her position with regard to the measures taken by the State to comply with the sixth operative paragraph of the judgment of the Inter-American Court of Human Rights of May 26, 2001, by February 2, 2004, at the latest.

4. To call upon the State to present a detailed report indicating all the measures adopted to comply with the matters ordered by this Court that are pending, as indicated in the tenth considering paragraph of this Order by April 1, 2004, at the latest.

5. To call upon the representatives of the victim's next of kin and the Inter-American Commission on Human Rights to present their comments on the State's report mentioned in the preceding operative paragraph within two months of receiving it.

6. To continue monitoring the matters pending compliance with the judgment on reparations of May 26, 2001.

7. To notify this Order on compliance to the State, the Inter-American Commission on Human Rights, and the representatives of the victim's next of kin.

Antônio A. Cançado Trindade
President

Sergio García-Ramírez

Máximo Pacheco-Gómez

Oliver Jackman

Alirio Abreu-Burelli

Carlos Vicente de Roux-Rengifo

Manuel E. Ventura-Robles
Secretary

So ordered,

Antônio A. Cançado Trindade
President

Manuel E. Ventura-Robles
Secretary