

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF SEPTEMBER 22, 2006***

CASE OF HUILCA-TECSE V. PERU

MONITORING COMPLIANCE WITH JUDGMENT

HAVING SEEN:

1. The Judgment on the merits, reparations and costs delivered on March 3, 2005 (hereinafter "the Judgment") by the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court"), whereby it:

DECID[ED]:
unanimously,

1. To admit the State's acquiescence of September 7, 2004, in the terms of paragraphs 63, 79 and 83 of [the] Judgment.
2. To endorse partially the agreement on the methods and time limits for complying with the reparations signed on December 6, 2004, between the State and the representatives of the victim and his next of kin, in the terms of paragraphs 40 to 58, 92, 95, 100, 111 to 116, 118 and 119 of the [...] Judgment.

DECLAR[ED]:
unanimously that:

1. The dispute relating to the facts that gave rise to this case ha[d] ceased.
2. According to the terms of the State's acquiescence, the latter violated the rights embodied in Articles 4(1) (Right to Life) and 16 (Freedom of Association) of the American Convention on Human Rights, and failed to comply with the obligation established in Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of Pedro Huilca Tecse, in the terms of paragraphs 64 to 79 of the [...] Judgment.
3. According to the terms of the State's acquiescence, the latter violated the rights embodied in Articles 8 (Right to Fair Trial) and 25 (Judicial Protection) of the American Convention on Human Rights, and failed to comply with the obligation established in Article 1(1) (Obligation to Respect Rights) thereof, to the detriment of the following next of kin of Pedro Huilca Tecse: Martha Flores Gutiérrez, the victim's companion; his children, Pedro Humberto Huilca Gutiérrez, Flor de María Huilca Gutiérrez, Katuska Tatiana Huilca Gutiérrez, José Carlos Huilca Flores, and Indira Isabel Huilca Flores, and also of Julio César Escobar Flores, the victim's stepson and son of Martha Flores Gutiérrez, in the terms of paragraphs 80 to 83 of [the] Judgment.
[...]

AND ORDER[ED]:
unanimously, that:

* Judge Oliver Jackman did not take part in the deliberations on and signing of this Order as he advised the Court that, for reasons beyond his control, he would be unable to be present at the Seventy-second Regular Session of the Court.

1. The State shall:

- a) conduct an effective investigation into the facts of this case in order to identify, prosecute and punish the masterminds and perpetrators of the extrajudicial execution of Pedro Huilca Tecse. The result of this procedure shall be published, in the terms of paragraphs 107 and 108 of th[e ...] Judgment;
- b) organize a public act acknowledging its responsibility in relation to the instant case and make a public apology to the victim's next of kin, in the terms of paragraph 111 of the [...] Judgment;
- c) publish in the official gazette and in another national newspaper both the section entitled "Proven Facts" and the operative paragraphs of this judgment, in the terms of paragraph 112 of th[e ...] Judgment;
- d) establish a course or subject on human rights and labor law, called the "*Cátedra Pedro Huilca*," in the terms of paragraph 113 of th[e ...] Judgment;
- e) recall and praise the work of Pedro Huilca Tecse in favor of the trade union movement in Peru during the official celebrations of May 1 (Labor Day), in the terms of paragraph 114 of th[e ...] Judgment;
- f) erect a bust in the memory of Pedro Huilca Tecse, in the terms of paragraph 115 of th[e ...] Judgment;
- g) provide psychological care and treatment to the victim's next of kin, in the terms of paragraph 116 of th[e ...] Judgment;
- h) pay the amounts established in paragraphs 98 and 99 of th[e ...] Judgment to the next of kin of the victim in the instant case, for non-pecuniary damage, in the terms of paragraphs 92, 100, 101, 120 and 121 of th[e ...] Judgment;
- i) pay the amount established in paragraph 94 of th[e ...] Judgment to Martha Flores Gutiérrez, for pecuniary damage, in the terms of paragraphs 95 and 120 of th[e ...] Judgment; and
- j) deposit the compensation established in favor of the minors, Indira Isabel Huilca Flores and José Carlos Huilca Flores, in a banking investment in their name in a solvent Peruvian institution, in United States dollars or in national currency, to be determined by their legal representative, within a period to be agreed by the parties and in the most favorable financial conditions allowed by banking practice and law, while they are minors, in the terms of paragraphs 120(3) and 121 of th[e ...] Judgment.

2. To the extent that the agreement ha[d] been endorsed by th[e ...] Judgment, any dispute or disagreement that [may] arise[...] [would] be decided by the Court, in accordance with paragraph 122 of th[e] judgment.

3. The State [was to] provide the Inter-American Court of Human Rights with a report on compliance with the Judgment within one year of notification thereof, in accordance with paragraph 123 of th[e] Judgment.

4. It shall monitor compliance with the obligations established in th[e] Judgment and shall consider the case closed when the State has complied fully with the operative paragraphs.

[...]

2. The communications filed by the State of Peru (hereinafter "the State" or "Peru") on August 16, 2005, September 30, 2005, November 15, 2005, February 2, 2006, March 16, 2006, August 10, 2006, and August 14, 2006, whereby the State reported that:

a) regarding the obligation to effectively investigate the facts of the instant case:

i) it advanced the proceedings aimed at identifying, prosecuting and punishing the masterminds and perpetrators of the extrajudicial execution of Pedro Huilca-Tecse;

ii) file No. 485-03, opened against Margot Cecilia Domínguez-Berrosipi *et al.* for the crime of Terrorism against Pedro Huilca-Tecse and the State, ended with the judgment of acquittal delivered on March 7, 2006 by the National Criminal Division of the Lima Court of Appeals, against which an appeal for a declaration of nullity was filed

by the Public Prosecutor's Office and some of the convicted criminals, in connection with other parts of the judgment, which appeal was allowed on April 26, 2006 and has been pending a decision by the Supreme Court of Justice since May 9, 2006;

iii) the investigation of a former agent of the intelligence service of the Peruvian Army and other alleged members of the "Colina Group" remains open; and

iv) the proceeding for the extradition of Alberto Fujimori-Fujimori was pending resolution.

b) regarding the obligation to organize a public act acknowledging its responsibility, such act took place on October 10, 2005 at the Ministry of Justice building, where the State publicly apologized to the victims' next of kin;

c) regarding the obligation to publish the relevant sections of the Judgment in the Official Gazette and in another national newspaper, Supreme Resolution No. 183-2005-JUS ordered publication in the "El Peruano" Official Gazette of the "Proven Facts" section and the operative paragraphs of said ruling. Furthermore, such sections were also published on the website of the Ministry of Justice. On December 30, 2005, the relevant sections of the Judgment were published in "El Comercio", Peru's largest nationwide circulation newspaper;

d) regarding the obligation to establish a course or subject on human rights and labor law, called the "*Cátedra Pedro Huilca*," on April 21, 2006 the School of Law and Political Science of Universidad Nacional Mayor de San Marcos decided to add the "Human Rights and Labor Law '*Cátedra Pedro Huilca*'" class to its program, effective as from academic year 2006;

e) regarding the obligation to recall and praise the work of Pedro Huilca-Tecse in favor of the trade union movement in Peru during the official celebrations of May 1 (Labor Day), Ministry Resolution No. 114-2005-TR, passed on April 29, 2005 and published in the "El Peruano" Official Gazette ordered "that, effective in 2005, the *Condecoración de la Orden del Trabajo* [Order of Labor Decoration] ceremony [would] include a reference to PEDRO HUILCA-TECSE, explaining the social role he had played in favor of the trade union movement in Peru." Even though such commemorative act was not carried out during the official May 1 celebrations, the State ordered that a link be placed on the website of the Ministry of Labor and Employment Promotion, highlighting the figure of the victim, and that an act commemorating the victim be included in the agenda of the Session of the National Labor and Employment Promotion Council;

f) regarding the obligation to erect a bust in the memory of Pedro Huilca-Tecse, such bust is ready but still pending final installation, which will take place as soon as a satisfactory agreement is reached with the next of kin of Pedro Huilca-Tecse on the bust's location;

g) regarding the obligation to provide psychological care and treatment to the victim's next of kin, steps have been taken to provide them with "preferential and specialized" care. Some next of kin have desisted due to the irregularity of their respective appointments. The State, however, has coordinated new appointments to provide psychological care and treatment to the victim's next of kin, which will be provided with such frequency as may be determined by qualified professionals. No appointments have been coordinated with two of the next of kin, since one of them is studying in Cuba and the other is prevented from keeping any appointments due to job-related reasons; and

h) regarding the obligation to pay the amounts established by the Court for pecuniary and non-pecuniary damage:

i) such compensation had been granted to the beneficiaries;

ii) the bank deposit in the name of minor Indira Isabel Huilca-Flores was made on January 11, 2006; and

iii) José Carlos Huilca-Flores, then a minor, became of legal age and, further to his consent, he was directly paid the appropriate amount.

3. The communications submitted by the representatives of the victim and his next of kin (hereinafter "the representatives") on April 21, 2006 and September 14, 2006, whereby they stated that:

a) regarding the obligation to effectively investigate the facts of the instant case:

i) the Judgment delivered on March 7, 2006 by the National Criminal Division of the Lima Court of Appeals represented a step forward in the investigation; however, no further progress has been made in the process of identifying, prosecuting and punishing the perpetrators and masterminds of the extrajudicial execution of Pedro Huilca-Tecse;

ii) it was necessary for the State to continue to advance the investigations against Alberto Fujimori-Fujimori and the members of the Colina Group;

iii) the next of kin of Pedro Huilca-Tecse testified at the proceeding instituted for the crime of terrorism; however, they were not significantly involved in such proceeding given that, pursuant to the criminal laws in force, the State is the party aggrieved by the crime of terrorism, which prevents the next of kin from participating as the aggrieved party; and

iv) the publicity given to the judgment of acquittal handed down by the National Criminal Division of the Lima Court of Appeals favoring those prosecuted for terrorism "[wa]s adequate."

b) regarding the obligation to organize a public act acknowledging the State's responsibility, the victim's next of kin were looking forward to the presence of the "highest authorities of the State" at the act of October 10, 2005. Such act was attended by the Deputy Minister of Justice and one representative of the Ministry of Labor. President Alejandro Toledo was not present. In spite of the fact that this act was organized after the three-month period prescribed in the Judgment had expired and it was not attended by the top State authorities, the next of kin considered that this measure of reparation had been complied with;

c) regarding the obligation to publish the relevant sections of the Judgment of the Court, they expressed their "satisfaction over the publication ordered and carried out by the State of Peru." Even though such publication took place in both cases once the three-month period prescribed in the Judgment had already expired, they considered that this measure of reparation had been complied with;

d) regarding the obligation to establish a course or subject on human rights and labor law, it is necessary for the State to "provide information on the administrative measures taken by Universidad Nacional Mayor de San Marcos to appoint a professor in charge of the course and to approve such course's syllabus;"

e) regarding the obligation to recall and praise the work of Pedro Huilca-Tecse in favor of the trade union movement in Peru during the official celebrations of May 1 (Labor Day), the State has not provided evidence showing that either Pedro Huilca-Tecse or his work in favor of the trade union movement in Peru were mentioned during the 2005 Order of Labor Decoration ceremony. The victim's next of kin were not invited to the May 1, 2006 ceremony. Even though the issue of the Ministry Resolution intended to have this measure of reparation complied with did entail a significant step forward, it is not by itself enough to assess whether the obligation has been complied with and how it will be complied with in the future. Consequently, the State has partially complied with this measure;

f) regarding the obligation to erect a bust in the memory of Pedro Huilca-Tecse, the exact location of the trade union leader's bust still remained to be decided upon. Following an agreement between the victim's next of kin and the Metropolitan Municipality of Lima for the bust to be erected at the "La Exposición" Park, said Municipality proposed a change of location to the "Las Maravillas" Park, which change was not accepted by the victim's next of kin. The representatives, as well as the Workers' Federation, sent several letters to the mayor of Lima and the State's agent appointed to this case, among others, expressing "the next of kin's disagreement on the installation of the bust at said park, which is an unsafe location where it [could] be destroyed or vandalized, and because such place was not a proper location for hosting public tributes to Pedro Huilca-Tecse." Furthermore, the victim's next of kin rejected the proposals for the installation of the bust at several different locations offered by the municipal authorities of the districts of Breña, San Juan de Miraflores and Villa El Salvador, on the grounds that such locations were not suitable for the intended purpose. Lastly, the victim's next of kin proposed that the Municipality of Lima's original proposal to install the bust at

the “La Exposición” Park be carried out. This was submitted to the State for its consideration and the next of kin were awaiting a reply on the matter;

g) regarding the obligation to provide psychological care and treatment to the victim’s next of kin, different obstacles have hindered the actual provision of said psychological care. The Ministry of Health arranged for said psychological care to be provided to the victim’s next of kin at the Honorio Delgado-Hideyo Noguchi Hospital; Martha Flores-Gutiérrez, José Carlos Huilca-Flores and Julio Cesar Escobar-Flores did receive care at said institution but, because of the lengthy period of time in between appointments, they abandoned the treatment. Minor Indira Isabel Huilca-Flores and Flor de María Huilca-Gutiérrez did not keep their appointments. Because the infrequency of the appointments was an obstacle to obtaining adequate psychological care, the victim’s next of kin expressed their intention to hold discussions with the State on how to expedite the psychological treatment at the hospital selected by the State or, in the alternative, to have such care provided by a different institution, such as the *Centro de Atención Psicosocial* [Psycho-Social Care Center]. Even though compliance did not begin until after the expiration of the time limit prescribed in the Judgment and in spite of the fact that the frequency of the appointments was not adequate, they did recognize that the State had taken measures aimed at providing the treatment ordered by the Court. However, since such psychological care was not provided with the expected periodicity, they considered that the State had partially complied with this measure of reparation; and

h) regarding payment of the monetary compensation ordered by the Tribunal as pecuniary and non-pecuniary damages, since all the beneficiaries received the appropriate compensation amount within the first quarter of fiscal 2006, and given that the State had complied with its obligation to set up a trust fund for the benefit of minor Indira Isabel Huilca-Flores, they considered “this measure had been complied with.” As to José Carlos Huilca-Flores, setting a trust fund was not actually necessary as he turned of legal age in 2005 and, accordingly, payment was made to him directly.

4. The brief submitted by the Inter-American Commission on Human Rights (hereinafter “the Commission” or “the Inter-American Commission”) on May 4, 2006, whereby it noted that:

a) regarding the obligation to effectively investigate the facts of the instant, case:

i) the judgment of acquittal delivered by the National Criminal Division on March 7, 2006 represented a significant step forward in the State’s compliance with its obligations; and

ii) there were causes for concern over the procedural activity carried out in such proceeding, as action therein was apparently not as intense as could be expected for over one year of efforts aimed at securing justice.

b) regarding the obligation to organize a public act acknowledging its responsibility, the State had complied with this measure;

- c) regarding the obligation to publish the relevant sections of the Judgment, this measure had been complied with by the State. Moreover, it noted that, even though not ordered by the Court, the State did publish the Judgment on the electronic portal of the Ministry of Justice;
- d) regarding the obligation to establish a course or subject on human rights and labor law, the State should continue to report on the actual steps taken to have this measure implemented;
- e) regarding the obligation to recall and praise the work of Pedro Huilca-Tecse in favor of the trade union movement in Peru during the official celebrations of May 1 (Labor Day), based on the information submitted by the State it was not possible to verify whether this obligation had actually been complied with at the 2005 and 2006 celebrations;
- f) regarding the obligation to erect a bust in the memory of Pedro Huilca-Tecse, it values the steps taken to comply with this obligation and expects that the difference of opinions between the State and the victim's next of kin regarding the location of the bust of Huilca-Tecse will be soon settled;
- g) regarding the obligation to provide psychological care and treatment to the victim's next of kin, it values the steps taken in that regard and expects that the State will continue to take specific steps aimed at complying with this measure of reparation that is of a continuing nature, considering the obstacles pointed out by those next of kin that are the beneficiaries of this measure; and
- h) regarding the obligation to pay the money compensation ordered by the Court as pecuniary and non-pecuniary damage, such obligation has been complied with by the State.

CONSIDERING:

1. That monitoring compliance with its decisions is a power inherent in the judicial functions of the Court.
2. That Peru has been a State Party to the American Convention on Human Rights (hereinafter "the American Convention" or "the Convention") since July 28, 1978, and that it accepted the binding jurisdiction of the Court on January 21, 1981.
3. That, on March 3, 2005, the Court delivered its Judgment on the merits, reparations and costs in the instant case (*supra* Having Seen clause No. 1).
4. That, pursuant to Article 68(1) of the American Convention, "[t]he States Parties to the Convention undertake to comply with the judgment of the Court in any case to which they are parties." For such purpose, States are required to guarantee implementation of the Court's rulings at the domestic level.¹

¹ Cf. *Case of the "Five Pensioners"*. Compliance with Judgment. Order of the Inter-American Court of Human Rights of July 4, 2006, Considering clause No. 3; *Case of Bámaca-Velásquez*. Compliance with Judgment. Order of the Inter-American Court of Human Rights of July 4, 2006, Considering clause No. 3; and *Case of the "Juvenile Reeducation Institute"*. Compliance with Judgment. Order of the Inter-American Court of Human Rights of July 4, 2006, Considering clause No. 3.

5. That, given the final and not-subject-to-appeal nature of the Court's judgments, as established in Article 67 of the American Convention, said judgments are to be promptly and fully complied with by the State.

6. That the obligation to comply with the judgments of the Court conforms to a basic principle of the law of the international responsibility of States, as supported by international case law, under which States are required to 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 invoke their municipal laws to escape their pre-established international responsibility.² The treaty obligations of States Parties are binding on all State powers and organs.

7. That the States Parties to the American Convention are required to guarantee compliance with the provisions thereof and secure their effects (*effet utile*) at the domestic law level. This principle applies not only in connection with the substantive provisions of human rights treaties (*i.e.* those dealing with the protected rights) but also in connection with procedural rules, such as the ones concerning compliance with the decisions of the Court. Such obligations are to be interpreted and enforced in a manner such that the protected guarantee is truly practical and effective, considering the special nature of human rights treaties.³

8. That those States Parties to the American Convention that have accepted the binding jurisdiction of the Court are under a duty to fulfill the obligations set by the Court. In this regard, Peru is required to take such measures as may be necessary in order to effectively comply with the Judgment of the Court of March 3, 2005 (*supra* Having Seen clause No. 1). This obligation includes the State's duty to report on the measures adopted to comply with such decisions of the Court. Timely fulfillment of the State's obligation to report to the Court on the exact manner in which it is complying with each of the aspects ordered by the latter is essential to evaluate the status of compliance in this case.

*
* *
*

9. That, in monitoring comprehensive compliance with the Judgment in the instant case, and after having analyzed the information supplied by the State, the Commission and the representatives in their briefs on compliance with the Judgment (*supra* Having Seen clauses No. 2 to 4), the Court has verified which aspects of such Judgment have been complied with by the State and which ones are still pending compliance.

10. That the State has complied with its obligation to:

² Cf. *Case of the "Five Pensioners"*, *supra* note 1, Considering clause No. 7; *Case of Bámaca-Velásquez*, *supra* note 1, Considering clause No. 5; and *Case of the "Juvenile Reeducation Institute"*, *supra* note 1, Considering clause No. 5.

³ Cf. *Case of the "Five Pensioners"*, *supra* note 1, Considering clause No. 8; *Case of Bámaca-Velásquez*, *supra* note 1, Considering clause No. 6; and *Case of the "Juvenile Reeducation Institute"*, *supra* note 1, Considering clause No. 6.

- a) organize a public act acknowledging its responsibility in relation to the instant case, at which a public apology was offered (*first operative paragraph, subparagraph b, of the Judgment of March 3, 2005*) (*supra* Having Seen clauses No. 2(b), 3(b) and 4(b));
 - b) publish in the Official Gazette and in another national newspaper both the section entitled "Proven Facts" and the operative paragraphs of the Judgment (*first operative paragraph, subparagraph c, of the Judgment of March 3, 2005*) (*supra* Having Seen clauses No. 2(c), 3(c) and 4(c)); and
 - c) pay the amounts established for non-pecuniary and pecuniary damage in the Judgment of March 3, 2005, to Martha Flores-Gutiérrez, José Carlos Huilca-Flores, Indira Isabel Huilca-Flores, Flor de María Huilca-Gutiérrez, Katuska Tatiana Huilca-Gutiérrez, Pedro Humberto Huilca-Gutiérrez and Julio César Escobar-Flores (*first operative paragraph, subparagraphs h, i and j, of the Judgment of March 3, 2005*) (*supra* Having Seen clauses No. 2(h), 3(h) and 4(h)).
11. That the Court considers it critical for the State to submit additional up-to-date information on the following issues, in order to assess whether these have been effectively and fully complied with:
- a) the measures taken to effectively investigate the facts of the instant case in order to identify, prosecute and punish the perpetrators and masterminds of the extrajudicial execution of Pedro Huilca-Tecse;
 - b) regarding the obligation to establish a course or subject on human rights and labor law, called the "*Cátedra Pedro Huilca*," the State is to report whether the School of Law and Political Science of Universidad Nacional Mayor de San Marcos has actually incorporated to its curriculum the "Human Rights and Labor Law '*Cátedra Pedro Huilca*'" course, so that such course will be offered and taught every academic year;
 - c) regarding the obligation to recall and praise the work of Pedro Huilca-Tecse in favor of the trade union movement in Peru during the official celebrations of May 1 (Labor Day) every year, the State is to report on the measures taken in order to implement Ministry Resolution No. 114-2005-TR, whereby it was ordered that "effective in 2005, the *Condecoración de la Orden del Trabajo* [Order of Labor Decoration] ceremony [would] include a reference to PEDRO HUILCA-TECSE, explaining the social role he had played in favor of the trade union movement in Peru;"
 - d) regarding the obligation to erect a bust in the memory of Pedro Huilca-Tecse in a public place in the city of Lima, the State is to report on such agreement as it may have reached with Huilca-Tecse's next of kin regarding the appropriate location for the bust; and
 - e) regarding the obligation to provide psychological care and treatment to the next of kin of Pedro Huilca-Tecse, for as long as may be necessary in the opinion of a psychologist, the State is to report on the progress made in coordinating such treatment with the periodicity ordered by the appropriate professionals.

12. That the Court will assess the general status of compliance with the Judgment on the merits, reparations and costs of March 3, 2005 once it is provided with the relevant information on the measures pending compliance.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

by virtue of its authority to monitor compliance with its own decisions pursuant to Articles 33, 62(1), 62(3), 65, 67 and 68(1) of the American Convention on Human Rights, and Articles 25(1) and 30 of its Statute and 29(2) of its Rules of Procedure,

DECLARES:

1. That, in accordance with Considering clause No. 10 of this Order, the State has complied with its obligation to:

- a) organize a public act acknowledging its responsibility in relation to the instant case and offer a public apology to the victim's next of kin (*first operative paragraph, subparagraph b, of the Judgment of March 3, 2005*);
- b) publish in the Official Gazette and in another national newspaper both the section entitled "Proven Facts" and the operative paragraphs of the Judgment (*first operative paragraph, subparagraph c, of the Judgment of March 3, 2005*); and
- c) pay the amounts established in paragraphs 92, 94, 95, 98, 99, 100, 101, 120, and 121 of the Judgment for non-pecuniary and pecuniary damage to Martha Flores-Gutiérrez, José Carlos Huilca-Flores, Indira Isabel Huilca-Flores, Flor de María Huilca-Gutiérrez, Katiuska Tatiana Huilca-Gutiérrez, Pedro Humberto Huilca-Gutiérrez and Julio César Escobar-Flores (*first operative paragraph, subparagraphs h, i and j, of the Judgment of March 3, 2005*).

2. That it will keep open the proceeding for monitoring compliance with the aspects pending fulfillment, namely the obligations to:

- a) effectively investigate the facts of the instant case in order to identify, prosecute and punish the perpetrators and masterminds of the extrajudicial execution of Pedro Huilca-Tecse (*first operative paragraph, subparagraph a, of the Judgment of March 3, 2005*);
- b) establish a course or subject on human rights and labor law, called the "Cátedra Pedro Huilca" (*first operative paragraph, subparagraph d, of the Judgment of March 3, 2005*);
- c) recall and praise the work of Pedro Huilca-Tecse in favor of the trade union movement in Peru during the official celebrations of May 1 (Labor Day) (*first operative paragraph, subparagraph e, of the Judgment of March 3, 2005*);
- d) erect a bust in the memory of Pedro Huilca-Tecse (*first operative paragraph, subparagraph f, of the Judgment of March 3, 2005*); and

e) provide psychological care and treatment to the next of kin of Pedro Huilca-Tecse (*first operative paragraph, subparagraph g, of the Judgment of March 3, 2005*).

AND DECIDES:

1. To call upon the State to adopt such measures as may be necessary to promptly and effectively comply with the pending measures ordered by the Court in the Judgment on the merits, reparations and costs of March 3, 2005, pursuant to Article 68(1) of the American Convention on Human Rights.
2. To request that, by January 19, 2007, the State submit to the Inter-American Court of Human Rights a report specifying all such measures as may have been adopted to comply with the reparations ordered by this Court and which are still pending compliance, as established in Considering clause No. 11 and the second declarative paragraph of this Order.
3. To call upon the representatives of the victim's next of kin and the Inter-American Commission on Human Rights to submit their observations to the State's report referred to in the preceding operative paragraph, within a period of four and six weeks, respectively, as from the date of receipt of the report.
4. To continue monitoring those aspects of the Judgment on the merits, reparations and costs of March 3, 2005 that are still pending compliance.
5. To request that the Secretariat of the Court notify this Order to the State, the Inter-American Commission on Human Rights and the representatives of the victim's next of kin.

Sergio García-Ramírez
President

Alirio Abreu-Burelli

Antônio A. Cançado Trindade

Cecilia Medina-Quiroga

Manuel E. Ventura-Robles

Diego García-Sayán

Pablo Saavedra-Alessandri
Secretary

So ordered,

Sergio García-Ramírez
President

Pablo Saavedra-Alessandri
Secretary