

**Order of the
Inter-American Court of Human Rights*
of August 4, 2008
Case of Barrios Altos v. Perú
(Monitoring Compliance with Judgment)**

HAVING SEEN,

1. The Judgment on the merits rendered by the Inter-American Court of Human Rights (hereinafter referred to as "the Court" or "the Inter-American Court") on March 14, 2001.
2. The Interpretation Judgment of the Judgment on the merits rendered in the instant case by the Inter-American Court on September 3, 2001.
3. The reparations Judgment rendered in the instant case by the Inter-American Court on November 30, 2001.
4. The orders rendered by the Court on November 22, 2002, on November 28, 2003 and on November 17, 2004, regarding the compliance of the reparations Judgment issued in the instant case.
5. The Order issued by the Court on September 22, 2005, by means of which it declared:

[...]

3. That it would keep the monitoring of compliance proceedings open with regard to the items pending fulfillment in the instant case, to wit:

a) the duty to investigate the facts so as to identify those responsible for the human rights violations referred to in the Judgment on the merits, as well as to publicly release the results of said investigation and the punishment of the responsible parties (*operative paragraph five of the Judgment on the merits of March 14, 2001*);

b) the payment of a compensation to Mr. Martín León-Lunazco, son of victim Máximo León-León (*operative paragraph 2(c) of the reparations Judgment of November 30, 2001*);

c) the complete and effective deposit of the compensation amount corresponding to the underage beneficiaries of the reparations Luis Álvaro León-Flores and Ingrid Elizabeth Ríos-Rojas, in a "trust created under the most favorable conditions according to the Peruvian banking practice" (*operative paragraph two "in fine" of the reparations Judgment rendered on November 30, 2001*);

d) the payment of compensations to beneficiaries Cristina Ríos-Rojas, daughter of deceased victim Manuel Isaías Ríos-Pérez, and Rocío Genoveva Rosales-Capillo, daughter of deceased victim Alejandro Rosales-Alejandro (*operative paragraph two "in fine" of the reparations Judgment rendered on November 30, 2001*);

* Judge Diego García Sayán, of Peruvian nationality, did not participate in the deliberation and signature of this decision, in accordance with Article 19(2) of the Statute of the Court and Article 19 of the Court's Rules of Procedure.

- e) the health services provided (*operative paragraph three of the reparations Judgment rendered on November 30, 2001*);
 - f) the education services provided (*operative paragraph four of the reparations Judgment rendered on November 30, 2001*);
 - g) the progress in the inclusion of the "legal concept resulting most convenient" to typify the crime of extrajudicial killings (*operative paragraph 5.b of the reparations Judgment rendered on November 30, 2001*);
 - h) the memorial monument which must be erected (*operative paragraph 5.f of the reparations Judgment rendered on November 30, 2001*); and
 - e) the publishing of the complete text of the Judgment on the merits issued by the Court on March 14, 2001 in the *El Peruano* Official Gazette and the release of its content in other means of communication (*operative paragraph 5.d of the reparations Judgment rendered on November 30, 2001*).
6. The briefs of September 30, 2005, of February 2, 3 and 9, 2006 and of January 11, 2008, by means of which the Peruvian State (hereinafter referred to as "the State") provided information on the status of compliance of the reparations Judgment issued in the instant case.
7. The communications of August 14 and 24, 2006 and of February 29, 2008, by means of which the victims representatives (hereinafter referred to as "the representatives") submitted their remarks to the reports forwarded by the State (*supra* Having Seen clause No. 6).
8. The briefs of September 15, 2006 and April 1, 2008, by means of which the Inter-American Commission on Human Rights (hereinafter referred to as "the Commission" or "the Inter-American Commission") submitted its remarks to the reports forwarded by the State (*supra* Having Seen clause No. 6).

CONSIDERING,

1. That the monitoring of the compliance of its decisions is an inherent power of the jurisdictional functions of the Court.
2. That Peru is a State Party to the American Convention on Human Rights (hereinafter referred to as "the American Convention" or "the Convention") since July 28, 1978, and it acknowledged the Court's mandatory jurisdiction on January 21, 1981.
3. That Article 68(1) of the American Convention sets forth 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."¹
4. That by virtue of the final and unappealable nature of the Court judgments, as set forth by Article 67 of the American Convention, these must be immediately and completely fulfilled by the State.

¹ Cf. *Case of Baena Ricardo et al v. Panama. Jurisdiction. Judgment of November 28, 2003. C Series No. 104, par. 60*; *Case of Raxcacó-Reyes v. Guatemala. Monitoring of Compliance with Judgment. Decision by the President dated March 28, 2008, Considering Clause No. three*; and *Case of Fermin Ramirez v. Guatemala. Monitoring of Compliance with Judgment. Decision by the President dated March 28, 2008, Considering Clause No. three*.

5. That the obligation to comply with the Court decisions corresponds to a basic legal principle regarding the international liability of the State, supported by the international case law, by means of which every treaty in force is binding upon the parties to it and must be performed by them in good faith (*pacta sunt servanda*) and, as already pointed out by the Court and as set forth by Article 27 of the Vienna Convention on the Law of Treaties of 1969, a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. The conventional duties of the States Parties are binding for all of the State powers and organs.²

6. That the States Parties to the Convention must guarantee the fulfillment of the international provisions and their own effects (*effet utile*) within the context of their respective internal legal systems. This principle applies not only regarding substantive rules of human rights treaties (that is to say, those which include provisions on the protected rights) but also with regard to procedural rules as those referring to the fulfillment of the Court's decisions. These obligations must be interpreted and applied so that the protected guarantee is truly practical and efficient, considering the special nature of human rights treaties.³

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7. That in the Decision of September 22, 2005, the Court requested the State to submit updated information regarding the payment of the compensation to Mr. Martín León-Lunazco, son of victim Máximo León-León (*operative paragraph 2.c of the reparations Judgment rendered on November 30, 2001*), and to refer to the arrearages interest generated by the late payment of compensations awarded to Cristina Ríos-Rojas, daughter of victim Manuel Isaías Ríos-Pérez, and Rocío Genoveva Rosales-Capillo, daughter of victim Alejandro Rosales-Alejandro (*operative paragraph two "in fine" of the reparations Judgment rendered on November 30, 2001*).

8. That the State failed to inform on the payment of the compensation to Mr. Martín León-Lunazco, son of victim Máximo León-León. On the other hand, in their brief of remarks of February 29, 2008, the representatives pointed out that, said obligation was still pending fulfillment. The Commission made no reference to this matter.

9. That the State did not inform on the payment of the interest in arrears as a consequence of the delay in the payment of the compensations to Cristina Ríos-Rojas, daughter of deceased victim Manuel Isaías Ríos-Pérez, and to Rocío Genoveva

² Cf. *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. A Series No. 14, par. 35; *Case of García-Asto and Ramírez-Rojas v. Peru. Monitoring Compliance with Judgment*. *Supra* Note 2, *Considering Clause No. six*; and *Case of Sawhoyamaxa Indigenous Community v. Paraguay. Monitoring of Compliance with Judgment*. *Supra* Note 2, *Considering Clause No. two*.

² Cf. *Case of Yatama. Monitoring Compliance with Judgment*. Order of the Inter-American Court of Human Rights dated November 29, 2006, *Considering Clause No. six*; *Case of Bámaca-Velásquez. Monitoring Compliance with Judgment*, *supra* note 1, *Considering Clause No. six*; and *Case of the "Five Pensioners"*, *supra* note 1, *Considering Clause No. eight*.

³ Cf. *Case of Ivcher Bronstein v. Peru. Jurisdiction*. Judgment of September 24, 1999. C Series No. 54, par. 37; *Case of Gómez-Palomino v. Peru. Monitoring Compliance with Judgment*. Decision of the Court dated October 18, 2007, *Considering Clause No. four*; and *Case of Sawhoyamaxa Indigenous Community v. Paraguay. Monitoring of Compliance with Judgment*. *Supra* Note 2, *Considering Clause No. five*.

Rosales-Capillo, daughter of deceased victim Alejandro Rosales-Alejandro. The representatives, on the other hand, pointed out that said payment is pending compliance. The Inter-American Commission pointed out that the State has not forwarded enough information so as to ascertain if the criteria set forth by the Court regarding the totality of the owed payment is satisfied, including interest in arrears.

10. That taking into account that more than six years have gone by since the rendering of the reparations Judgment in the instant case, it is important that the State adopt the measures necessary to effect the above mentioned payments and that it inform the Court on that matter (*supra* Having Seen clause No. 3)

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11. That in the State report of January 11, 2008, Peru indicated that there is a balance pending payment by way of arrears interest in favor of Mrs. Maximina Pascuala Alberto-Falero, in the amount of US\$84,647.82 (eighty-four thousand six hundred and forty-seven United States dollars and eighty-two cents).

12. That regarding the above, the representatives expressed that "[it i]s necessary that the State fix the terms and conditions according to which it shall comply with said payment". The Commission forwarded no remarks on the matter.

13. That it is necessary that the Court has updated and detailed information regarding the actions taken by the State so as to deliver Mrs. Maximina Pascuala Alberto-Falero the amount corresponding to the generated arrears interest, pursuant to operative paragraph 36 of the reparations Judgment (*supra* Having Seen clause No. 3).

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14. That in the order of September 22, 2005, the Court requested the State to submit updated information regarding the deposit of the compensations corresponding to minors Luis Álvaro León-Flores, son of victim Luis Antonio León-Borja, and Ingrid Elizabeth Ríos-Rojas, daughter of victim Manuel Isaías Ríos-Pérez, in a "trust created under the most favorable conditions according to the Peruvian banking practice" (operative paragraph two of the reparations Judgment rendered on November 30, 2001.)

15. That in the brief of February 3, 2006, the State informed that it had instituted trust funds in favor of the following minors: Luis Álvaro León-Flores, Caterin Díaz-Ayarquispe and Ingrid Elizabeth Ríos-Rojas. On February 9, 2006, the State forwarded a "simple copy of the certified copy by means of which those trust funds were institut[ed]."

16. That the representatives pointed out that "the trust [to which the State refers] has been instituted in general terms for all the underage beneficiaries of reparations, pursuant to "supranational judgments" issued until December 31, 2005, and it includes other reparations and friendly agreements approved by the Inter-American Convention on Human Rights." In that sense, they stated that "there is no

reference [in the State report] as to which minors, next of kin of the Barrios Altos case, have been included as beneficiaries of the trust [, reason for which they have requested] that it is specifically singled out who they are and if they have all been included without any exclusion whatsoever." In the same way, they have requested the State to ascertain "the conditions under which the trust operates [and] if those conditions are the most favorable for the beneficiaries, according to the banking practice."

17. The Commission pointed out that, "it considers that the information [forwarded by the State] does not include specific aspects [...] so as to assess the compliance of what has been ordered by the Court."

18. That out of the "simple copy of the certified copy" or trust funds contract submitted by the State (*supra* Considering clause No. 6) it arises that on January 16, 2006, a trust was instituted (called MINJUS-DDHH-BN Trust) between the Ministry of Justice and the National Bank (*Banco de la Nación*) in favor of the underage beneficiaries of the reparations ordered by the Court in actions brought against Peru. According to the trust contract –which has been attached–, it was instituted in favor of the following underage beneficiaries of the reparations in the instant case and for the following amounts:

- Luis Álvaro León-Flores, US \$86,468.50;
- Caterin Díaz-Ayarquispe, US \$43,234.25, and
- Ingrid Elizabeth Ríos-Rojas, US \$43,234.50.

19. That according to Clause 8(3), subparagraph II of the contract, the purpose of the trust funds shall be "to keep the money value through the use of money market instruments (term deposits, certificates of deposit) additionally to those of fix income in the local market (bills, bonds and/or coupons)[...]." It is also derived from the contract that the State assumed the payment of the bank commission, as well as the pre-operational administrative expenses of the Trust. The operational expenses are also taken on, and will then be charged to the trusted assets (clause nine). Finally, the contract sets forth that upon the end of minority, the trust bank shall deliver "the resulting amounts" to the beneficiaries.

20. That on informative note No. 138 -2005-JUS/CNDH-SE dated September 20, 2005, forwarded to the Vice-Minister of Justice and President of the National Board of Human Rights by the Executive Secretary of the National Board of Human Rights, there is a detailed description of the actions taken by said institution in order to create the above-mentioned trust funds.

21. That on February 13, 2006, this Court forwarded the Inter-American Commission and the representatives a copy of informative note No. 138, as well as a copy of the contract of the trust creation. After more than two years, the latter have not submitted before the State or this Court any specific objections on the conditions, amounts or the beneficiaries thereof.

22. That the Court appreciates the information presented by the State regarding that aspect of the reparations Judgment and considers that it has complied with it.

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23. That in the Order of September 22, 2005, the Court requested the State to submit updated information on the "duty to investigate the facts of the instant case so as to ascertain those responsible for the violations of human rights referred to in the Judgment on the merits, as well as to publicly release the result of said investigation and the punishment of the responsible parties" (*operative paragraph five of the Judgment on the merits of March 14, 2001.*)

24. That in its brief of January 11, 2008, the State made reference to procedural acts dating from year 2005.

25. That the representatives pointed out -in their comments of February 29, 2008-, that "the case of Barrios Altos [was] still in the Oral Proceedings stage before the *Primera Sala Penal Especial* (First Special Criminal Chamber), Case File No. 28-2001 [and that] the witnesses presented by the Public Prosecutor [were] being examined, as well as other parties to the process." The representatives argued that "case file No. 19-2001-AV is under proceedings before the Special Criminal Chamber of the Supreme Court of Peru, where former president Alberto Fujimori is indicted for the facts of Barrios Altos". They further stated that "before the extradition judgment of October 29, 2007, the Supreme Prosecutor in charge of the case shaped his charges requesting imprisonment for 30 years and the payment of 100 millions *nuevos soles* by way of civil reparation for the benefit of those injured by the cases of Barrios Altos and La Cantuta [and that] the beginning of the hearings of the oral proceedings against Alberto Fujimori was set on December 10, 2007. No judgment [had] been pronounced until [February 2008]. Until February 28, 2008, twenty-nine sessions [had] been held within the witness examination stage."

26. The Commission stated that, "it notices with satisfaction that important measures tending to the undertaking of an investigation regarding the eventual responsibility of Mr. Fujimori have been taken." Furthermore, it remarks that said reparation measure ordered by the Court should not only be sufficiently diligent, but should also be accomplished within a reasonable time.

27. That the Court appreciates the judicial actions taken in advance by the Peruvian authorities in order to investigate and -should it be the case- punish those responsible for the crimes committed in relation with the instant case. Said actions evidence the willingness of the State to fulfill its obligations to respect and guarantee the rights acknowledged by the Convention to the victim and his/her next of kin, and to ascertain the truth of what has happened, so as to prevent the impunity conditions which allow this type of facts from occurring again.⁴

28. That it is necessary that the State submit before the Inter-American Court updated information regarding the development of the judicial proceedings instituted in advance in compliance of this State obligation (*operative paragraph five of the Judgment on merits of March 14, 2001.*)

⁴ Cf. *Case of Myrna Mack Chang*. Merits, Reparations and Costs. Judgment of November 25, 2003. C Series No. 101, par. 156; *Case of La Rochela Massacre*, *supra* note 10, par. 148, and *Case of the Pueblo Bello Massacre*, *supra* note 10, par. 146.

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29. That in the Order of September 22, 2005, the Court requested the State information on the education and health related services that must be provided to the beneficiaries of the reparations ordered in the instant case (*operative paragraphs three and four of the reparations Judgment of November 30, 2001*).

30. That the State did not inform on any specific actions taken in order to comply with this obligation.

31. That on that regard, the representatives argued that, "the State is not complying with the international obligations it has agreed upon by means of the reparations agreement before the Court. The fact of not having information regarding the actions it had to take clearly shows that, in this regard, there has been no progress whatsoever."

32. That the Commission expressed its "concern on the lack of proper information regarding the measures adopted to effectively implement [these] reparations."

33. That by means of the "*Acuerdo de reparación integral a las víctimas y los familiares de las víctimas del caso Barrios Altos*" (Integral reparation agreement for the victims and next of kin of the case of Barrios Altos), ratified by the Court by means of the reparations Judgment of November 30, 2001, the State agreed to cover, through the Ministry of Health, the expenses derived from health services for the beneficiaries of the reparations, providing free medical attention at the health institution corresponding to their domicile and at the hospital or specialized facility in the following areas: external consulting rooms, diagnoses proceedings, medication, specialized attention, hospitalization, surgical interventions, deliveries, trauma rehab and mental health. This clause is in force from the execution of the agreement.

34. That according to said agreement and also from the execution thereof, the State had to grant the beneficiaries the following educational services:

a) Awarding of scholarships by the *Instituto Nacional de Becas y Crédito Educativo* (Scholarships and Educational Credit National Institute) so as to be able to study at Academies, Institutes and Occupational Centers. "The general requirements demanded to be awarded a scholarship may be adapted to fit the reality [of the] group of beneficiaries" of the reparations;

b) "For the cases requesting support to SENATI in which there are parties interested in continuing with their studies, the Board of Education may provide aid through the *Dirección Nacional de Educación Secundaria y Superior Tecnológica* -National Direction of Secondary and Technologic Education-, as it is a member of the Board of Direction";

c) Granting of educational material: "the Board of Education, through the National Direction of Primary and Secondary Education [shall] grant workbooks for the subjects of Logic, Math and Integral Communication, from the 1st to the 6th grade of Primary Level Education";

d) Manage the donation of official texts for students of primary and secondary levels. In "subsequent years" this donation can be managed "through the Editing Houses which offer official texts to the Board of Education"; and

e) Support with uniforms, school material and other ("donations and other requested contributions can be channeled through stores or entities related to the sector.")

35. That more than six years have gone by since the rendering of the reparations Judgment, without the State having shown any fulfillment of these obligations.

36. That it is necessary that the State immediately adopt actions to effectively comply with these operative paragraphs and include –in its next reports to be submitted before this Court- a detailed description thereof (*operative paragraphs three and four of the reparations Judgment rendered on November 30, 2001*). The representatives should specifically inform the Court: 1) the name, age and place of residence of the beneficiaries of the reparations ordered who must receive the educational services pointed out in the agreement; 2) the educational services which are still in force, taking into account the time gone by since the execution of the agreement; 3) the name, age and place of residence of the beneficiaries of the reparations ordered who must receive the educational services pointed out in the agreement, and 4) if possible, the name of the health institutions corresponding to the different domiciles of the beneficiaries, where the State is forced to provide attention with no charge.

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37. That in the Decision of September 22, 2005, the Court requested information regarding the progress in the inclusion of "the legal concept resulting most convenient" to typify the crime of extrajudicial killings (*operative paragraph 5.b of the reparations Judgment rendered on November 30, 2001*).

38. That the State informed that, on January 23, 2006, the Executive Power representative before the Review Commission of the Penal Code forwarded the Executive Secretariat of the National Board of Human Rights a report in which the content of the third book of the Penal Code referring to Crimes against International Human Rights Law and International Humanitarian Law is included, where, in Title II, "the [crime] of Extrajudicial Killings, Torture and Forced Disappearance, among other Crimes Against Humanity, is typified." In accordance with the report of the State, "said bill [...] is with the Review Commission of the Republic Congress awaiting to be passed."

39. That the representatives pointed out that "the State has not yet fulfilled the typification of the crime of Extrajudicial Killings and its inclusion in the Peruvian [P]enal [C]ode."

40. That the Commission pointed out that, "it continues to expect the pertinent information which proves that the State has complied with this obligation."

41. That the information submitted by the State in its last report dates from year 2006.

42. That it is necessary that the State provide updated information regarding the typification of the crime of "Extrajudicial Killings" in the criminal Peruvian legislation (*operative paragraph 5.b of the reparations Judgment of November 30, 2001*).

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43. That in the Order of September 22, 2005, the Court requested the State to submit updated information on the building of a memorial monument in honor to the victims of the instant case (*operative paragraph 5.f of the reparations Judgment of November 30, 2001*).

44. That the State informed that on January 17, 2006, a letter was sent to the Municipality of Lima requesting updated information on the matter. However, to date Peru has not forwarded said information to the Court.

45. That the representatives argued that, "the State has failed to comply with the erection of the memorial monument to honor the victims of the events which took place in Barrios Altos".

46. That the Commission did not forward any observations on that matter.

47. That according to the reparations Judgment, the "monument [would] be built within the term of 60 days after the execution of the agreement", at a place agreed upon between the parties, in coordination with the Metropolitan Municipality of Lima.

48. That more than six years have gone by since the Judgment on Reparations, without the State having complied with this obligation.

49. That it is necessary that the State adopt immediate actions so as to effectively comply with this reparation measure and to inform the Court on said measure in an updated and detailed manner (*operative paragraph 5.f of the reparations Judgment of November 30, 2001*).

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50. That in the Order of September 22, 2005, the Court requested the State to inform on the publication of the complete text of the Judgment on the merits rendered by this Court in the *El Peruano* Official Gazette and its release in other means of communication (*operative paragraph 5.d of the reparations Judgment of November 30, 2001*).

51. That in the brief of February 2, 2006, the State informed that the above-mentioned Judgment was published on December 30, 2005, in newspaper "El Comercio". The State submitted a copy of said publication.

52. That the representatives confirmed that the Judgment on merits was published in December 2005, in a newspaper of national circulation. Nonetheless,

they observed that the State could deploy "a broader release of the [J]udgment and take actions in order to prevent those acts."

53. That the Commission stated that "it has effectively confirmed that the attachment submitted by the State matches with the text of the Judgment of March 14, 2001."

54. That with that publication the State has complied with its duty to release the above-mentioned Judgment in other means of communication.

55. That although the State did not publish the *complete* Judgment on merits in Peru's Official Gazette, what the Peruvian State has done so far considered as a whole so as to comply with this operative paragraph of the Judgment on reparations, that is: 1. the publication, on April 8, 2005, of some parts of the Judgment on the merits in the Official Gazette *El Peruano*; 2. the release of said parts of the Judgment in the website of the Ministry of Justice of Peru, where a link thereto was included; and 3. the publication of the above mentioned Judgment on December 30, 2005, in newspaper "El Comercio", complies with the obligation set forth by the Court (*operative paragraph 5.d of the reparations Judgment rendered on November 30, 2001*).

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56. That according to what has been set forth in Considering clauses 22 and 55 hereof, the State has complied with the following:

a) the complete and effective deposit of the compensation corresponding to underage beneficiaries of the reparations Luis Álvaro León-Flores and Ingrid Elizabeth Ríos-Rojas, in a "trust created in the most favorable conditions according to the Peruvian banking practice" (*operative paragraph two "in fine" of the reparations Judgment rendered on November 30, 2001*), and

b) the publication of the Judgment on the merits rendered by the Court on March 14, 2001 in Official Gazette *El Peruano*, as well as the release of its content in other means of communication (*operative paragraph 5.d of the reparations Judgment rendered on November 30, 2001*).

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57. That the States Parties to the Convention, which have acknowledged the mandatory jurisdiction of the Court, have the duty to accept the obligations it sets forth. This duty includes the obligation of the State to inform the Court on the measures adopted for the fulfillment of what it has ordered in said decisions. The timely observance of the State obligation to inform the Court on how it is complying with each of the items it orders is essential to assess the status of compliance of the Judgment as a whole.

58. That in its last report dated January 11, 2008, the State repeated information already forwarded in former reports and it restricted itself to make a recount of the notes, communications and official letters sent to State entities during year 2005, which request information on the operative paragraphs pending compliance.

59. That it is essential that the State submit updated information, that is, from the last report, on the actions taken to completely fulfill the next aspects of the reparations Judgment pending compliance, in the terms of Considering clauses 10, 13, 27, 36 and 42:

- a) the payment of the compensation to Mr. Martín León-Lunazco, son of victim Máximo León-León (*operative paragraph 2.c of the reparations Judgment rendered on November 30, 2001*);
- b) the payment of the interest in arrears regarding the compensations of beneficiaries Cristina Ríos-Rojas, daughter of deceased victim Manuel Isaías Ríos-Pérez, and Rocío Genoveva Rosales-Capillo, daughter of deceased victim Alejandro Rosales-Alejandro (*declarative paragraph 3.d of the Decision of September 22, 2005 and operative paragraph 2.b of the reparations Judgment rendered on November 30, 2001*);
- c) the payment of the amount corresponding to the interest in arrears owed to Maximina Pascuala Alberto-Falero (*operative paragraph 2.b and final subparagraph in consistency with paragraph 36 of the Reparations Judgment of November 30, 2001*);
- d) the duty to investigate the facts to ascertain those responsible for the violations of the human rights referred to in the Judgment on the merits, as well as to publicly release of the results of said investigation and the punishment of the responsible parties (*operative paragraph five of the Judgment on the merits of March 14, 2001*);
- e) the health services provided (*operative paragraph three of the reparations Judgment rendered on November 30, 2001*);
- f) the educational services provided (*operative paragraph four of the reparations Judgment rendered on November 30, 2001*);
- g) the progress in the inclusion of the "legal concept resulting most convenient for typifying the crime of extrajudicial killings" (*operative paragraph 5.b of the reparations Judgment rendered on November 30, 2001*), and
- h) the memorial monument which must be erected (*operative paragraph 5.f of the reparations Judgment rendered on November 30, 2001*).

60. That the Court shall consider the general status of compliance of the Judgments on the merits of March 14, 2001 and of reparations of November 30, 2001, respectively, once it receives the pertinent information regarding the operative paragraphs pending fulfillment.

THEREFORE,

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

exercising its powers for monitoring the compliance of its decisions and in accordance with Articles 33, 62(1), 62(3), 65, 67 and 68(1) of the American Convention on Human Rights, Article 25(1) and 30 of the Statute and Article 29(2) of its Rules of Procedure,

DECLARES:

1. That according to what has been pointed out in Considering clauses 22 to 55 hereof, the State has complied with:

a) the complete and effective deposit of the compensation corresponding to the underage beneficiaries of the reparations Luis Álvaro León-Flores and Ingrid Elizabeth Ríos-Rojas, in a "trust created in the most favorable conditions according to the Peruvian banking practice" (*operative paragraph two "in fine" of the reparations Judgment rendered on November 30, 2001*), and

b) the publication of the Judgment on merits rendered by the Court on March 14, 2001 in Official Gazette *El Peruano*, as well as the release of its content in other means of communication (*operative paragraph 5.d of the reparations Judgment rendered on November 30, 2001*).

2. That it shall keep the monitoring of compliance proceedings open regarding the points pending fulfillment in the instant case, to wit:

a) payment of the compensation owed to Mr. Martín León-Lunazco, son of victim Máximo León-León (*operative paragraph 2.c of the reparations Judgment rendered on November 30, 2001*):

b) payment of the interest in arrears regarding the compensations of beneficiaries Cristina Ríos-Rojas, daughter of deceased victim Manuel Isaías Ríos-Pérez, and Rocío Genoveva Rosales-Capillo, daughter of deceased victim Alejandro Rosales-Alejandro (*declarative paragraph 3.d of the Decision of September 22, 2005 and operative paragraph 2.b of the reparations Judgment rendered on November 30, 2001*);

c) the payment of the amount of interest in arrears owed to Mrs. Maximina Pascuala Alberto-Falero (*operative paragraph 2.b and final subparagraph in consistency with paragraph 36 of the Reparations Judgment of November 30, 2001*);

d) the duty to investigate the facts to ascertain those responsible for the violations of the human rights referred to in the Judgment on the merits, as well as the public release of the results of said investigation and the

punishment of the responsible parties (*operative paragraph five of the Judgment on the merits of March 14, 2001*);

e) the health services provided (*operative paragraph three of the reparations Judgment rendered on November 30, 2001*);

f) the educational services provided (*operative paragraph four of the reparations Judgment rendered on November 30, 2001*);

g) the progress in the inclusion of the "legal concept resulting most convenient to typify the crime of extrajudicial killings" (*operative paragraph 5.b of the reparations Judgment rendered on November 30, 2001*), and

h) the memorial monument to be erected (*operative paragraph 5.f of the reparations Judgment rendered on November 30, 2001*)

AND DECIDES:

1. To request the State to adopt all the measures necessary to accomplish the effective and immediate compliance of the points pending fulfillment which have been ordered by the Court in the Judgment on merits of March 14, 2001, in the reparations Judgment of November 30, 2001, and in operative paragraph two hereof, in accordance with what is set forth by Article 68(1) of the American Convention on Human Rights, which is binding for all the powers and bodies of the State as a whole.

2. To request the representatives of the victims to submit before the Inter-American Court of Human Rights and no later than October 10, 2008, a report pursuant to Considering clause 36 hereof.

3. To request the State to submit before the Inter-American Court of Human Rights, no later than December 8, 2008, a report in which it indicates all the measures adopted in order to comply with the reparations ordered by this Court pending fulfillment, pursuant to Considering clause 59 hereof.

4. To request the victims' representatives to submit before the Inter-American Court of Human Rights the remarks they deem pertinent within the term of four weeks as from the notice of the State report.

5. To request the Inter-American Convention on Human Rights, within the term of six weeks as from the notice of the State report, to submit the Inter-American Court of Human Rights the remarks it may deem pertinent.

6. To continue to monitor the items pending compliance of the Judgment on merits of March 14, 2001 and the reparations Judgment of November 30, 2001.

7. To evaluate the possibility of holding a private hearing of monitoring of compliance with the Judgments issued in the instant case, in which case the parties shall be timely summoned.

8. To request the Secretariat of the Inter-American Court of Human Rights to serve notice of this Decision upon the State, the Inter-American Commission on Human Rights and the victims representatives.

Cecilia Medina-Quiroga
President

Sergio García-Ramírez

Manuel E. Ventura-Robles

Leonardo A. Franco

Margarette May-Macaulay

Rhadys Abreu-Blondet

Pablo Saavedra-Alessandri
Secretary