

**Order of the
Inter-American Court of Human Rights
of October 30, 2008
Case of Vargas Areco v. Paraguay
(Monitoring Compliance with Judgment)**

HAVING SEEN:

1. The Judgment on the merits, reparations, and costs delivered on September 26, 2006 by the Inter-American Court of Human Rights (hereinafter "the Court" or the "Inter-American Court"), which was notified in full to the Republic of Paraguay (hereinafter "the State" or "Paraguay") on October 17, 2006, whereby the Court unanimously ordered that the State must:

9. [...] adopt, in full accordance with the right to a fair trial and within a reasonable period of time, all such measures as may be necessary to identify, prosecute, and punish all those responsible for the violations committed in the [...] case, under the terms of paragraphs 153 to 156 and 168 of [the] Judgment[;]

10. [...] hold a public act to acknowledge its international responsibility in relation to the violations declared in [the] Judgment, in the community where Gerardo Vargas-Areco's next of kin reside, and in the presence of the State's civilian and military authorities make a public apology and place a plaque in memory of the child Vargas-Areco, under the terms of paragraphs 157, 158, and 168 of the [...] Judgment[;]

11. [...] provide medical, psychological, and psychiatric treatment, as appropriate, to De Belén Areco, Pedro Vargas, and Juan, María Elisa, Patricio, Daniel, Doralicia, Mario, María Magdalena, Sebastián, and Jorge Ramón, all of them Vargas-Areco, if they so require and for as long as may be necessary, under the terms of paragraphs 159, 160, and 168 of [the] Judgment[;]

12. [...] design and implement training programs and regular courses on human rights for all the members of the Paraguayan Armed Forces, under the terms of paragraphs 161 and 168 of the [...] Judgment[;]

13. [...] publish once in the Official Gazette and in a nationwide daily newspaper, the chapter on Proven Facts of [the] Judgment, without the corresponding footnotes, and the operative paragraphs thereof [...], under the terms of paragraphs 162 and 168 of the Judgment [;]

14. [...] adapt its domestic legislation regarding recruitment for military service of minors under the age of 18 into the Paraguayan Armed Forces, to the applicable international standards, under paragraphs 163, 164, and 168 of the [...] Judgment[;]

15. [...] pay compensation for pecuniary damages to De Belén Areco and Pedro Vargas in the amount set in paragraph 148 of the [...] Judgment, under the terms of paragraphs 168 and 174 thereof[;]

16. [...] pay compensation for non-pecuniary damages to De Belén Areco, Pedro Vargas, and Juan, María Elisa, Patricio, Daniel, Doralicia, Mario, María Magdalena, Sebastián, and Jorge Ramón, all of them Vargas-Areco, in the amount set in paragraph 151 of the [...] Judgment, under the terms of paragraphs 168 and 174 thereof[, and]

17. [...] pay the amount set in paragraph 167 of the [...] Judgment on account of costs and expenses incurred as a result of the proceedings started before the domestic jurisdiction and the Inter-American system for the protection of human rights, amount which is to be delivered to De Belén Areco and to Pedro Vargas, under the terms of paragraphs 168 and 174 of the Judgment. [...]

2. The communications of August 16 and October 17, 2007 and those of February 21, April 15, and July 30, 2008, whereby Paraguay reported the actions taken in compliance with the Judgment delivered in the instant case.

3. The briefs of December 6, 2007; March 17 and September 15, 2008; whereby the victim's representatives (hereinafter "the representatives") submitted their observations on compliance with the Judgment rendered in the instant case.

4. The communications of April 15 and October 13, 2008, whereby the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") submitted its observations on compliance with Judgment.

CONSIDERING:

1. That monitoring compliance with its decisions is a power inherent in the judicial functions of the Court.

2. That Paraguay has been a State Party to the American Convention on Human Rights (hereinafter the "American Convention") since August 24, 1989 and accepted the binding jurisdiction of the Court on March 26, 1993.

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." For that purpose, the States must guarantee the adoption at the domestic level of the provisions set by the Court in its decisions.¹

¹ Cf. *Case of Baena-Ricardo et al. v. Panama. Competence*. Judgment of November 28, 2003. Series C No. 104, para. 131; *Case of Goiburú et al. v. Paraguay. Monitoring Compliance with Judgment*. Order of the Inter-American Court of Human Rights of August 6, 2008, Considering clause 3 and *Case of Servellón-García et al. v.*

4. That taking into consideration that the judgments rendered by the Court are final and not subject to appeal, as stated in Article 67 of the American Convention, they are to be fully and promptly complied with by the State within the term set for that purpose.

5. That the obligation to comply with the decisions of the Court conforms to a basic legal principle of the law of the international responsibility of the States, as supported by international case law, under which the States must comply with their international treaty obligations in good faith (*pacta sunt servanda*) and, as stated by the Court in prior cases and set forth in Article 27 of the 1969 Vienna Convention on the Law of Treaties, a party may not invoke the provisions of its domestic law as justification for its failure to perform a treaty.² The treaty obligations of States Parties to fully comply with the decisions of the Court are binding on all State powers and organs.³

6. That the States Parties to the American Convention must secure compliance with the provisions thereof and their effects (*effet utile*) at the domestic law level. This principle applies not only in relation to the substantive provisions of human rights treaties (i.e. those dealing with the protected rights), but also in relation to procedural rules, such as those concerning compliance with the decisions of the Court. Such obligations are to be construed and enforced in a manner such that the protected guarantee is truly practical and effective, taking into consideration the special nature of human rights treaties.⁴

7. That the States Parties to the Convention that have accepted the binding jurisdiction of the Court are under a duty to fulfill the obligations established by the Court. Therefore, the State of Paraguay must adopt all such measures as may be necessary to fully comply with the obligations ordered by the Court in its Judgment of September 26, 2006. This obligation includes the State's duty to report on the measures adopted to comply with the decisions of the Court. Timely fulfillment of the State's obligation to report to the Court on the manner in which it is complying with each of the obligations ordered thereby is essential to assess the progress made in compliance with the Judgment as a whole.

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8. That regarding the obligations set forth in the Judgment, the State informed that the Attorney General of the Republic had submitted a request to the President of Paraguay for the creation of an Inter-institutional Commission so that judgments delivered by the Inter-American Court may be fully complied with. To date no further information has been provided to the Court on the creation of such Commission.

Honduras. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of August 5, 2008, Considering clause 3.

² Cf. *International Responsibility for the Promulgation and Enforcement of Laws in Violation of the Convention (Articles 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; *Case of Goiburú et al.*, *supra* note 1, Considering clause 5, and *Case of Servellón-García et al.*, *supra* note 1, Considering clause 4.

³ Cf. *Case of Caballero-Delgado and Santana v. Colombia*. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of February 6, 2008, Considering clause 2; *Case of Goiburú et al.*, *supra* note 1, Considering clause 5, and *Case of Servellón-García et al.*, *supra* note 1, Considering clause 4.

⁴ Cf. *Case of Ivcher-Bronstein v. Peru. Competence*. Judgment of September 24, 1999. Series C No. 54, para. 37; *Case of Goiburú et al.*, *supra* note 1, Considering clause 6, and *Case of Servellón-García et al.*, *supra* note 1, Considering clause 5.

9. That regarding the foregoing, the representatives stated that “the obligation of the State –in this case, Paraguay- to comply with the Court’s decisions is independent from any domestic decisions that may be adopted, such as the creation of [said Inter-institutional Commission].” In this regard, the representatives concluded that “the information submitted by the State regarding this obligation is not relevant in order to be informed about and assess the effective compliance with the reparation measures ordered by the Court” in the instant case. The Commission did not rule on this matter.

10. That the Court appreciates the State’s efforts towards the creation of said Inter-institutional Commission for the full compliance with the judgments rendered by the Inter-American Court, including the judgment delivered in the instant case. Therefore, it urges the State to continue taking such measures as may be necessary to guarantee the effective compliance with the State’s obligations as ordered by the Court.

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11. That regarding the obligation to take, in full accordance with the right to a fair trial and within a reasonable period of time, all such measures as may be necessary to identify, prosecute, and, if appropriate, punish all those responsible for the violations committed in the instant case (ninth operative paragraph of the Judgment), the State informed that the case entitled “Aníbal López-Insfrán and Eduardo Riveros on/ homicide in Villarrica” is currently pending before the Criminal Court of Villarrica.”

12. That the representatives pointed out that “[t]he information submitted by the [State] of Paraguay is not even minimally sufficient to fulfill its obligation to inform on this [m]easure.” They further argued that the report “does not even state whether the record referred to above is related to the facts of [the] instant case, nor does it refer to the procedural stage of such proceedings, the measures ordered therein, the results thereof, or the lines of investigation followed, among other elements.” Therefore, the representatives pointed out that, all in all, the State “has [n]ot [submitted] any information which allows the Court and the parties to reach a conclusion as to the degree of compliance with this measure.” Finally, they added that the State has not submitted any documents to support the information it furnished.

13. That the Commission highlighted that in due time “the [Inter-American] Court was provided with information regarding a proceeding started before the ordinary courts against the persons [referred] to by the State, in which judgment was delivered on March 2, 2005 convicting Corporal Second Class López-Insfrán and sentencing him to one year-imprisonment on the charge of ‘homicide committed in the performance of duty,’ a sentence which was deemed to have been fully served as h[e] had been previously sentenced in the military jurisdiction to one-year imprisonment and had served such sentence in Peña Hermosa prison.” It further argued that “in said judgment, Mr. Eduardo Riveros-Gavilán was acquitted.” In this regard, the Commission highlighted that “[t]he information included by [...] Paraguay in its report is insufficient as it does not state whether the proceeding [referred to above] is the proceeding wherein the Court has already rendered judgment or [it is] a new proceeding, nor does it refer to its procedural stage or to other investigative proceedings started in order to comply with the measures ordered by the Court as regards ‘all those responsible for the violations committed in the instant case.’”

14. That the Court expresses its concern about the failure of the State to submit sufficient information to determine its compliance with the obligation to identify, prosecute, and punish, if appropriate, those responsible for the violations committed in the instant case. In this regard, the Court deems it essential that the State submit updated, detailed, and complete information on the steps taken and on the progress of the above-mentioned proceedings, particularly whether actions have been taken in order to identify other possible perpetrators of the violation of the right to life and physical integrity to the prejudice of the child Gerardo Vargas-Areco.

15. That as set forth by the Judgment, it is necessary to recall that this is a case of torture and extra-judicial execution, among other violations, and that, therefore, the State must start forthwith an *ex officio* rigorous, impartial, and effective investigation into the facts. Such duty is to be accomplished in a particular manner where the victim of the extra-judicial killing involves a child, given its inherent vulnerability, particularly if the minor is under the custody or protection of the State.⁵ In fact, the State must investigate the violation of the right to life and physical integrity and punish all those responsible for it, particularly if State agents are involved. Otherwise, the resulting impunity would foster the repetition of similar events.⁶

16. That it is also relevant to recall that, under the terms of the Judgment, for this obligation to be fully complied with, the State must adopt all such judicial and administrative measures as may be necessary in order to reopen the investigation into the facts described in the instant case. The subject matter of said investigation must be the facts related to the alleged torture of the minor Vargas-Areco. Furthermore, Gerardo Vargas-Areco's next of kin or their representatives must have full access to the pertinent proceedings and be entitled to act at all stages and instances thereof, pursuant to the domestic legislation and the Inter-American Convention, releasing the child's relatives from the burden to expedite proceedings. Likewise, the State must guarantee the effective compliance with the decision adopted in the domestic jurisdiction in order to fulfill this obligation.⁷

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17. That regarding the obligation of the State to hold an act to acknowledge its international responsibility for the violations declared in the Judgment in the community where Gerardo Vargas-Areco's next of kin reside, and in the presence of State's civilian and military authorities make a public apology and place a plaque in the memory of the child Vargas-Areco (tenth operative paragraph of the Judgment), the State pointed out that "the [r]epresentative of the National Defense Ministry is taking the pertinent steps for the organization of such act of apology and public acknowledgment of international responsibility in relation to the violations declared in [the J]udgment."

⁵ Cf. *Case of Vargas-Areco v. Paraguay. Merits, Reparations and Costs*. Judgment of September 26, 2006. Series C No. 155, para. 77.

⁶ Cf. *Case of Vargas-Areco*, *supra* note 5, para. 106.

⁷ Cf. *Case of Vargas-Areco*, *supra* note 5, para. 155.

18. That the representatives pointed out that the State had not submitted any documents to support the information provided as to compliance with this obligation. They further highlighted that “[n]or was information reported on the text of the public acknowledgment or a draft thereof, or about whether the State had taken the necessary steps to place a plaque in memory of the victim.” Finally, they pointed out that the term for fulfilling such obligation had expired.

19. That the Commission stated that it “expects the State to adopt forthwith the necessary actions to fulfill the foregoing obligation.”

20. That the Court notes that fulfillment of this obligation has been delayed, as the term set for that purpose was one year as from notice of the Judgment. In this regard, the Court reminds the State of the importance of progress in compliance with this reparation measure, given the symbolic value it has as a guarantee of non-repetition of such serious events in the future. Therefore, the State is requested to submit updated information on the steps taken in order to comply with said obligation.

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21. That regarding the obligation of the State to provide medical, psychological, and psychiatric treatment, as appropriate, to De Belén Areco, Pedro Vargas, and Juan, María Elisa, Patricio, Daniel, Doralicia, Mario, María Magdalena, Sebastián, and Jorge Ramón, all of them Vargas-Areco, if they so require, and for as long as necessary (eleventh operative paragraph of the Judgment), the State pointed out that “the Ministry of Public Health and Social Welfare too[k] the necessary steps before [the] Director of Pedro Juan Caballero Regional Hospital so that the parents of the minor Gerardo Vargas-Areco receive treatment.”

22. That the representatives pointed out that the State has not submitted any documents showing that the Ministry of Public Health and Social Welfare has taken any steps before the Director of Pedro Juan Caballero Regional Hospital, nor has it stated that the victims are effectively receiving treatment at said hospital. They further argued that “[th]e State’s report [...] does not refer to the steps taken in order to provide treatment to the victim’s siblings, as ordered in the Judgment.” Finally, they pointed out that “the obligation to provide treatment to the victim’s next of kin must be met forthwith” and that said obligation “implies making all necessary resources available so that said persons may effectively receive [...] treatment, which means allowing them transport facilities to go to said hospital, providing hospital treatment at special hours, designating medical staff for the respective diagnosis and treatment, supplying them with free medication and other measures.”

23. That the Commission requested the State to “inform the Court in detail on the specific measures adopted so that all Gerardo Vargas-Areco’s next of kin may be provided forthwith with medical treatment as ordered in [the J]udgment.”

24. That the Court notes that the State has not adequately informed on this reparation measure. Likewise, it has not submitted information on the steps taken in order to provide treatment to Gerardo Vargas-Areco's siblings. In this regard, the Court notes that, in accordance with paragraphs 159 and 160 of the Judgment, together with paragraph 71(28) thereof, the beneficiaries of this reparation measure are Gerardo Vargas-Areco's parents and siblings. Therefore, the Court deems it of the utmost importance that this reparation measure starts being effectively and fully complied with in relation to all its beneficiaries, if they so require, and requests the State to provide updated information thereon.

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25. That regarding the obligation to design and implement training programs and regular courses on human rights for all members of the Paraguayan Armed Forces (twelfth operative paragraph of the Judgment), the State informed on the adoption of the following four measures: 1) the approval by the Commander-in-Chief of the Armed Forces by means of General Order 237 of December 4, 2002 of the "Standard Teaching Program on Human Rights and International Humanitarian Law" at the basic, intermediate, and advanced levels; 2) the approval by means of General Order No. 112 of June 28, 2007, of the "Manual of Humanitarian Rules, Human Rights, and International Humanitarian Law in the Armed Forces," to be distributed among the Staff of the Armed Forces; 3) the distribution of 1,930 copies of the didactic material entitled "Soldier's Guide – Enforcement of Human Rights and International Humanitarian Law Basic Rules," which describes the procedures to be followed in case of violations of human rights and lists the institutions where they should be reported, their addresses, and contact numbers," and 4) the report drawn by the National Defense Ministry entitled "Training Program Military Rating Period 1st Stage Year-2008."

26. That the representatives pointed out that "there is no proof that the "Soldier's Guide" has been distributed among conscripts, nor that it has been effectively used by soldiers who were abused or mistreated in military units." Additionally, the representatives pointed out that the various documents submitted regarding compliance with this measure "are not sufficient to show full compliance therewith." The representatives insisted that it is necessary that the State " [r]eport effectively on the programs and course[s] concerned]." They further argued that the report submitted by the State and drawn by the National Defense Ministry states "regarding the training given exclusively to Army members," which, however, was ordered by the Inter-American Court to be given to all services of the Armed Forces." Furthermore, the representatives stated that "[t]he information is exclusively related to the training given 'to conscripts recently enlisted in the Troops of the General Headquarters of the FCEME in their first 17 weeks,'" whereby "no information was submit[ted] about training given in this topic to permanent cadres and Army officers, nor about subsequent training in human rights, if any, given to conscripts." Furthermore, they argued that "[n]o information was submit[ted] on the academic qualifications of those who give courses on human rights or on the general requirements to give such courses." Finally, the representatives pointed out that "the State has not informed the Court on any aspects regarding the design of the training programs" ordered by the Judgment, nor on their objectives, methodology, assessment criteria, the staff to whom they were addressed, or their suitability to the specific requirements of the various services of the Armed Forces "both for the permanent cadres and conscripts."

27. That the Commission "appreciat[ed] the information submitted by the State and expects that it may continue informing the Court on the measures adopted to comply with this obligation." Furthermore, it pointed out that the report drawn by the National Defense

Ministry "does not allow issuing an opinion on compliance with the obligation ordered by the Court."

28. That the Court appreciates the partial compliance with this measure as to the design, approval, and distribution of the above-mentioned material for training programs and regular courses on human rights designed for the members of the Paraguayan Armed Forces. Notwithstanding, it will be awaiting further information on the adoption of said programs and courses, particularly as to their implementation. The Court deems it relevant to remind the State that education in human rights for the Armed Forces is crucial to avoid repetition of similar events in the future and, in this regard, it urges the State authorities to continue adopting such measures as may be necessary to fully comply with this obligation.

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29. That regarding the obligation to publish once in the Official Gazette and in a nationwide daily newspaper the chapter on Proven Facts of the Judgment, without the corresponding footnotes, and the operative paragraphs thereof (thirteenth operative paragraph of the Judgment), the State sent a copy of the publication of the proven facts and of the operative paragraphs of the Judgment in the Official Gazette of the Republic of Paraguay on May 11, 2007. Furthermore, it pointed out that "the National Defense Ministry [informed] that on October 18, [2007] it woul[d] publish them in La Nación newspaper to fully comply [with] this measure."

30. That the representatives requested the Court "to require the State [...] to forward a copy of the publication in a [nationwide] daily newspaper, though [they] know for a fact that [said] publication was made."

31. That the Commission pointed out that "it will be awaiting the publication announced by the State in La Nación newspaper and appreciates the partial compliance with this obligation, which has been verified."

32. That the Court appreciates the partial compliance with this measure through the publication of the Proven Facts and of the operative paragraphs of the Judgment in the Official Gazette on May 11, 2007. Notwithstanding, it notes that the submission of the document showing the respective publication in La Nación newspaper on October 18, 2007 is still pending.

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33. That regarding the obligation to adapt the Paraguayan domestic legislation on recruitment for military service of minors under the age of 18 into the Paraguayan Armed Forces to the applicable international standards (fourteenth operative paragraph of the Judgment), the State informed on the adoption of the following three measures: 1) the enactment of Law No. 3360 of November 2, 2007, which repeals Article 10 and amends Article 5 of Law No. 569/75 on "Compulsory Military Service," providing that the minimum age required to be recruited into compulsory military service shall be 18, 2) adherence by

means of Law No. 1897 of May 27, 2002 to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, and 3) the amendment to Law No. 123/52 on the Army "CIMEFOR" [Military Training Center for Students and Army Reserve Officers], which regulates voluntary military service and which is still pending passage by parliamentary Committees.

34. That the representatives pointed out that the enactment of Law No. 3360, which sets forth that the minimum age required to be recruited into compulsory military service is 18 years old, "amounts to partial compliance with the Operative Paragraph concerned[, wherefore] the amendment to Law No. 123/52 on the 'CIMEFOR' would be the only obligation pending fulfillment so that the prohibition to recruit minors under 18 years old extends to [voluntary] military service too." Furthermore, the representatives "express[ed] their satisfaction on account of the progress made by the State" as to the amendment of Law No. 569/75 on "Compulsory Military Service."

35. That the Commission "appreciat[ed] the partial compliance with this obligation by the State of Paraguay through the amendment to [Law No. 3360,] which is an important step towards the adaptation of its domestic legislation to the applicable international standards." It further pointed out that it "will be awaiting specific information on the steps taken to amend similarly Law No. 123/52 on the "CIMEFOR," regarding voluntary military service."

36. That the Court appreciates the partial compliance by the State with this obligation by means of the enactment of Law No. 3360, which sets forth that the minimum age required to be recruited into compulsory military service is 18 years old. Notwithstanding, it will be awaiting information on the progress reported by the State as to the amendment of Law No. 123/52 on the "CIMEFOR," which would regulate voluntary military service and which, as reported by the State, is pending passage by parliamentary Committees. In this regard, the Court recalls what was provided for in paragraph 118 of the Judgment, wherein the Court noted that "on March 14, 2006, the President of the Republic [stated] that the minimum age required to be recruited into compulsory military service in Paraguay will be 18 years old." Thus, the Court urges the State to fully comply with this obligation through all appropriate bodies, and deems it necessary to receive updated information on the latest specific steps taken in relation to said amendment.

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37. That regarding the obligation to pay compensation for pecuniary and non-pecuniary damages and to reimburse costs and expenses (fifteenth, sixteenth, and seventeenth operative paragraphs of the Judgment), the State forwarded copies of the receipts of payment thereof to Gerardo Vargas-Areco's next of kin.

38. That the representatives highlighted that though the State submitted the documentation showing payment of compensation for pecuniary and non-pecuniary damages and reimbursement of costs and expenses, said payment "was ma[de] after the

expiration of the term of one year set by the Court, wherefore payment of default interests is pending.”

39. That the Commission “appreciat[ed] the payment made by the State of Paraguay and will be awaiting further information on the payment of default interests accrued between October 17, 2007 (a year after the Judgment was notified) and January 17, 2008,” date on which “payment of the sums ordered by the Court in its Judgment was made.”

40. That the Court appreciates the partial compliance by the State with payment of compensation for pecuniary and non-pecuniary damages and reimbursement of costs and expenses. Notwithstanding, it notes that payment of default interests resulting therefrom is pending compliance. In this regard, the Court reiterates what was stated in paragraph 174 of the Judgment, which sets forth that “[s]hould the State fall in arrears, banking default interest rates in effect in Paraguay shall be paid on the amounts due.” Therefore, the Court will be awaiting recent specific information on this obligation, in order to assess its full compliance.

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41. That the State has not submitted complete and detailed information regarding each of the reparation measures ordered in the Judgment.

42. That it is necessary to continue monitoring compliance with Judgment, for which purpose the Court may eventually summon the State, the representatives, and the Commission to a hearing.

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, 25(1) and 30 of its Statute, and 29(2) of its Rules of Procedure,

DECLARES:

1. That in accordance with the provisions set forth in Considering clauses 28, 32, 36, and 40 of this Order, the State has partially complied with the following operative paragraphs of the Judgment:

- a) design training programs and regular courses on human rights for all members of the Paraguayan Armed Forces (*twelfth operative paragraph of the Judgment*);
- b) publish once in the Official Gazette the chapter on Proven Facts of the Judgment and the operative paragraphs thereof (*thirteenth operative paragraph of the Judgment*);
- c) adapt its domestic legislation regarding compulsory recruitment of minors under the age of 18 into the Paraguayan Armed Forces, in conformity with the applicable international standards (*fourteenth operative paragraph of the Judgment*), and
- d) pay compensation for pecuniary and non-pecuniary damages and reimburse costs and expenses (*fifteenth, sixteenth, and seventeenth operative paragraphs of the Judgment*).

2. That it will keep open the proceeding for monitoring compliance with the following obligations pending fulfillment in the instant case, to wit:

- a) to take, in full accordance with the right to a fair trial and within a reasonable period of time, all such actions as may be necessary to identify, prosecute, and punish all those responsible for the violations committed in the instant case (*ninth operative paragraph of the Judgment*);
- b) to hold a public act to acknowledge its international responsibility in relation to the violations declared in [the] Judgment, in the community where Gerardo Vargas-Areco's next of kin reside, and in the presence of the State's civilian and military authorities make a public apology and place a plaque in memory of the child Vargas-Areco (*tenth operative paragraph of the Judgment*);
- c) to provide medical, psychological, and psychiatric treatment, as appropriate, to De Belén Areco, Pedro Vargas, and Juan, María Elisa, Patricio, Daniel, Doralicia, Mario, María Magdalena, Sebastián, and Jorge Ramón, all of them Vargas-Areco, if they so require, and for as long as necessary (*eleventh operative paragraph of the Judgment*);
- d) to implement training programs and regular courses on human rights for all the members of the Paraguayan Armed Forces (*twelfth operative paragraph of the Judgment*);
- e) to publish once in a nationwide daily newspaper the chapter on Proven Facts of the Judgment, without the corresponding footnotes, and the operative paragraphs thereof (*thirteenth operative paragraph of the Judgment*);
- f) to adapt its domestic legislation on recruitment for voluntary military service of minors under the age of 18 into the Paraguayan Armed Forces, in conformity with the applicable international standards (*fourteenth operative paragraph of the Judgment*), and

g) to pay default interests on the amounts set as compensation for pecuniary and non-pecuniary damages and reimbursement of costs and expenses (*fifteenth, sixteenth, and seventeenth operative paragraphs of the Judgment*).

AND DECIDES

1. To call upon the State of Paraguay to adopt all such measures as may be necessary to promptly, effectively, and fully comply with the measures of reparation pending compliance, as ordered by the Court in the Judgment on the merits, reparations, and costs of September 26, 2006, under the provisions of Article 68(1) of the American Convention on Human Rights.
2. To request the State to submit a report to the Inter-American Court of Human Rights, no later than January 29, 2009, informing on all such measures as may have been adopted to fully comply with the reparations ordered by this Court which are pending fulfillment, in accordance with the provisions of Considering clauses No. 14, 20, 24, 28, 32, 36, 40, and 42, as well as with paragraph No. 1 *supra*.
3. To request the Inter-American Commission on Human Rights and the representatives to submit their observations on the report of the State referred to in the foregoing operative paragraph, within a period of six and four weeks, respectively, as from the date on which said report was received.
4. To continue monitoring the reparation measures ordered in the Judgment on the merits, reparations, and costs of September 26, 2006.
5. To request the Secretariat of the Court to notify this Order to the State, the Inter-American Commission on Human Rights, and the representatives.

Cecilia Medina-Quiroga
President

Diego García-Sayán

Sergio García-Ramírez

Manuel E. Ventura-Robles

Leonardo A. Franco

Margarette May Macaulay

Rhadys Abreu-Blondet

Pablo Saavedra-Alessandri
Secretary

So ordered,

Cecilia Medina-Quiroga
President

Pablo Saavedra-Alessandri
Secretary