

**Order of the
Inter-American Court of Human Rights*
of November 24, 2008
Case of Claude Reyes *et al.* v. Chile
(*Monitoring Compliance with Judgment*)**

HAVING SEEN:

1. The Judgment on the merits, reparations and costs (hereinafter, the "Judgment") delivered by the Inter-American Court of Human Rights (hereinafter, the "Inter-American Court", the "Court" or the "Tribunal") on September 19, 2006, in which it decided that:

[...]

5. The State shall, through the corresponding entity and within six months, provide the information requested by the victims, if appropriate, or adopt a justified decision in this regard, in the terms of paragraphs 157 to 159 and 168 of [the] judgment.

6. The State shall publish, within a period of six months, once in the official gazette and in another newspaper with extensive national circulation, the chapter on the Proven Facts of [the] judgment, paragraphs 69 to 71, 73, 74, 77, 88 to 103, 117 to 123, 132 to 137 and 139 to 143 of [the] judgment, which correspond to Chapters VII and VIII on the violations declared by the Court, without the corresponding footnotes, and the operative paragraphs hereof, in the terms of paragraphs 160 and 168 of [the] judgment.

7. The State shall adopt, within a reasonable time, the necessary measures to ensure the right of access to State-held information, pursuant to the general obligation to adopt provisions of domestic law established in Article 2 of the American Convention on Human Rights, in the terms of paragraphs 161 to 163 and 168 of [the] judgment.

8. The State shall, within a reasonable time, provide training to public entities, authorities and agents responsible for responding to requests for access to State-held information on the laws and regulations governing this right; this training should incorporate the parameters established in the Convention concerning restrictions to access to this information, in the terms of paragraphs 164, 165 and 168 of [the] judgment.

* Judge Medina Quiroga, a Chilean national, declined from hearing the monitoring compliance with the Judgment delivered in the instant case in accordance with Articles 19(2) of the Statute and 19 of the Rules of Procedure of the Court, and the Court accepted such self-disqualification. Therefore, Judge Medina Quiroga did not participate in the deliberation and signature of this Order and delegated the Presidency for this case to the Vice-President, Judge García-Sayán, in accordance with Article 4(3) of the Rules of Procedure of the Court.

9. The State shall pay Marcel Claude Reyes, Arturo Longton Guerrero and Sebastián Cox Urrejola, within one year, for costs and expenses, the amount established in paragraph 167 of [the] judgment, in the terms of paragraphs 167 and 169 to 172.

[...]

2. The order of compliance with Judgment issued by the Inter-American Court on May 2, 2008, in which it declared that:

1. That according to the terms of Considering clauses 11, 15 and 27 of [the] order, the State has fully complied with the operative paragraphs of the judgment in the instant case which ordered the State to:

a) through the corresponding entity and within six months, provide the information requested by the victims, if appropriate, or adopt a justified decision in this regard, in the terms of paragraphs 157 to 159 and 168 of [the] judgment (*Operative paragraph 5 of the judgment*);

b) publish, within a period of six months, once in the official gazette and in another newspaper with extensive national circulation, the chapter on the Proven Facts of [the] judgment, paragraphs 69 to 71, 73, 74, 77, 88 to 103, 117 to 123, 132 to 137 and 139 to 143 of [the] judgment, which correspond to Chapters VII and VIII on the violations declared by the Court, without the corresponding footnotes, and the operative paragraphs [t]hereof, in the terms of paragraphs 160 and 168 of [the] judgment (*Operative paragraph 6 of the judgment*); and

c) pay Marcel Claude Reyes, Arturo Longton Guerrero and Sebastián Cox Urrejola, within one year, for costs and expenses, the amount established in paragraph 167 of [the] judgment, in the terms of paragraphs 167 and 169 to 172 (*Operative paragraph 5 of the judgment*).

2. That according to the terms of Considering clauses 19 and 23 of this order, the Court will hold open the procedure on compliance with the operative paragraphs of the judgment in the instant case in which it has ordered the State to:

a) adopt, within a reasonable time, the necessary measures to ensure the right of access to State-held information, pursuant to the general obligation to adopt provisions of domestic law established in Article 2 of the American Convention on Human Rights, in the terms of paragraphs 161 to 163 and 168 of [the] judgment (*Operative paragraph 7 of the judgment*); and

b) within a reasonable time, provide training to public entities, authorities and agents responsible for responding to requests for access to State-held information on the laws and regulations governing this right; this training should incorporate the parameters established in the Convention concerning restrictions to access to this information, in the terms of paragraphs 164, 165 and 168 of [the] judgment (*Operative paragraph 8 of the judgment*).

AND DECIDE[D]:

[...]

2. To require to the state of Chile the adoption of the necessary measures to give effective compliance to the reparations ordered in the judgment of September 19, 2006 and that are still pending, in relation to Article 68(1) of the American Convention on Human Rights and Declarative paragraph 2 of the [...] order.

[...]

3. The Order of the President in exercise of the Inter-American Court of June 10, 2008, whereby, prior consultation with the other members of the Court, the parties were called to a monitoring compliance hearing in order to gather information on the issues pending compliance by the Republic of Chile (hereinafter, the "State" or "Chile") and the observations made by the Inter-American Commission on Human Rights (hereinafter, the "Inter-American Commission" or the "Commission") and the representative of the victims (hereinafter, the "representative.")

4. The note issued by the Secretariat of the Inter-American Court on July 25, 2008, whereby, following the instructions of the President in Current of the Court, it requested the State to submit a report on the measures adopted in compliance with operative paragraph 3 of the Order of May 2, 2008.

5. The brief of July 30, 2008, whereby the State informed of the progress in complying with the 2 paragraphs of the Judgment pending compliance.

6. The statements and the information submitted by the parties in the private hearing of monitoring compliance with the Judgment of August 14, 2008, held during the 35th regular period of sessions of the Court in Montevideo, Oriental Republic of Uruguay.¹

7. The briefs of August 28 and October 22, 2008, and the appendixes thereto, whereby the State submitted information on the *Ley de Transparencia y Acceso a la Información de la Administración del Estado* (Law on Transparency in Public Office and Access to Information on State Administration,) together with a copy thereof, published in the Official Gazette on August 20, 2008.

CONSIDERING:

¹

According to Article 6(2) of the Rules of Procedure, the Court held a hearing with a new commission of Judges composed of: Judge Diego García-Sayán, President in Current for the instant case; Judge Leonardo A. Franco and Judge Rhadys Abreu Brondet. The hearing was attended by: a) for the Inter-American Commission on Human Rights: Lilly Ching, Adviser; b) for the State of Chile: Juan Anibal Barria, State Agent; and c) for the victim: Juan Pablo Olmedo, Representative.

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

2. That Chile has been a State Party to the American Convention on Human Rights (hereinafter "the American Convention") since August 21, 1990, and accepted the binding jurisdiction of the Court that same day.

3. 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, the States are required to guarantee that the Court's orders are implemented in decisions made at the domestic level.²

4. That, because the judgments of the Court are final and not subject to appeal, as established in Article 67 of the American Convention, the State is required to promptly and fully comply therewith.

5. That the obligation to comply with the Court's decisions conforms to a basic principle of the law on 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 internal laws for failure to honor their pre-established international responsibility. The States Parties' obligations under the Convention bind all branches and organs of State.³

6. That the States Parties to the Convention are required to guarantee compliance with the provisions thereof and their effects (*effet utile*) within their own domestic laws. This principle is applicable not only to the substantive provisions of human rights treaties (*i.e.* those dealing with protected rights), but also to procedural rules, such as those concerning compliance with the decisions of the Court. These obligations are to be interpreted and enforced in a manner such that the protected guarantee is truly practical and effective, bearing in mind the special nature of human rights treaties.⁴

² Cf. *Case of Baena-Ricardo et al. v. Panama. Competence*. Judgment of November 28, 2003, Series C No. 104, par. 131; *Case of Servellón-García et al. v. Honduras. Monitoring Compliance with Judgment*. Order of the Inter-American Court of Human Rights of August 5, 2008, Considering Clause 3; and *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.

³ 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*, párr. 35; *Case of Servellón-García et al. v. Honduras*, *supra* note 2, Considering Clause 5; and *Case of Goiburú et al. v. Paraguay*, *supra* note 2, Considering Clause 5.

⁴ Cf. *Case of Ivcher Bronstein v. Peru. Competence*. Judgment of September 24, 1999, Series C No. 54, par. 37; *Case of Servellón-García et al. v. Honduras*, *supra* note 2, Considering Clause 6; and *Case of Goiburú et al. v. Paraguay*, *supra* note 2, Considering Clause 6.

7. That the Court deems the hearing of monitoring compliance with the paragraphs pending compliance in the instant case highly useful.

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8. That with regard to the obligation to adopt the necessary measures to secure the right of access to State-held information provided for in operative paragraph 7 of the Judgment, the State informs that Law No. 20,285 - *Ley de Transparencia y Acceso a la Información de la Administración del Estado* (Law on Transparency in Public Office and Access to Information on State Administration) (hereinafter, the "Law") – was promulgated and published in the Official Gazette on August 11 and 20, 2008, respectively. The State highlights that Article 10 of the Law guarantees to all persons the right to request and receive information from any entity of the State Administration and establishes, *inter alia*, the principles of: *relevance*, whereby the relevance of the information held by State organs is presumed; *accessibility* or *transparency*, whereby the information held by State organs is deemed public; *maximum disclosure*, whereby the Administration is obliged to provide information in the widest practicable manner, excluding only constitutional or legal exceptions; *simplicity*, whereby the access to information procedure must be as smooth as to set aside obstructing requirements or formalities; *opportunity*, whereby, as prompt as possible and without delay, the Administration is obliged to furnish information within statutory time limits; *control*, whereby ongoing monitoring and appealability before external organs of access to information requests are secured; *responsibility*, whereby liability and statutory penalties arise from non-compliance with obligations; and *gratuitousness*, whereby access to information procedure is free of charge. Finally, the State informs, among other issues, of the procedure set out in the Law to exercise the right of access to information, the available remedies and the functioning and powers of the Council for Transparency, an entity provided for in the Law as a public law autonomous corporation, with legal standing and own assets, with powers to protect and promote the right of access to information.

9. That, furthermore, according to the Court's request by Order of May 2, 2008, the State replies to the observations made by the representative in relation to three sections of the Law:

a) With regard to section 22(3),⁵ providing for the indefinitely temporal reserve of access to information on certain issues related to national security, Chile states that the grounds for secrecy or reserve therein set out, which are consistent with the exceptions established in Article 13 of the American Convention on Human Rights, do not entail a disproportionate restriction, but a reasonable measure in a democratic society, for they comply with legality requirements in that any issues relative to these matters are governed by constitutional and legal rules and aim at lawful purposes like national security in the terms of Article 13(2) of the American Convention and are necessary for a democratic society. The State adds that the indefinitely temporal reserve is an "exception to the exception;" that it is a case of exceptional reserve, which differs from other reserve situations the temporal status of which is expressly provided for.

b) With regard to section 29,⁶ providing for information submission suspension based on an appeal against an order of the Council for Transparency before any competent court of appeals, Chile states that the measure is related to the due protection of third parties who may be adversely affected by such information submission. The rationale for this provision is established in the fact that no information may be furnished while the lawfulness of its submission is still under review; the natural effect of any request for review is to maintain the *statu quo* of the issue until a resolution is achieved. This procedure has been "built on the respect for judicial guarantees and forwards to all persons the power to object resolutions that may adversely affect the effective exercise of their rights," in a way "incompatible with the American Convention."

⁵ Section 22.- Those acts deemed secret or reserved under a special majority law shall maintain their status until a new law of same hierarchy repeals said status.

[...]

However, the secret or reserved nature shall be indefinite when it concerns acts and documents which, at a national defense level, provides for strategic or military planning, and those the publication or disclosure of which may affect:

- a) The territorial integrity of Chile;
- b) The interpretation of or compliance with an international treaty on boundaries signed by Chile;
- c) The International defense of the Rights of Chile, and
- d) The foreign affairs policy of Chile in a serious manner.

The documents recording acts declared secret or reserved under a special majority law shall be kept in good preservation and security conditions by the proper entity or service.

The documents recording acts declared secret or reserved by an entity or service shall be kept in good preservation and security conditions by the proper entity or service for the term of ten years, notwithstanding the rules governing delivery thereof to the National Archive.

The results of the surveys and opinion polls conducted at the request of State Administration entities duly empowered for that purpose shall be reserved until the end of the presidential period during which they were conducted, as a means to secure due fulfillment of their duties.

⁶ Section 29.- In the event the requested order authorizes access to the information denied by an entity of the State Administration, the filing of the request, whenever admissible, shall stay delivery of the requested information and the Court shall not adopt any measure allowing disclosure or access thereto.

c) With regard to the provisions referred to in transitory section 1,⁷ providing for the presumption that the laws on secrecy and reserve promulgated before the Law are legal, Chile states that their aim is to rectify a formal requirement of said secrecy laws that were not passed with the special majority established in the constitutional reform of 2005. This does not entail that said laws are *per se* constitutional, or that their provisions are prejudiced. However, as the organic and generic repeal of all prior laws was not possible, it was decided that they should be considered on a case-by-case basis. The legal principles providing for the reserve of documents or acts that are inconsistent with the purpose of the Political Constitution of the State shall not be effective for they would be unconstitutional.

10. That during the monitoring hearing the State highlighted that the Judgment rendered by the Court in the instant case made an “extraordinary contribution to the access to public information and the strengthening of the freedom of expression;” it further asserted that the Judgment was “also well-appreciated by some of many analysis reports and articles issued after the promulgation of the law on transparency and probity” and it forwarded opinions on the new language of the Law as being “more comprehensive, mainly as a result of the impact of the conviction on the State of Chile by the Inter-American Court.”

11. That during the monitoring hearing the representative, in turn, asserted that the passing of the Law translated as a radical change as not only was an organic rule drafted but also because it created an entity for the protection and promotion of the right, the Council for Transparency, with powers to solve specific cases as well as to pass legislation within the sphere of the Administration. This statute is the first milestone, and it will be applicable to all the organs of the State Administration, though its provisions shall not apply to other State entities like the Judiciary, the National Congress and entities bearing constitutional autonomy like the Constitutional Tribunal, the Central Bank, among others. Moreover, during the monitoring hearing the representative expressly renewed his concerns on certain provisions of the Law the application of which to specific cases, in the representative's opinion, could potentially elicit review by the Inter-American Court. In particular, the representative referred to the indefinitely temporal reserve provision and to the fact that the laws containing secrecy or reserve provisions prior to the effective date of this rule had been validated from a formal standpoint under transitory section 1 of the Law (*supra* Considering Clauses 9(a) and 9 (c)). The representative stated that these issues should be considered, but that this was not requested “as a condition for compliance with the Judgment;” and that “based, on the assertions and the measures adopted by the State of Chile, it should be considered that the State [had] complied with the Judgment of the Court.” The representative emphasized that the order of the Court in the instant case “set a remarkable international precedent on the acknowledgment of the right of access to public information like the freedom of expression.”

⁷ Section 1°.- Under transitory provision 4 of the Political Constitution, the special majority requirement shall be deemed fulfilled by the legal precepts in force passed before promulgation of Law No. 20050 providing for secrecy or reserve of certain acts or documents based on the grounds set out in Article 8 of the Political Constitution.

12. That the Inter-American Commission applauds the progress made by the State in the instant case and the spirit of cooperation between the representative of the victims and the State in relation to the reparations ordered by the Court.

13. That the Inter-American Court appreciates the promulgation and publication of the *Ley de Transparencia y Acceso a la Información de la Administración del Estado* (Law on Transparency in Public Office and Access to Information on State Administration) which regulates Article 8 of the Political Constitution of Chile and establishes a procedure to secure access to State-held information. Said Law enshrines the right to request and receive information from the State Administration,⁸ and provides, among other things, for the principles governing the right of access to information, the procedure and requirements to file requests for information, the authorities responsible for processing the requests, the express grounds for secrecy or reserve for which access to information may be partly or whole denied, the classified or secret status of acts or documents, the available remedies, the creation and functioning of the Council for Transparency,⁹ the procedure for appointment and incompatibility of its members and the procedure for violations and penalties.

14. That based on the information provided by the parties, the Court concludes that the State has fully honored its obligation to adopt, within a reasonable time, the necessary measures to guarantee the right of access to State-held information, in accordance with the general obligation to adopt domestic provisions established in Article 2 of the American Convention on Human Rights, according to operative paragraph 7 of the Judgment.

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15. That with regard to the obligation to provide training to public entities, authorities and agents responsible for responding to requests for access to State-held information established in operative paragraph 8 of the Judgment, together with the activities already informed by the State and considered by the Court in the previous Order, Chile stated that the following activities were carried out:

⁸ Section 10. All persons shall be entitled to request and receive information from any entity of the State Administration in the manner and under the conditions set out in this law. Access to information shall comprise the right to access any information contained in acts, orders, records, files, contracts and agreements, as well as any information produced under public budget in any format or support, to the extent permitted by law.

⁹ Section 31.- The Council for Transparency is hereby created as a public law autonomous Corporation, with legal standing and own assets. The seat of the Council shall be in the city of Santiago; however, it may settle offices throughout the country. The supreme decrees referring to the Council, where no reference to a specific Ministry is made, shall be issued through the Ministry/Secretary of the Presidency.

Section 32.- The purpose of the Council shall be to promote transparency of public acts, monitor compliance with the rules and regulations governing transparency and publicity of the information produced by the entities of the State Administration, and secure the exercise of the right of access to information.

a) Training activities by the *Agencia para la Probidad y la Transparencia* (Agency for Probity and Transparency,) created by Supreme Decree No. 30 of March 20, 2008, which carried out the following seminars:

i) April 15, 2008, attended by 133 officers, lawyers and internal auditors of the Ministry of Defense;

ii) May 8 and 9, 2008, in the Ministry of the Interior, attended by 31 professionals and internal auditors of ministries and Regional Governments; and

iii) May 9, 2008, in the Ministry/Secretary General of Government, attended by 60 agents, officers, professional, counselors and internal auditors;

b) On May 15, 2008, the Ministry of Defense organized the seminar entitled "*El Deber de Transparencia y el Derecho de Acceso a la Información Pública del Estado*" (The duty of transparency and the right of access to State-held information) targeted to officers in auditing, legal and financial areas, the defense sector and the Ministry of Economy;

c) On June 17, 2008, the training program for those responsible of the *Programa de Mejoramiento de la Gestión-Sistema Integrado de Atención a Clientes, Usuarios y Beneficiarios* (Program for Management Enhancement – Integrated System of Client, User and Beneficiary Assistance,) attended by 250 head officers of all the entities and services;

d) On June 20, 2008, a meeting of regional mayors was held to analyze the scope of the law and the means for the adequate application thereof;

e) Moreover, among other activities to be carried out during the remaining months of the year, 3 seminars for officers of the National Service of Training and Employment of the Ministry of Labor; agents and officers of the General Treasury of the Republic of the Ministry of Economy and officers of the Ministry of Public works have been scheduled;

f) Additionally, it informed that the 2008 Budget Law provides for the necessary funding to launch a *Plan Quinquenal de Capacitación en Probidad y Transparencia* (Five-Year Probity and Transparency Training Plan) based on the "*Manual de Transparencia y Probidad de la Administración del Estado*" (State Administration Transparency and Probity Manual) published in January, 2008. The objective of the Five-Year Plan is to train all the officers and agents of the State Administration. Among other purposes, the training plan aims to make the officers aware of the legal framework and applicable rules in force; to strengthen exemplary conduct of public

officers; to help prevent undue acts and minimize corruption risks in the acts of the administration and public officers; to foster transparency in administrative acts and strengthen the notion of access to information as a statutory right of all citizens. The training program will be carried out in two ways: a) by means of e-learning courses, aimed at 150,000 workers of the Central State Administration; and by specific training courses for 4,000 public officers holding probity and transparency key positions in every service.

g) *Planes Anuales de Capacitación* (Annual Training Plans): the Ministry/Secretary of the Presidency is drafting instructions whereby all the entities and services of the State Administration will be advised that the Training Bipartite Committees should include in their respective annual plans specific training activities concerning probity and transparency taking the Law into account.

h) The State submitted the *Manual de Transparencia y Probidad de la Administración del Estado* (State Administration Transparency and Probity Manual) – published in January 2008 to the Court. This manual is particularly targeted to all persons rendering services to the State Administration of Chile including, but not limited to, Ministries, Undersecretaries, Town Halls, Governor's Offices and other public entities and services created within the domains of the public administration. The manual enshrines the right of access to information and provides training troubleshooting and tools to solve questions like the way in which the citizens may request information from a public entity; explains the principles on which the right of access to information is based; summarizes the functions of the Council for Transparency; outlines the procedure to be followed by the required entity and the system of remedies. Finally, the State submitted the book entitled *Buenas Prácticas en Probidad, Transparencia y Acceso a la Información en la Administración del Estado*, published in July 2007, which describes various experiences, selected by external and independent jury, of State organs in order to spread the ideas and initiatives adopted by the Public Administration to increase transparency, probity and good practice.

16. The State concludes that the training activities carried out so far are proof that the Judgment of the Court is being effectively complied with and asserts that further efforts are intended to be implemented since every entity should be trained in a customary fashion taking into account the tasks assigned in relation to the right of access to information. Therefore, it pointed out that massive training programs disregarding the technicalities of each position are not practicable; therefore, not all agents have been trained yet. The training programs for officers of the Judiciary to be implemented are meant to suit these needs and the Judicial Academy has been contacted for continuing-education courses in the subject area.

17. That the representative states that the training and coaching process is highly oriented towards complying with the Judgment of the Court and follows the transparency policies arising from International treaties signed by Chile. He makes an "appeal for the reinforcement of the course contents regarding the fundamental rights comprising the

access to information" and highlights the importance of the efforts aimed at the Judiciary. He also states that the training obligation is a means obligation, defined as a State's continuing obligation, and as a particular body is in charge of performing it and securing promotion of the right of access to public information that same body should continue carrying out the activities. For that reason, the representative asserts that "as far as compliance with the Judgment of the Inter-American Court is concerned, this case should be closed."

18. That the Inter-American Commission appreciates the seminars and states that "it firmly believes that training is a step of utmost importance in preventing or counterbalancing secrecy practices."

19. That the Court notes that training programs are a means to provide public officers with new knowledge, to develop abilities, to foster specialization in novel areas, to coach public officers for new positions and to adapt their capabilities to better perform the tasks. Training, as a continuing-education system, should be provided during a certain lapse of time to suit these needs.

20. That training in access to public information has been carried out on a regular basis since the Court delivered the Judgment, through various activities, in some of which the representative of the victims took part. Besides, other activities are being scheduled, including funding assignment for future efforts.

21. Based on the information furnished by the parties and the statements rendered at the monitoring compliance hearing, the Court concludes that the State has complied with the obligation to provide training to public entities, authorities and agents responsible for responding to request for access to State-held information, according to operative paragraph 8 of the Judgment.

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22. That the Inter-American Court notes with approval that the State has fully honored the two measures pending performance and, therefore, has fully complied with the measures of reparation ordered by the Court in the Judgment of the instant case.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

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

DECLARES:

1. That according to the terms of Considering clauses 14 and 21 of this Order, the State has complied with the obligation to:

a) adopt, within a reasonable time, the necessary measures to ensure the right of access to State-held information, pursuant to the general obligation to adopt provisions of domestic law established in Article 2 of the American Convention on Human Rights, in the terms of paragraphs 161 to 163 and 168 of [the] judgment (*Operative paragraph 7 of the Judgment of September 19, 2006;*) and

b) within a reasonable time, provide training to public entities, authorities and agents responsible for responding to requests for access to State-held information on the laws and regulations governing this right; this training should incorporate the parameters established in the Convention concerning restrictions to access to this information, in the terms of paragraphs 164, 165 and 168 of the judgment (*Operative paragraph 8 of the Judgment of September 19, 2006.*)

2. That, therefore, the State of Chile has fully complied with the Judgment of September 19, 2006, in the case of Claude-Reyes et al., according to the provisions of Article 68(1) of the American Convention on Human Rights that prescribes the obligation of the State parties to the American Convention on Human Rights to comply with the judgments delivered by the Court.

AND DECIDES:

1. To consider closed the case of Claude-Reyes et al., based on the fact that the State of Chile has fully complied with the Judgment delivered by the Inter-American Court of Human Rights on September 19, 2006.
2. To file the proceedings of the instant case.
3. To communicate this Order to the General Assembly of the Organization of American States in its next period of regular sessions by means of the Annual Report of the Inter-American Court of Human Rights for the year 2008.
4. To order the Secretariat of the Inter-American Court of Human Rights to notify the State of Chile, the Inter-American Commission on Human Rights and the representative of the victims of this order.

Diego García-Sayán
President

Sergio García Ramírez

Manuel E. Ventura Robles

Leonardo A. Franco

Margarette May Macaulay

Rhadys Abreu Blondet

Pablo Saavedra Alessandri
Secretary

So ordered,

Diego García-Sayán
President

Pablo Saavedra Alessandri
Secretary