

**Order of the
Inter-American Court of Human Rights ***
of April 3, 2009
Case of Castillo Páez v. Perú
(Monitoring Compliance with Judgment)

HAVING SEEN:

1. The Judgment on merits issued by the Inter-American Court of Human Rights (hereinafter "the Court", "the Inter-American Court", or "the Tribunal") on November 3, 1997 in the *Case of Castillo Páez v. Perú*, through which it

DECIDES:

unanimously

1. That the State of Perú violated the right to personal liberty recognized in Article 7 of the American Convention Human Rights, in relation to Article 1(1) thereof, to the detriment of Ernesto Rafael Castillo-Páez.
[...]

2. That the State of Perú violated the right to humane treatment recognized in Article 5 of the American Convention on Human Rights, in relation to Article 1(1) thereof, to the detriment of Ernesto Rafael Castillo-Páez.
[...]

3. That the State of Perú violated the right to life recognized in Article 4 of the American Convention on Human Rights, in relation to Article 1(1) thereof, to the detriment of Ernesto Rafael Castillo-Páez.
[...]

4. That the State of Perú violated the right to effective recourse to a competent national court or tribunal, recognized in Article 25 of the American Convention on Human Rights, in relation to Article 1(1) thereof, to the detriment of Ernesto Rafael Castillo-Páez and his next-of-kin.
[...]

5. That the State of Perú is obliged to repair the consequences of those violations and compensate the victim's next-of-kin and reimburse them for any expenses they may have incurred in their representations to the Peruvian authorities in connection with this case, for which purpose the proceeding remains open.

2. The Judgment on reparations issued by the Inter-American Court on November 27, 1998 in the present case, through which it

DECIDED:

unanimously,

1. To set the reparations that the State shall pay to the next of kin of Ernesto Rafael Castillo-Páez at US\$245,021.80 (two hundred forty-five thousand twenty-one United States dollars and eighty cents) or its equivalent in local currency. The State is to make

* Judge Diego García-Sayán, of Peruvian nationality, excused himself from hearing the present case, pursuant with Articles 19(2) of the Statute and 20 of the Rules of Procedure of the Court (partially reformed in its LXXXII Regular Session, held on January 19-31, 2009), reason for which he did not participate in the deliberation of the present Order.

these payments in the proportion and under the conditions set forth in paragraphs 75, 76, 77, 90, 114, 115, 116 and 117 of [the] Judgment.

2. That the State of Perú shall investigate the facts in the instant Case, identify and punish those responsible and adopt the necessary domestic legal measures to ensure that this obligation is fulfilled.

3. That the payments indicated in operative paragraphs 1 and 5 shall be made within six months from the date of notification of [the] Judgment.

4. That any payment ordered in this Judgment shall be exempt from any existing or future tax or duty.

5. To set the amount the State shall pay to the victim's next of kin to reimburse them for costs incurred in domestic legal proceedings at US\$2,000.00 (two thousand United States dollars) or its equivalent in the local currency of Perú.

6. That it shall oversee fulfillment of [the] Judgment.

3. The Orders of compliance with judgment issued by the Tribunal on June 1, 2001, November 27, 2002, and November 17, 2004. In the latter, the Court ordered the State to present a report on the following matters:

a) follow up concerning the steps taken to investigate the facts of the instant case and to identify and punish those responsible, since, on the basis of the information provided, it is not possible to conclude that this obligation will, to date, have been fulfilled in conformity with the decision of this Court (*Operative paragraph two of the Judgment on Reparations of November 27, 1998*); and

b) efforts made to locate the mortal remains of Ernesto Rafael Castillo-Páez (*Judgment on the Merits of November 3, 1997*).

[and]

DECIDED:

1. To require the State to report, no later than January 31, 2005, on compliance with the judgments on the merits of November 3, 1997, and on reparations of November 27, 1998.

2. To request the representatives of the victims and their next of kin, and the Inter-American Commission on Human Rights, submit observations to the report of the State mentioned in the preceding operative paragraph, within four and six weeks, respectively, of receipt of the report.

3. To continue overseeing compliance with the judgments on the merits of November 3, 1997, and on reparations of November 27, 1998.

4. The reports presented by the Republic of Perú (hereinafter "the State" or "Perú") on February 28, 2005, March 3, 2006, November 8, 2007, and September 17, 2008.

5. The observations to the state's reports presented by the representatives of the victims (hereinafter "the representatives") on April 15, 2005, April 6, 2006, and October 17, 2008.

6. The observations to the state's reports presented by the Inter-American Commission of Human Rights (hereinafter "the Commission" or "the Inter-American Commission") on May 4, 2005, April 20, 2006, and February 4, 2009.

CONSIDERING:

1. That supervision of compliance with its orders is one of the attributions inherent to the Court's jurisdictional functions.

2. That Perú has been a State Party to the American Convention on Human Rights (hereinafter "the American Convention") since July 28, 1978, and that it recognized the jurisdiction of the Court on January 21, 1981.

3. That Article 68(1) of the American Convention stipulates that "[t]he States Parties to the Convention undertake to comply with the judgment of the Court in any case to which they are parties." To such effect, the States must ensure implementation, at the domestic level, of the requirements stated by the Court in its Orders.¹

4. That by virtue of the nature of the Court's judgments as final and not subject to appeal, as established in Article 67 of the American Convention, they must be promptly fulfilled by the State in all of their aspects within the term established for that effect.

5. That the obligation to comply with the rulings of the Court 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 municipal laws to escape their pre-established international responsibility. The State Parties' obligations under the Convention bind all State branches and organs.²

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¹ Cf. *Case of Baena Ricardo et al. Competence*. Judgment of November 28, 2003. Series C No. 104, para. 131; *Case of Bámaca Velásquez v. Guatemala. Monitoring of Compliance with Judgment*. Order of the Inter-American Court of Human Rights of January 27, 2009, Considering clause number 3; and *Case of the "Street Children" (Villagrán Morales et al.) v. Guatemala. Monitoring of Compliance with Judgment*. Order of the Inter-American Court of Human Rights of January 27, 2009, Considering Clause number 3.

² Cf. *International responsibility for the Promulgation and Enforcement of Laws in Violation of the Convention (Arts. 1 and 2 American Convention on Human Rights)*. Advisory Opinion OC-14/94 of December 9, 1994, para. 35; *Case of Suárez Rosero v. Ecuador. Monitoring Compliance with the Judgment*. Order of the Inter-American Court of Human Rights of March 20, 2009, Considering clause number 4; and *Case of Bámaca Velásquez. Monitoring of Compliance with Judgment*, *supra* note 1, Fifth considering clause.

6. That pursuant with the second operative paragraph of the Judgment on reparations issued by the Tribunal in this case (*supra* Having Seen paragraph 2), the State shall investigate the forced disappearance of Mr. Castillo Páez committed by "agents of the National Police of Perú [...] on October 21, 1990;"³ identify and, in its case, punish those responsible, as well as adopt the necessary stipulations within its domestic law to guarantee compliance with this obligation.

7. That as concluded from the Orders issued by the Tribunal in this case (*supra* Having Seen paragraph 3), after the Judgment on Reparations was issued, on January 22, 2001 the First Transitory Corporate Court Specialized in Public Law of Perú, following the proceedings established in Article 151 of the Organic Law of the Judicial Power regarding the internal process for carrying out the execution of judgments of international courts,⁴ "forwarded to the Public Prosecutors' Office the proceedings of the Inter-American Court, requesting the start of the investigations, in compliance with that ordered in the Judgment of the Inter-American Court dated November 27, 1998" in the present case.

8. That once the reports forwarded by the State and the observations to those reports presented by the representatives and the Inter-American Commission have been examined, it has been verified that the criminal proceedings started based on the facts of the presented case followed, in general lines, the course detailed below:

- a) on August 29, 2001 the Thirty-Seventh Criminal Provincial Prosecutors' Office of Lima filed a criminal complaint against sixteen officers of the National Police Force "for the crime against freedom – kidnapping, in detriment of Ernesto Rafael Castillo Páez". On that opportunity, the Public Prosecutors' Office decided not to file a criminal complaint for "the crime against humanity - forced disappearance," after considering that it was not in force "at the time at which the crime was committed," reason for which "the immediate filing of the proceedings in this sense" was ordered." On September 24, 2001 the Thirteenth Criminal Court of Lima issued the corresponding order for the preliminary proceedings to commence and it ordered the practice of several evidentiary proceedings;
- b) on September 11, 2003, once the evidentiary proceedings ordered had been carried out, the Thirty-Seventh Criminal Provincial Public Prosecutors' Office of Lima considered there was enough merit to move on to an oral trial and file a substantial accusation. However, the Third Criminal Chamber of Lima did not set a date for the start of the corresponding oral trial;
- c) through the administrative order of September 30, 2004, the Executive Council of the Judicial Power created the National Criminal Chamber, with jurisdiction to "hear crimes against Humanity and crimes that constituted

³ Cf. *Case of Castillo Páez v. Perú. Merits*. Judgment of November 3, 1997. Series C No. 34, merits, para. 71.

⁴ Cf. Article 151 of the Organic Law of the Judicial Power of June 2, 1993 (SUPREME DECREE N° 017-93-JUS at <http://www.pj.gob.pe>). Said Article states that "[t]he judgments issued by International Courts, created pursuant with Treaties to which Perú is a State Party, are transcribed by the Secretary of Foreign Affairs to the President of the Supreme Court, who forwards them to the Chamber that exhausted the domestic jurisdiction and ordered the execution of the supranational judgment by the competent Specialized or Combined Judge."

cases of violations to human rights." Pursuant with the new set of rules in force, on October 11, 2004 the Third Criminal Chamber of Lima issued an order stating that the court records of the present case be forwarded to the recently created National Criminal Chamber;

- d) on June 2, 2005, the National Criminal Chamber issued an order to prosecute the sixteen police officers accused of the crime against freedom – kidnapping – in detriment of Ernesto Castillo Páez and declared that there were grounds to move on to an oral trial, which was initiated on July 20, 2005;
- e) once the oral trial's evidence production stage had concluded, the Public Prosecutors' Office accused the defendants of the crime of forced disappearance and separated itself from its initial indictment;
- f) on March 16, 2006 the National Criminal Chamber of Perú ruled "acquitting from the criminal accusation" twelve of the accused parties and sentencing Juan Carlos Mejía León, Manuel Santiago Arotuma Valdivia, Carlos Manuel Depaz Briones, and Juan Fernando Aragón Guibovich to serve prison terms "for the crime against Humanity – Forced Disappearance in detriment of Ernesto Castillo Páez" and to payment of an amount in the concept of civil reparation. The National Criminal Chamber, upon ruling if it was correct to apply the crime of forced disappearance of persons, established that "some of the defense attorneys of the accused have objected that it would be contrary to the principle of material legality to take into consideration a criminal figure not defined in the domestic legislation, such as the forced disappearance of persons, which was not in force at the time of the facts. In this sense, we must state that up to this moment, the whereabouts of the youngster Castillo Páez are unknown, which is a direct consequence of the author's criminal actions and for which the latter shall respond in all its magnitude. If we start with the circumstance, which seems undisputed, that the whereabouts of the student Ernesto Castillo Páez have not yet been established, we must presume that his illegal detainment continues, and that therefore this crime is still being executed, thus its characterization as permanent. In these cases it can be stated that the crime 'had a continued execution'. [...] [t]hus pursuant with the stipulations of Article 285 A of Executive Decree 959, the facts proven in court records fit within Article three hundred and twenty of the Criminal Code in force, namely crime against Humanity - Forced Disappearance;"
- g) the Superior Public Prosecutor, the civil party, and the defense counsel of the defendants filed appeals for annulment against the judgment of the National Criminal Chamber. The Superior Public Prosecutor filed said appeal because, in its opinion, the punishments imposed on the defendants were not "proportional to the grave damage caused," reason for which he requested that they be increased. Upon appealing the conviction, the defense counsel of the accused parties questioned, *inter alia*, the evidentiary means on which said decision was based and the retroactive application of the law. The civil party challenged the judgment because it considered that the amount set for the civil reparation "[was] insufficient when considering the damage caused," and
- h) on December 18, 2007 the First Transitory Chamber of the Supreme Court of Justice of Perú issued a judgment in which it declared "there was no

nullity" in the order appealed regarding the defendants Manuel Santiago Arotuma Valdivia, Carlos Manuel Depaz Briones, and Juan Fernando Aragón Guibovich. In what refers to the defendant Juan Carlos Mejía León, on June 30, 2008 the Supreme Court declared, by majority, that "there was no nullity" in the judgment of the National Criminal Chamber that convicted him. In this last decision, the Supreme Court established that in the crime of forced disappearance of persons "the testimonial evidence and especially, the substitutes of evidentiary means, such as indicia, circumstantial evidence, and presumptions acquire great importance since this form of repression is characterized by its intention to suppress any element that will lead to the verification of the disappearance and the victim's fate." Similarly, regarding the application of the criminal definition of forced disappearance, the Supreme Court established that "since this is a permanent crime, it will be understood as committed under the validity of the new Criminal Code and its stipulations will be applied. Even though in constitutional criminal legal matters, the general principal of 'lex previa' (according to which the prohibitive provision shall be prior to the criminal act) shall prevail, the situation contemplated in the recount made is of continuity in a criminal activity that is still occurring, since and as long as, the illegality of the behavior persists or it is an action prolonged in time and that has been regulated by a new law [...]. In this sense, it must be specified that if the accused parties have carried out the criminal behavior that results in the crime, which has a continuous nature, while in force the new law that regulates it, there is no doubt that this most recent law is the one that shall be applied, because being the new criminal regulations in force, the active subjects of the crime have performed all the actions referred to in the criminal description of the precept, without this implying any type of retroactivity *ad malam partem*".

9. That the State considers that based on the previously mentioned decisions of the Supreme Court of Justice of Perú "it has complied with the final pending matter of the judgment on reparations [...] issued on November 27, 1998, thus [...] it request[ed] the filing of process 10,733 and the notification of that decision to the parties."

10. That the representatives indicated that "the decision of the National Criminal Chamber of the Supreme Court of Lima of March 20, 2006 marks a milestone in the prosecution of grave violations of human rights in Perú, and especially of the crime of forced disappearance. This ruling is fundamental for this and other cases that will be prosecuted in the future since despite [the fact] that the acts object of the process were initially defined as the crime of kidnapping, which evidently did not correspond to the specific nature and characteristics of the crime, the Criminal Chamber [decided] to issue a conviction for the commission of the crime of forced disappearance. The Chamber's ruling is decisive, upon considering that it is not only facing a multi-offensive crime, since it infringes and affects several juridical rights and even life itself, but also when it states that since the remains of Ernesto Castillo Páez have not yet been located, his forced disappearance is a crime that is up to this date still being executed." Likewise, they indicated that the final decision adopted by the Supreme Court of Lima on June 30, 2008 "constitutes an important contribution in matters of the evidentiary assessment in crimes against human rights and especially in crimes of forced disappearance. [Because] it reaffirms and develops the usefulness and value of circumstantial evidence as an instrument used to help determine the criminal responsibility of the accused parties." Despite the aforementioned, the representatives indicated that the State has not complied with its obligation to repair since it has not handed over the remains of Ernesto Castillo Páez to his next of kin. They mentioned that "the Peruvian State refuses to comply

with the location and handing over of the individual, Ernesto Castillo Páez, specifically because it [does] not perform any [inquiring] activity that would lead to conclude that there is even a real intention of finding his remains.”

11. That the Commission valued that the State has culminated the criminal proceedings in question with the judgment of June 30, 2008, and considers that said fact “constitutes a fundamental step toward compliance with the judgment.” However, it mentioned that the State has not provided information on the actions destined to locating the remains of Ernesto Castillo Páez so they may be handed over to his next of kin.

12. That this Court has asserted that the prohibition of forced disappearance of persons and the corollary duty to investigate it and punish those responsible for it are regulations that “have reached a nature of *jus cogens*.”⁵

13. That in a repeated manner the Tribunal has established that the obligation to investigate the forced disappearance of persons, among other grave violations of human rights, shall be complied with by the State pursuant with the international standards established by international regulations and jurisprudence. In this line, the Inter-American Court has required that the investigations started with regard to this type of facts must be serious, prompt, exhaustive, impartial, and independent. In this sense, the Court has warned that for an effective compliance of this obligation, the State shall remove all obstacles, *de facto y de jure*, that help maintain impunity and guarantee the next of kin of the disappeared victim effective means of participation during the investigation process and the judicial processing.

14. That with its actions the State proved it assumed the investigation and the criminal proceedings started in the year 2001 for the forced disappearance of Ernesto Castillo Páez as its own legal duty, pursuant with the international regulations and standards established in this matter (*supra* Considering Clause number 13). Said actions made evident the State’s will to comply with its obligations to respect and guarantee the rights acknowledged by the Convention to the victims, establish the truth of what occurred to Ernesto Castillo Páez, punish those responsible for his disappearance, and thus avoid that the conditions of impunity that make possible the repetition of this type of facts continue to exist.⁶

15. That the Court especially values that the authorities of the Peruvian judicial power acted based on the ruling of this Tribunal in order to guarantee the effectiveness of the stipulations of the American Convention. In this sense, the Tribunal salutes the decisions adopted in the case *sub judice* by the Public Prosecutors’ Office, the National Criminal Chamber, and the Supreme Court of

⁵ Cf. *Case of Goiburú et al. v. Paraguay. Merits, Reparations, and Costs*. Judgment of September 22, 2006, Series C No. 153, para. 84; *Case of Tiu Cojín v. Guatemala. Merits, Reparations, and Costs*. Judgment of November 26, 2008, Series C No. 190, para. 81, and *Case of Bámaca Velásquez v. Guatemala*. Order of Compliance with Judgment of January 27, 2009, Considering Clause number 26.

⁶ Cf. *Case of Barrios Altos v. Perú. Monitoring of Compliance with Judgment*. Order of the Inter-American Court of Human Rights of August 4, 2008, para. 27. See also: *Case of the “White Van” (Paniagua Morales et al.) v. Guatemala. Merits*. Judgment of March 8, 1998. Series C No. 37, para. 173; *Case of Heliodoro Portugal v. Panama. Preliminary Objections, Merits, Reparations, and Costs*. Judgment of August 12, 2008. Series C No. 186, para. 244, and *Case of Valle Jaramillo et al. v. Colombia. Merits, Reparations, and Costs*. Judgment of November 27, 2008. Series C No. 192, para. 100.

Justice, which acknowledged the continuous nature of the crime of forced disappearance of persons, and the use of the means of indirect and circumstantial evidence in this type of cases. These decisions constitute important precedents of Latin American justice in matters of human rights.⁷

16. That the Court cannot go without mentioning the efforts carried out by the Peruvian State as of the year 2001, during the democratic transition period, in order to eliminate the legal and institutional obstacles that made the observance of the Judgments issued by the Tribunal in this case difficult; among others, the withdrawal of the statement deposited in 1999, which sought to exclude Perú from the Court's contentious jurisdiction;⁸ the non-applicability of the amnesty laws,⁹ and the creation of a criminal sub-system specialized in human rights (*supra* Considering Clause number 8(c)). In fact, the judicial proceedings carried out with regard to the forced disappearance of Ernesto Castillo Páez were favored by the adoption of these measures within the domestic Peruvian legal system.

17. That from the State's reports, as well as from the observations presented to those reports by the representatives and the Commission, it can be concluded that the State guaranteed the right of the next of kin of Ernesto Castillo Páez to make arguments, dispose of means of appeal, and present evidence during the criminal proceedings held.

18. That all the investigations of grave violations to human rights shall contribute to the realization of the right to truth and reparation of the victims. In the case of forced disappearances, this right implies knowing the fate of the disappeared person. The Court observes that given the specific circumstances of the present case, the evidence collected during the investigation and the judicial proceedings carried out, in their majority of a circumstantial and indirect nature, are not able to shed new light on the facts that happened after the arrest of Ernesto Castillo Páez or his final fate; thus the victim continues to be missing. In this sense, the State indicated, quoting the rulings issued by the Peruvian courts in this matter (*supra* Considering Clause number 8(f)), that "up to this time it ignores the whereabouts of the victim, which is a direct consequence of the criminal behavior of the author" of the crime of forced disappearance of persons.

19. That, without detriment to the aforementioned, based on the general obligations of respect and guarantee of the rights of the next of kin of Ernesto Castillo Páez, and as expressed by the Court in the Judgments issued in this case (*supra* Having Seen paragraphs 1 and 2), the State's obligation to adopt the measures within its reach to determine the whereabouts of Ernesto Castillo Páez is

⁷ Cf. *Case of Tiu Tojin v. Guatemala. Merits, Reparations, and Costs*. Judgment of November 26, 2008. Series C No. 190, para. 87.

⁸ Supreme Ruling of February 7, 2001 issued by the Executive Power and permitted by Legislative Determination No. 27401 of January 18, 2001, through which the State repealed Legislative Determination No. 27.152 and ordered, instead, to entrust "the Executive Power with all the actions necessary to leave without effect the results generated by that Legislative Determination, reestablishing in full for the Peruvian State the Contentious Jurisdiction of the Inter-American Court of Human Rights." See in this sense: *Cases of Castillo Páez, Loayza Tamayo, Castillo Petrucci et al., Ivcher Bronstein, and of the Constitutional Court*. Monitoring of Compliance with Judgment. Order of the Inter-American Court of Human Rights of June 1, 2001, Having Seen paragraph 7.

⁹ Cf. *Case of Barrios Altos v. Perú. Merits*. Judgment of March 14, 2001. Series C No. 75, paras. 43 and 44; *Case of Barrios Altos v. Perú. Interpretation of the Judgment on Merits*. Judgment of September 3, 2001. Series C No. 83, para. 18; and *Case of La Cantuta v. Perú. Merits, Reparations, and Costs*. Judgment of November 29, 2006. Series C No. 162, para. 177.

still in force. In this regard, paragraphs 90 and 105 of the Judgments on merits and reparations issued in this case, the Court considered that:

[o]n the assumption that internal difficulties might prevent the identification of the individuals responsible for crimes of this kind, the victim's family still have the right to know what happened to him and, if appropriate, where his remains are located. It is therefore incumbent on the State to use all the means at its disposal to satisfy these reasonable expectations. In addition to this duty to investigate, there is also the duty to prevent the commission of forced disappearances and to sanction those responsible for them. These obligations on Perú shall remain in force until such time as they have been fully performed.

20. That the Court does not have information on the execution of judicial or humanitarian diligences, tending to reconstruct the facts following the arrest of Ernesto Castillo Páez and determine his whereabouts. During the proceedings before the Inter-American system the next of kin of the disappeared victim denounced that according to non-official information the youngster Castillo Páez "was murdered at a beach to the South of Lima and his body had been destroyed with explosives."¹⁰ After the issuing of the judgment on reparations, the parties have not informed this Tribunal if this version of the events has been disproved or corroborated by the authorities.

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21. That the Inter-American Court values positively compliance with the second operative paragraph of the Judgment on reparations issued in the present case, in what refers to the criminal investigation of the facts and the identification and punishment of those responsible for the forced disappearance of Ernesto Castillo Páez.

22. That it is necessary that the State forward to the Inter-American Court precise information on the judicial and administrative acts or the acts of any other nature, carried out by its authorities in order to discover the whereabouts of the youngster Ernesto Castillo Páez.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS:

in exercise of its authority to supervise compliance with its decisions pursuant to the provisions in Articles 33, 62(1), 62(3), 65, 67 y 68(1) of the American Convention on Human Rights, Articles 25(1) and 30 of the Statute of the Court, and Article 29(2) of its Rules of Procedure,¹¹

DECLARES:

¹⁰ Cf. statement of Augusto Zuñiga Paz, offered before the Inter-American Court in public hearing on February 6 and 7, 1997. Cf. *Case of Castillo Páez. Merits. supra* note 3, para. 30(e).

¹¹ Rules of Procedure of the Court partially reformed in its LXXXII Regular Session, held on January 19-31, 2009.

1. That according to that stated in Considering Clauses 14 through 17 and 21 of the present Order, the State of Perú has complied with the second operative paragraph of the Judgment on reparations issued by this Tribunal on November 27, 1998, in what refers to the duty to investigate, identify, and punish those responsible for the forced disappearance of the youngster Ernesto Rafael Castillo Páez.

2. That it will maintain open the procedure of supervision with compliance in what refers to the duty to adopt the measures available to determine the whereabouts of Ernesto Rafael Castillo Páez, pursuant with Considering Clauses 21 and 23 of the Present Order.

AND DECIDES:

1. To require the State of Perú to adopt all the measures necessary to effectively and promptly comply with the duty stated in the second operative paragraph *supra*, pursuant with the stipulations of Article 68(1) of the American Convention on Human Rights, which refers to all state powers and bodies as a whole.

2. To request that the State of Perú present to the Inter-American Court of Human Rights, no later than July 15, 2009, a report indicating all the judicial and administrative acts as well as all acts of any other nature, carried out by the authorities in order to discover the whereabouts of the youngster Ernesto Castillo Páez, according to Considering Clause number 22 of the present Order; and require that the representatives of the victims and the Inter-American Commission of Human Rights present their observations to the State's report, within a four and six-week period, respectively, computed as of its receipt.

3. To continue supervising compliance with the Judgment on merits of November 3, 1997 and of reparations of November 27, 1998.

4. To evaluate the possibility of holding a private hearing of supervision of compliance with the Judgments issued in this case, in which case the parties will be notified in a timely manner.

5. To request that the Secretariat notify the present Order of Compliance with the Judgment to the State, the Inter-American Commission of Human Rights, and the representatives of the victims.

Cecilia Medina Quiroga
President

Sergio García Ramírez

Manuel 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