

**Order of the
Inter-American Court of Human Rights^{*}
of November 20, 2009
Case of Cantoral-Benavides v. Peru
(Monitoring Compliance with Judgment)**

Having Seen:

1. The Judgment on the merits rendered on August 18, 2000, wherein in its twelfth and thirteenth operative paragraphs the Inter-American Court of Human Rights (hereinafter "the Court," "the Inter-American Court" or "the Tribunal") decided:

12. [...] that the State should order an investigation to determine the persons responsible for the violations of human rights referred to in this Judgment and punish them.

[...]

13. [...] that the State should make reparations for the injury caused by the violations.

2. The Judgment on reparations rendered by the Court on December 3, 2001, wherein it decided as follows:

[...]

1. That the State must pay the following as pecuniary damages:

a) to Luis Alberto Cantoral-Benavides, in the form and under the conditions provided for in paragraphs 49, 50, 51 (a) and (b) and 52 of [this] Judgment, the sum of US\$ 35,000.00 (thirty-five thousand United States dollars) or the equivalent in Peruvian currency.

b) to Gladys Benavides-López, in the form and under the conditions provided for in paragraphs 51 (c) and (d) and 52 of [this] Judgment, the sum of US\$ 2,000.00 (two thousand United States dollars) or the equivalent in Peruvian currency.

c) to Luis Fernando Cantoral-Benavides, in the form and under the conditions provided for in paragraphs 51 (f) and 52 of [this] Judgment, the sum of US\$ 3,000.00 (three thousand United States dollars) or the equivalent in Peruvian currency.

2. That the State must pay the following as non-pecuniary damages:

a) to Luis Alberto Cantoral-Benavides, in the form and under the conditions provided for in paragraph 62 of [this] Judgment, the sum of US\$ 60,000.00 (sixty thousand United States dollars) or the equivalent in Peruvian currency.

b) to Gladys Benavides-López, in the form and under the conditions provided for in paragraph 62 of [this] Judgment, the sum of US\$ 40,000.00 (forty thousand United States dollars) or the equivalent in Peruvian currency.

c) to Luis Fernando Cantoral-Benavides, in the form and under the conditions provided for in paragraph 62 of [this] Judgment, the sum of US\$ 20,000.00 (twenty thousand United States dollars) or the equivalent in Peruvian currency.

^{*} Judge Diego García-Sayán declined from participating in monitoring compliance with the Judgment rendered in the instant case. Judge Leonardo A. Franco informed the Court that for reasons beyond his control he would not be able to take part in the deliberation and signing of this Order.

d) to Isaac Alonso-Cantoral-Benavides, in the form and under the conditions provided for in paragraph 62 of [this] Judgment, the sum of US\$ 5,000.00 (five thousand United States dollars) or the equivalent in Peruvian currency.

e) to José Antonio Cantoral-Benavides, in the form and under the conditions provided for in paragraph 62 of [this] Judgment, the sum of US\$ 3,000.00 (three thousand United States dollars) or the equivalent in Peruvian currency.

3. That the State must pay the victims' representatives the sum of US\$ 8,000.00 (eight thousand United States dollars) or the equivalent in Peruvian currency as reimbursement of legal costs and expenses, in the form and under the conditions provided for in paragraph 87 of [this] Judgment.

4. That through the procedures established by its domestic laws, the State must reverse the verdict of conviction that the Peruvian Supreme Court delivered against Luis Alberto Cantoral-Benavides, pursuant to the provisions of paragraph 77 of this [...] Judgment.

5. That the State must nullify any judicial, administrative, criminal or police proceedings that may have been started against Luis Alberto Cantoral-Benavides, in connection with the events described in the instant case and must expunge the corresponding records, pursuant to the provisions of paragraph 78 of this [...] Judgment.

6. That the State must provide Luis Alberto Cantoral-Benavides with a scholarship for higher or university studies, in order to cover the costs of a degree in the profession of his choosing and his living expenses for the duration of such studies, at an educational institution of recognized academic excellence to be mutually chosen by the victim or his representatives and the State, pursuant to the provisions of paragraph 80 of this [...] Judgment.

7. That the State must publish once in the Official Gazette and in another newspaper of national circulation, the operative paragraphs of the Judgment on the merits rendered on August 18, 2000 and make a public apology to acknowledge its responsibility and to prevent the repetition of the facts described in the instant case, pursuant to the provisions of paragraphs 79 and 81 of this [...] Judgment.

8. That the State must provide medical and psychological treatment in Peru to Gladys Benavides-López, pursuant to the provisions of paragraph 51 (e) of this [...] Judgment.

9. That the State must conduct an investigation into the facts described in the instant case, in order to identify and punish those responsible for them, pursuant to the provisions of paragraph 70 of this [...] Judgment.

[...]

12. That as from the date of notification of this Judgment, the State must submit a report to the Inter-American Court of Human Rights every six months on the measures adopted to comply with its provisions.

[...]

3. Paragraph 97 of the Judgment on reparations (*supra* Having Seen clause 2), which provides that "[s]hould the State default on its obligation, it shall pay interest on the sums due at the banking interest rate in effect in Peru for overdue payments."

4. The Orders of the Court of November 27, 2003 and November 17, 2004 on monitoring compliance with Judgment.

5. The Order of the then President of the Court of December 14, 2007, whereby the Inter-American Commission on Human Rights (hereinafter "the Commission"), the Republic of Peru (hereinafter "the State" or "Peru") and the representatives of the victim and of his next of kin (hereinafter "the representatives") were convened to a private hearing to be held at the seat of the Court on February 1, 2008. (Book 4, folio 1084)

6. The private hearing on monitoring compliance with Judgment held on February 1, 2008 during the LXXVIII Regular Session of the Court, wherein the State, the Inter-American Commission, Luis Alberto Cantoral-Benavides, and the representatives referred to the measures pending compliance as ordered in the instant case.

7. The Order of the Court of February 7, 2008, wherein it declared that:

3. It will keep open the proceeding for monitoring compliance with the obligations that have not as yet been fully complied with, to wit:

- a) the obligation to provide Luis Alberto Cantoral-Benavides with a scholarship for higher or university studies in order to cover the costs of a degree in the profession of his choosing and his living expenses for the duration of such studies, at an educational institution of recognized academic excellence, as ordered in operative paragraph six of the Judgment on reparations and in Considering clause 12 of the [...] Order;
- b) the obligation to provide medical treatment and psychotherapy to Gladys Benavides-López, pursuant to operative paragraph eight of the Judgment on reparations and the provisions of Considering clauses 13 and 14 of the [...] Order, and
- c) the obligation to investigate the facts of this case and punish those responsible for the violations committed against Luis Alberto Cantoral-Benavides, pursuant to operative paragraphs twelve and nine of the Judgments on the merits and reparations, respectively, and as ordered in Considering clauses 15 to 17 of the [...] Order.

Furthermore, in said Order the Court decided:

1. To call upon the State to adopt all necessary measures to promptly and effectively comply with the obligations pending fulfillment under the Judgments on the merits and reparations which the Inter-American Court of Human Rights delivered in the case of Cantoral-Benavides on August 18, 2000 and December 3, 2001, respectively, pursuant to the provisions of Article 68(1) of the American Convention on Human Rights.
 2. To call upon the State to submit to the Inter-American Court of Human Rights, by July 7, 2008, at the latest, a detailed report indicating all the measures adopted to comply with its obligations pending fulfillment under the Judgments on the merits and reparations, as listed in declarative point three of this [...] Order.
 3. To call upon the representatives of Mr. Luis Alberto Cantoral-Benavides and his next of kin to submit their comments on the State's report within four weeks, and to call upon the Inter-American Commission on Human Rights to submit its comments thereon within six weeks, both deadlines computed from the date of receipt of said report.
 4. To call upon the State to continue to report every six months to the Inter-American Court of Human Rights on the measures taken to ensure compliance with the Court's orders, pursuant to Considering clause No. 20 of this Order.
8. The briefs of July 16 and December 2, 2008, whereby the representatives requested the Court "[to r]equire the Peruvian State [to] submi[t] [...] the report requested in operative paragraph [two] of Order [...] of February 7, 2008," and "[i]n view of the failure of the State to submit information, to summon the parties to a public hearing in connection with compliance with Judgment."
9. The notes of the Secretariat of July 18; September 26; and December 4, 2008 and May 8, 2009, whereby the State was informed that the term to submit a detailed report on the measures adopted to comply with the obligations pending fulfillment had expired on July 7, 2008, wherefore the State was reminded of its duty to submit it.
10. The briefs of September 22, 2008 and May 22, 2009, whereby the representatives submitted information regarding compliance with Judgment. Furthermore, they requested that "[due] to the repeated failure of the State [...] to submit information to the Court [...], the parties be summon[ed] to a public hearing to be held during the following period of sessions."
11. The note of the Secretariat of May 29, 2009, whereby it informed that due to the great number of activities scheduled for the Court's following period of sessions, the request made by the representatives could not possibly be granted (*supra* Having Seen clause 10), but that it would be referred to the President for consideration for a future hearing. Furthermore, it noted that "the submission of observations or information regarding

compliance with the judgments rendered by the Court [...] is a duty of the parties and that its fulfillment is essential to assess progress in compliance with Judgment in the instant case.”

12. The brief of June 10, 2009, whereby the State submitted the report requested in operative paragraph two of the Order issued on February 7, 2008 (*supra* Having Seen clause 7).

13. The brief of July 16, 2009, whereby the representatives submitted their observations on the report required from the State in operative paragraph two of the Order issued on February 7, 2008.

14. The brief of July 30, 2009, whereby, in connection with the above-mentioned report of the State, the Commission stated that “the available information shows that no steps have been taken” in order to comply with the measures pending fulfillment, and requested that the State be required to “submit a detailed report” on certain points regarding compliance with the Judgments on the merits and reparations.

15. The brief of October 26, 2009, whereby the State submitted a new report regarding compliance with the Judgments on the merits and reparations rendered in the instant case and the observations forwarded by the representatives in that regard on November 12, 2009.

Considering:

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

2. That Peru has been a State Party to the American Convention on Human Rights since July 28, 1978 and acknowledged the binding jurisdiction of the Court on January 21, 1981.

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.” The treaty obligations of States Parties are binding on all State powers and organs.¹

4. That given the final and unappealable nature of the Court’s judgments, as established in Article 67 of the American Convention, said judgments are to be promptly and fully complied with by the State.

5. That the obligation to comply with the Court’s judgments conforms to a basic tenet of the law of the international responsibility of the State, as supported by international case law, under which the 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, domestic laws may not be invoked to justify non-fulfillment of pre-established international

¹ Cf. *Case of Baena Ricardo et al. Competence*. Judgment of November 28, 2003. Series C No. 104, para. 60; *Case of the Caracazo v. Venezuela*. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of September 23, 2009, Considering clause 3, and *Case of Cantoral-Huamani and Garcia-Santa Cruz v. Peru*. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of September 21, 2009, Considering clause 3.

responsibility. The treaty obligations of States Parties are binding on all State bodies and organs.²

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

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7. That regarding the obligation of the State to provide Luis Alberto Cantoral-Benavides with a scholarship for higher or university studies to cover the costs of a degree in the profession of his choosing and his living expenses for the duration of such studies, at an educational institution of recognized academic excellence to be mutually chosen by the State and the victim (*sixth operative paragraph of the Judgment on reparations*), the representatives informed with great satisfaction that Luis Alberto Cantoral had completed his studies in law at San Judas Tadeo University, Brazil. Notwithstanding, they claimed that even though the State “has complied with the payment of most expenses in connection with such scholarship [...], there is a significant difference between the payments made [...] by the State and the actual expenses incurred [...] regarding the 2007 and 2008 academic years,” as a 5 percent increase was applied to the expenses corresponding to said years, which was not in line with the actual expenses incurred, in contrast with the previous academic years, regarding which the State paid the actual expenses incurred. They further pointed out that in February 2008, when the payment due for the 2007 academic year was made, the State’s representative acknowledged the difference, “but pointed out that modifying the amount would entail a delay in the payment of the expenses corresponding to 2007” and, therefore, they accepted the amount proposed, at the same time that it was agreed that payment for the 2008 expenses would cover the actual expenses incurred, which did not occur. In view of this, the representatives pointed out that there is an overall difference of 12,157.156 Brazilian *reales* between the amount paid by the State and the actual expenses incurred. Furthermore, they pointed out that payment of default interests resulting from the delay in the above-mentioned annual payments was pending. Besides, payment of the sums corresponding to 2009 and the default interests resulting from its delay is pending. Therefore, they requested the Court to keep monitoring compliance with this obligation until all expenses in connection with higher studies, living expenses and interests thereon have been fully paid.

8. That in its report, the State referred to the information that was included in the agreement signed in 2002 at the Ministry of Justice in connection with compliance with the Judgment on reparations, but has submitted no up-to-date information regarding this

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 the Caracazo v. Venezuela*, *supra* note 1, Considering clause 5, and *Case of Cantoral-Huamani and García-Santa Cruz v. Peru*, *supra* note 1, Considering clause 5.

³ Cf. *Case of Ivcher-Bronstein. Competence*. Judgment of September 24, 1999. Series C No. 54, para. 37; *Case of the Caracazo v. Venezuela*, *supra* note 1, Considering clause 6, and *Case of Cantoral-Huamani and García-Santa Cruz v. Peru*, *supra* note 1, Considering clause 6.

obligation pending fulfillment. Thus, the Commission deemed it necessary that the State submit information on “the measures adopted to make full payment of the education and living expenses incurred by Mr. Cantoral-Benavides in 2007, 2008, and 2009.”

9. That notwithstanding the failure of the State to submit information, the Court appreciates the State’s willingness to pay education and living expenses corresponding to the 2007 and 2008 academic years. However, it notes that payment of the expenses incurred in 2009 is still pending. Furthermore, it notes that the sums due were not paid in the manner and within the terms agreed upon by the parties regarding the three above-mentioned academic years, which is why, as they were not made in due time, default interests are applicable on all overdue payments, under the terms of paragraph 97 of the Judgment.

10. That the Court is aware of the various steps, procedures and administrative actions that may be necessary at the domestic level so that the payments ordered in the Judgment may be made in due time and manner, as well as of the inconveniences that this may cause. Notwithstanding, this should not be a hindrance to fully complying with this obligation. In this regard, and given the importance this reparation measure has for the life project of Mr. Cantoral-Benavides, the Court urges the State to make payment of the difference which is pending regarding the 2007 and 2008 academic years, and if applicable, of the interests on all overdue payments, as well as to pay all pending and actual expenses for the 2009 academic year and the default interests applicable as a result of its failure to make payment thereof in due time, taking into consideration the date agreed upon by the parties and the date on which such payment will actually be made.

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11. That regarding the psychological and medical treatment to be provided to Gladys Benavides-López (*eighth operative paragraph of the Judgment on reparations*), the State pointed out that “Ms. Benavides is the holder of a card granted by the Health Integral System [*Sistema Integral de Salud, SIS*] which has entitled her to receive treatment,” but “as this is a continuous obligation, steps have been taken before the Ministry of Health in order to obtain up-to-date and detailed information in that regard.”

12. That the representatives observed that this information “has not been supported and is not consistent with the previous information they submitted” with regard to the difficulties Ms. Benavides encountered in becoming a beneficiary of the Health Integral System (SIS), which she finally achieved on September 7, 2009. Notwithstanding, said system does neither cover diseases such as arthritis, rheumatism, or osteoporosis, which are the ailments affecting Ms. Benavides, nor the medicines she requires, which are not in stock, wherefore she must buy them from private pharmacies. Furthermore, they pointed out that whenever Ms. Benavides has an appointment with the doctor, she has to take the same steps again as if she were enrolling in the system. Therefore, they argued that even if the administrative hindrances she has encountered in order to obtain assistance from the SIS were eliminated, “she would not be receiving the medical attention she requires.” Even more so, the behavior of the State is contrary to the provisions of Order of February 7, 2008, as it is neither providing the medical treatment required according to her health problems, nor the medicines she needs or the reimbursement of the expenses incurred and/or to be incurred in order to obtain such medicines. In sum, according to the representatives, the State has failed to comply with this reparation measure.

13. That the Commission considered that the State must submit information on “the measures adopted in order to overcome the difficulties regarding its obligation to provide

psychological and medical treatment to Gladys Benavides-López, including the improper way she was treated, the lack of special care according to her needs, the State's failure to reimburse the expenses incurred in order to obtain the required medicines and the provision of the such medicines in the future."

14. That the Court considers that the State has not adopted any concrete measures nor shown to have made any progress regarding compliance with this reparation measure and notes the importance of providing psychological and medical treatment in due time and manner. In this regard, it urges the State to adopt forthwith all such measures as may be necessary to provide, for free, Ms. Benavides with the health treatment required according to her needs, including the provision of the required medicines. In this regard, with a view to fully complying with this measure, the Court reiterates that it is necessary that the psychological and medical treatment be immediately, fully, and effectively provided, as agreed upon together with the victim. In order to monitor compliance with this obligation, it is necessary that the State submit detailed and up-to-date information thereon.

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15. That regarding the obligation to conduct an investigation and, if applicable, punish those responsible for the violations committed against Luis Alberto Cantoral-Benavides (*ninth operative paragraph of the Judgment on reparations*), the State pointed out that "the necessary steps have been coordinated with the Office of the Public Prosecutor in order to obtain a detailed report thereon, which will be informed [...] as soon as such report has been received."

16. That the representatives pointed out that the First Supraprovincial Public Prosecutor's Office of Lima [*Primera Fiscalía Supraprovincial de Lima*] was still in the process of taking statements and that the only persons who had not given testimony were Mr. Cantoral-Benavides, who resides in Sao Paulo, and Mr. Guzmán-Casas, who resides in Santiago, Chile, which makes it difficult to take their testimony. Later on, they alleged that the Public Prosecutor's Office in charge of the investigation in April 2009 informed that progress had been made in the investigation and that "the only step that was still pending was the medical examination of Luis Alberto Cantoral, after which it would deem the investigation to be completed and would determine whether there was sufficient merits to start a criminal proceeding." Furthermore, they reiterated to the Public Prosecutor Office that conducting such examination in the city of São Paulo is quite difficult and pointed out that after over a year since the last Court's order was issued, the State "has not adopted any measures to solve this situation," even though in May this year the Public Prosecutor's Office pointed out that "the statements would be taken and the examination conducted" through the pertinent international steps. They further pointed out that after reading the records they noted that "there is plenty of evidence regarding both the commission of the crime and its perpetrators," but the investigation is still in its preliminary stage fifteen years after the events of the instant case occurred and the State has not started criminal proceedings against the alleged perpetrators. Therefore, they considered that the proceedings to monitor compliance with this measure should be kept open.

17. That the Commission pointed out that the State must inform on "the measures adopted to comply with its duty to conduct an investigation on its own motion regarding the violations committed against the victim, including the necessary steps so that the evidentiary procedures requiring the participation of Mr. Benavides be adopted in São Paulo, Brazil, where he resides at present."

18. That the Court notes that eight years after the Judgment on reparations was rendered and over sixteen years after the events of the instant case occurred, no significant progress has been made in the investigation into the violations of human rights committed against Mr. Cantoral-Benavides, as the case is still at the stage of investigation and some procedural steps are still to be taken. Thus, the Court reiterates that the State cannot attribute its failure to comply with its conventional obligations or its delay in complying with them to the coordination steps that must be taken at the international level in order to effectively take the above-mentioned pending evidentiary procedure.

19. That the Court reiterates that it is a duty of the State to adopt all such pertinent concrete measures as are required to comply with this obligation and, particularly, to adopt all necessary measures to take the witnesses' testimony, as well as to take any other steps which may contribute to achieve progress in the investigations. Therefore, the State must adopt all administrative, judicial, diplomatic or other measures in order to further progress in the investigation, as well as adopt all steps and procedures required to that effect. In this regard, the Court deems it necessary to require the State to submit up-to-date information on such steps and procedures, within the term set for that purpose in the operative paragraphs of this Order, so that the effectiveness of the investigation procedures adopted may be specifically assessed.

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20. That the States Parties to the American Convention that have accepted the binding jurisdiction of the Court are under a duty to fully comply with the obligations ordered by the Court. This obligation includes the State's duty to inform the Court on the steps taken in order to comply with the measures ordered by the Court in the above-mentioned Judgment. Timely fulfillment of the State's obligation to report to the Court on the manner in which it is complying with each of the measures ordered by the latter is essential to evaluate progress in compliance with Judgment as a whole.⁴ In this regard, OAS General Assembly has reiterated that in order for the Court to fully comply with the obligation to report thereto on compliance with its Judgments, it is necessary that the States Parties to the Convention duly submit the information the Court may require from them.⁵

21. That the duty to report to the Court on the implementation of measures is not fulfilled with the mere formality of submitting a document, but is a dual obligation which requires not only the formal submission of a document within the term set for that purpose but also the submission of specific, actual, up-to-date, and detailed material reference to the issues that fall within the scope of the obligation being monitored.⁶

⁴ Cf. *Case of Barrios Altos*. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 17, 2004, Considering clause 7; *Case of Cantoral-Huamani and García-Santa-Cruz v. Peru*, *supra* note 1, Considering clause 7, and *Case of Herrera-Ulloa v. Costa Rica*. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of July 9, 2009, Considering clause 7.

⁵ General Assembly, Resolution AG/RES. 2500 (XXXIX-O/09) approved at the fourth plenary session held on June 4, 2009, entitled "Observations and Recommendations on the Annual Report of the Inter-American Court of Human Rights."

⁶ Cf. *mutatis mutandi*, *Matter of Millacura Llaipén et al regarding Argentina*. Provisional Measures. Order of the Inter-American Court of Human Rights of July 6, 2006, Considering clause 20; *Matter of Marta Colomina and Liliانا Velásquez regarding Venezuela*. Provisional Measures. Order of the Inter-American Court of Human Rights of July 4, 2006, Considering clause 9, and *Matter of the Mendoza Prisons regarding Argentina*. Provisional Measures. Order of the Inter-American Court of Human Rights of March 30, 2006, Considering clause 14.

22. That the Court notes that since its last Order of February 7, 2008, the State has submitted two reports which are not exhaustive and do not provide significant up-to-date information on the progress and/or compliance with the pending measures being monitored. Thus, it is imperative that the State report to the Court every six months on the measures adopted to secure full compliance with the Judgments rendered in the instant case, in accordance with the twelfth operative paragraph of the Judgment on reparations (*supra* Having Seen clause 2).

Therefore:

The Inter-American Court of Human Rights,

by virtue of its authority to monitor compliance with its own decisions pursuant to Articles 62(3), 67 and 68(1) of the American Convention on Human Rights, 30 of its Statute and 30(2) and 63 of its Rules of Procedure,

Declares:

1. That it will keep open the proceeding for monitoring compliance with the measures pending fulfillment, to with:

- a) the obligation to provide Luis Alberto Cantoral-Benavides with a scholarship for higher or university studies, in order to cover the costs of a degree in the profession of his choosing and his living expenses for the duration of such studies, at an educational institution of recognized academic excellence to be mutually chosen by the victim or his representatives and the State, as ordered in the sixth operative paragraph of the Judgment on reparations and in accordance with Considering clauses 9 and 10 of this Order;
- b) the obligation to provide Gladys Benavides-López with psychological and medical treatment, under the eighth operative paragraph of the Judgment on reparations and Considering clause 14 of this Order, and
- c) the obligation to conduct an investigation and punish those responsible for the violations committed against Luis Alberto Cantoral-Benavides, in accordance with the twelfth and ninth operative paragraphs of the Judgments on the merits and on reparations, respectively, and Considering clauses 18 and 19 of this Order.

And Decides:

1. To call upon the State, in accordance with the provisions of Article 68(1) of the American Convention on Human Rights, to adopt all such measures as are necessary to promptly, effectively, and fully comply with the reparation measures pending fulfillment, as ordered in the Judgments on the merits and reparations of August 18, 2000 and December 3, 2001.

2. To request the State to submit to the Inter-American Court of Human Rights, no later than March 1, 2010, a detailed report on such measures as may have been adopted to fully comply with the reparation measures pending fulfillment referred to in the foregoing paragraph 1 of this Order, as ordered by the Court in its Judgments on the merits and reparations.

3. To request the Inter-American Commission on Human Rights and the representatives of Luis Alberto Cantoral-Benavides and his next of kin to submit the observations they deem relevant on the State's report within the term of six and four weeks, respectively, as from the date such report has been received.

4. To request the State to inform the Inter-American Court of Human Rights every six months on the measures adopted to secure compliance with the decisions of the Court, in accordance with Considering clause 22 of this Order.

3. To request the Secretariat of the Court to notify this Order to the State, the Inter-American Commission on Human Rights and the representatives of Luis Alberto Cantoral-Benavides and his next of kin.

Cecilia Medina-Quiroga
President

Sergio García-Ramírez

Manuel E. Ventura-Robles

Margarette May Macaulay

Rhadys Abreu-Blondet

Pablo Saavedra-Alessandri
Secretary

So ordered,

Cecilia Medina-Quiroga
President

Pablo Saavedra-Alessandri
Secretary