

**ORDER OF THE  
INTER-AMERICAN COURT OF HUMAN RIGHTS<sup>1</sup>**

**NOVEMBER 24, 2010**

**CASE OF THE DISMISSED CONGRESSIONAL EMPLOYEES  
(AGUADO - ALFARO *ET AL.*) v. PERU**

**MONITORING COMPLIANCE WITH JUDGMENT.  
AND REQUEST FOR PROVISIONAL MEASURES**

**HAVING SEEN:**

A) *Monitoring Compliance with Judgment*

1. The Judgment on the preliminary objections, merits, reparations and costs (hereinafter "the Judgment"), handed down by the Inter-American Court of Human Rights (hereinafter "the Inter-American Court" or "the Court" or "the Tribunal") on November 24, 2006, in the case of the Dismissed Congressional Employees v. Peru.

2. The request for interpretation of judgment submitted by one of the representatives of the victims and ruled inadmissible by the Inter-American Court on November 30, 2007, for failing to meet the standards of Article 67 of the Convention and 29(3) and 59 of the Rules of Procedure of the Tribunal in force at that time.<sup>2</sup>

3. The Order of the President of the Court at that time dated June 8, 2009, ruling to call a private hearing at Court headquarters in order for the Tribunal to obtain information from the Republic of Peru (hereinafter "the State" or "Peru") on the measures of reparation ordered in the judgment and the corresponding comments of the Inter-American Commission and the common interveners.

4. The hearing held on July 8, 2009, during the LXXXIII Regular Period of Sessions of the Tribunal, held at its seat,<sup>3</sup> as well as the documents presented by the Commission and the State during the hearing.

5. The order handed down on November 20, 2009, in which the Tribunal ruled:

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<sup>1</sup> Judge Diego García-Sayán did not participate in the deliberation or signing of this Order due to his Peruvian nationality, pursuant to articles 19 of the Statute and 19 of the Rules of Procedure of the Court. Consequently, in order to monitor compliance with the Judgment in this case, Tribunal Vice President Judge Leonardo A. Franco has stood in as Acting President.

<sup>2</sup> *Case of the Dismissed Congressional Employees (Aguado - Alfaro et al.) v. Peru*. Request for Interpretation of Judgment on the Preliminary Objections, Merits, Reparations and Costs. Judgment of November 30, 2007, Series C No. 174.

<sup>3</sup> The hearing was attended by Francisco Ercilio Moura and Javier Mujica Petit of the Labor Aid Center of Peru (CEDAL in its Spanish acronym), common interveners of the representatives; for the Inter-American Commission, Ms. Lilly Ching Soto, adviser; and for the State, Ms. Delia Muñoz Muñoz, Specialized Supranational State's Attorney, Mr. Rodolfo Reyna Salinas, Adviser to the President of the Congress of the Republic, Mr. Edgar Chauca López, Chief Legal Advisor to the Congress of the Republic, Ms. Erika Ramos Arteaga, Adviser of the Specialized Supranational Office of the State's Attorney, Ambassador Moisés Tambini de Valle, Chief of the Diplomatic Mission of Peru in Costa Rica, and Mr. Gustavo Lembcke and Mr. David Tejada, Minister and Second Secretary of the Peruvian Embassy in Costa Rica, respectively.

1. That the State has complied with the obligations established in operative paragraph six of the Judgment on preliminary objections, merits, reparations and costs issued by the Tribunal on November 24, 2006, regarding the payment of the amounts set in paragraph 154 as costs (operative paragraph six of the Judgment and paragraphs 157 through 161 of the same).

2. That it [would] keep the process of monitoring of compliance with the points pending complete fulfillment open, namely:

a) to guarantee the 257 victims access to a simple, rapid, and effective remedy, for which a process shall be concluded as soon as possible setting up an independent and impartial organ with authority to issue binding and definitive rulings on whether these individuals were dismissed properly and with justification from the Congress of the Republic or, should the opposite be the case, to determine and establish the corresponding legal consequences, including, where applicable, due compensation based on the specific circumstances of each individual, as soon as possible (*operative paragraph 4 of the Judgment* and paragraphs 148, 149, and 155 of the judgment), and

b) to immediately pay the quantity awarded to the 257 victims as compensation for non-pecuniary damages (fifth operative paragraphs of the Judgment and paragraphs 151, 156 and 158 to 161).

And Rul[ed]

1. To order the State of Peru to adopt all the measures necessary to give effective and prompt fulfillment of the points from the Judgment that are pending compliance [...] set forth in Declarative Paragraph two [of the Order].

2. To ask the State of Peru to present the Inter-American Court of Human Rights, by no later than March 1, 2010, with a report indicating all the measures adopted in order to comply with the reparations ordered by this Court that are pending fulfillment, pursuant to Considering Clause 29, 41 and 55 [of the Order].

3. To ask the common interveners of the representatives of the victims and of the Inter-American Commission on Human Rights to present the observations that they deem pertinent on the State's report mentioned in the previous operative paragraph within four and six weeks, respectively, following the receipt of said report.

4. To continue supervising the outstanding points of the Judgment on preliminary exceptions, merits, reparations and costs issued by the Tribunal on November 24, 2006.

[...]

6. The briefs of March 18 and 26 June 22, 2010, through which the State made reference to compliance with the judgment.

7. The briefs of December 7, 2009, and January 26, March 2, June 2, October 22, and November 12, 2010, through which the common interveners of the representatives of the victims (hereinafter "the interveners") submitted comments on the status of compliance with the judgment.

8. The communication dated July 1, 2010, through which the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") submitted its comments on the status of compliance with the judgment.

*B) Request for adoption of provisional measures*

9. The brief received by electronic mail on July 14, 2000, through which Mr. Adolfo Fernández Saré and another eight individuals submitted to the Inter-American Court a petition for provisional measures under the terms of articles 63(2) of the American Convention and 27 of the Rules of Procedure of the Court, asking it to order "their reinstatement in their positions in the Congress of the Republic of Peru while State officials comply with executing Operative Paragraph No. 4 of the judgment;" and for the State to "provide full medical care through the Social Security system known as [ESSALUD] to each of the victims and their close family members [...] until this case is resolved in a definitive manner."

10. The note from the Secretariat of the Court of July 20, 2010, through which it informed Mr. Fernández Saré that it would process his request for provisional measures once the Tribunal had received the original brief mentioned or, failing that, a copy signed by all the applicants. The original brief of the request for provisional measures and its annexes were received on November 2, 2010. Subsequently, and following the instructions of the President of the Tribunal, that brief was forwarded to the Commission, the State, and the common interveners for them to provide their comments on it.

11. The briefs of November 11 and 12, 2010, through which the State, on one hand, and the common interveners and the Inter-American Commission, on the other, submitted their comments on the request for provisional measures (*supra* Having Seen 11). Nevertheless, only the State made specific reference to the request for provisional measures, while the Commission and the common interveners referred to compliance with the Judgment.

## CONSIDERING THAT:

### A *Monitoring Compliance with Judgment*

1. Monitoring compliance with its rulings is an inherent power of the Court's judicial functions.

2. Peru has been a State Party to the American Convention on Human Rights (hereinafter "the American Convention") since July 28, 1978, and accepted the contentious jurisdiction of the Court on January 21, 1981.

3. Article 68(1) of the American Convention establishes that, "The States Party to the Convention undertake to comply with the judgment of the Court in any case to which they are parties". To that end, States must ensure internal implementation of the Court's orders.<sup>4</sup>

4. By virtue of the final and unappealable nature of the judgments of the Court as established in Article 67 of the American Convention, the State must comply with them immediately and fully within the time period established to do so.

5. The obligation to comply with Court judgments is based on a basic principle of law on international State responsibility, upheld by international case law, according to which States are required to fulfill their international treaty obligations in good faith (*pacta sunt servanda*) and, as the Court has previously indicated and pursuant to Article 27 of the 1969 Vienna Convention on the Law of Treaties, they may not, for domestic reasons, fail to accept the international responsibility that has been established. The obligations of State Parties under the Convention are binding upon all State authorities and agencies.<sup>5</sup>

6. The States Parties to the Convention shall guarantee compliance with the provisions of the Convention and its effects (*effet utile*) within the scope of their respective domestic

<sup>4</sup> Cf. *Case of Baena Ricardo et al. Jurisdiction*. Judgment of November 28, 2003. Series C No. 104, para. 60; *Case of Tristán Donoso v. Panama*. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of September 1, 2010, Considering 3, and *Case of De La Cruz Flores v. Peru*. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of September 1, 2010, Considering three.

<sup>5</sup> 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. Series A No. 14, para. 35; *Case of Tristán Donoso v. Panama*. Monitoring Compliance with Judgment. *supra* footnote 5, Considering 5, and *Case of De la Cruz Flores v. Peru*. Monitoring Compliance with Judgment, *supra* footnote 5, Considering 5.

rights. This principle applies not only to the substantive rules in human rights treaties (that is, those containing provisions on protected rights), but also with regard to procedural rules, such as those regarding compliance with decisions of the Court. Taking into account the distinct nature of human rights treaties, these obligations shall be interpreted and applied in such a way that the protection guaranteed is truly practical and effective.<sup>6</sup>

*A.1) Simple, rapid, and effective mechanism for determining rights*

7. Regarding the obligation established in operative paragraph 4 of the judgment (*supra* Having Seen five), the State has expressed that "it is complying with taking the pertinent steps" for complying with the judgment; that it has met with the interveners to implement a Commission allowing for a response to what is required in the judgment and has informed the Legislative Branch that the Commission must be made up of two State representatives (from the Ministry of justice and Congress) and a representative of the workers. With regard to the point on the free legal aid to the benefit of the victims, the State reported that the General Directorate of Public Defenders designated the public defenders for the legal support of the 257 victims, indicating that 10 public defenders were named that would work free of charge, in compliance with the provisions of paragraph 149 of the judgment. The State also reported that the new special Commission<sup>7</sup> has been operating since July 16, 2010, and its purpose is to "guarantee access to a simple, rapid, and effective remedy to the 257 victims in the case." According to the State, that Commission is "constituted based on the rules set forth in the Order of Monitoring [of Compliance]" of November 20, 2009, issued in this case. The State also indicated that once the special Commission was set up on August 23, 2010, the Ministry of Justice was asked to ratify and recognize it. It noted that the Commission would be made up of delegates from the Congress of the Republic and the Ministry of Justice, as well as delegates of the victims and a president. According to the information provided by the State, the Special Commission had 90 calendar days to issue a final report, a deadline that expired on November 23, 2010,<sup>8</sup> although the State has not informed the Tribunal of the result. Following the installation of the Special Commission, the National Registry of Identification and Civil Status was asked to provide the current addresses of the 257 victims in order to notify all the victims of these actions and guarantee due process. The State indicated that on October 5 and 29, 2010, public hearings were held where the floor was opened for individuals to voluntarily come forward and make statements. According to the information provided, 69 victims named in the judgment requested the floor to present their claims before the "Special Commission."<sup>9</sup> The State indicated that the hearings are being recorded in order to later be forwarded to this Tribunal. Additionally, the State added that the Special Commission has found it necessary to set a new date for holding another public hearing and that the "date is open" in order to "be able to hear all the victims who were not able to take the floor and who wish to express [...] alternatives for resolving their specific cases."

8. The common interveners expressed that in March of 2010, they rejected the proposal of the Specialized Supranational Office of the State's Attorney of the Ministry of Justice to set up a "Special Commission" composed of three members, as it did not comply with what the Court set forth in its Order dated November 20, 2009. Later, they reported that on March 31, 2010, they received new communication from the Office of the State's Attorney

<sup>6</sup> Cf. *Case of Ivcher Bronstein v. Peru. Jurisdiction*. Judgment of the Inter-American Court of Human Rights of September 24, 1999, para. 37; *Case of Tristán Donoso v. Panama*. Monitoring Compliance with Judgment. *supra* footnote 5, Considering 5, and *Case of De la Cruz Flores v. Peru*. Monitoring Compliance with Judgment, *supra* footnote 5, Considering 6.

<sup>7</sup> This Special Commission is headed by Mr. Carlos Blancas Bustamente, chosen on July 26, 2010, during a meeting of the Special Commission that took place in the offices of the Supranational Office of the State's Attorney. See: Annex 13 of the brief of the State dated November 9, 2010 (case file of monitoring of compliance, pages XX).

<sup>8</sup> Cf. Annex 14 of the brief of the State dated November 9, 2010 (case file of monitoring of compliance, pages XX).

<sup>9</sup> Cf. Annex 17 and 18 of the brief of the State dated November 9, 2010, containing lists of the individuals who requested the floor during the public hearings called by the "Special Commission" (case file of monitoring of compliance, pages XX).

reiterating the request to require the representatives of the victims to designate their representatives for the "special Commission" but specifying that "this will now be composed not of four but of five members: two designated by the State (one by the Congress of the Republic and the other by the Ministry of Justice), two by the representatives of the victims, and the fifth - who will head the Commission - by both parties through a common agreement." On April 7, the representatives of the victims communicated their choice for their two representatives on the Commission to the Office of the State's Attorney. The State also named its two representatives on April 9, 2010. Thus on April 20, 2010, the special Commission was officially established and the nomination of the president was agreed upon. That individual accepted the position in August of 2010. That same month, the rules of the "special Commission" were approved, and since then several meetings have been held by the Commission; it was agreed to discuss the criteria for reparations; information has been requested of Congress with regard to the situation of each victim; and public hearings have been called to provide the victims with an opportunity to personally express what they deem pertinent, submit concerns, and propose their own criteria for reparations.

9. For its part, the Inter-American Commission found that the decision to establish a new "Special Commission" in charge of supervising compliance with the judgment "constitutes a noteworthy step forward in the prolonged compliance process." Likewise, the Commission noted that "with the deadline passed for complying with the creation of an independent body and for this body to have taken final decisions, there is no expectation that the obligation established by the Court will be put into practice and resolved within a reasonable period of time." With regard to the mechanism for providing free legal aid to the injured parties in this case, the Commission highlighted the lack of information with regard to the way in which the public defenders that were assigned could participate in the defense of the interests of the victims before the "Special Commission."

10. In its earlier order (*supra* Having Seen 5), the Court emphasized the characteristics of the body that the State must create to comply with what was established in operative paragraph 4 of the aforementioned judgment for the determination of the victims' rights. At that time, the Tribunal viewed positively that the State and the representatives had begun formalizing a new "Special Commission" that would be in charge of determining the corresponding juridical consequences and, where appropriate, the compensation due to each of the victims, having already determined that the victims were improperly and unjustifiably dismissed from the Congress. According to the information provided by the interveners, that "Special Commission" has already begun to function. On recalling that the State obligation must constitute a rapid and simple remedy whose final decisions should be made within the period of one year from the notification of the judgment, and after the order handed down one year ago, the Court hopes that the proceeding agreed upon and established comes to a proper conclusion as quickly as possible. In addition, the Tribunal views positively the designation of public defenders to provide legal aid to the victims and requests information from the State on the way in which this mechanism is being implemented.

#### A.2) *Payment of nonpecuniary damages*

11. With regard to the payment of the amount established to the benefit of the 257 victims for nonpecuniary damages (*operative paragraph 5 of the judgment*), the State limited itself to reporting on the steps taken and communication carried out during the year 2009 with the Ministry of Justice and the Ministry of Economy and Finance, among other public bodies, to enact compliance.

12. The common interveners expressed that the state did not provide for the payments of the indemnitees in the 2009 Budget Law, even though during the hearing it committed to paying the debt by December 31, 2009, at the latest. They highlighted that the State has not complied despite the existence of several orders that, towards doing so, have been issued by the People's Ombudsman's Office and the judicial orders and punishments that the Ministry of Justice has imposed in the execution proceeding that certain victims are currently pursuing domestically. They reiterated that the State intends to justify its noncompliance by taking refuge in domestic legislation, as "the lack of corresponding funds

in the budget [indicated by the Ministry of Economy and Finance] due to a failure of State management, is not a valid reason to fail to comply with the payment of the sums." They argued that the workers are the ones who have had to bear the failure to comply, appealing multiple times before the judicial authorities, in some cases seeking precautionary measures to obtain partial payments through embargo and auction of state goods. In other cases, an order was issued by the 27th Specialized Civil Court of the Superior Court of Justice of the Ministry of Justice requiring the debt to be paid. They also expressed their concern because on May 3, 2010, the President of the Republic sent the Congress of the Republic Bill No. 4006/2009-PE to "establish, among other things, that compliance with supernatural judgments is not carried out according to the deadline decided in the judgments handed down by the corresponding bodies (for example in the case at issue, one year counting from its notification), but rather that it be subjected to the provisions of domestic law and, in particular, to the terms of the Consolidated Text of the Law, which regulates contentious administrative proceedings (Supreme Decree No. 013-2008-JUS) and Article 70 of Law No. 28411, General Law of the National Budget System, which provides for substantially longer deadlines extending up to five years." The common interveners argued that these provisions contradict the duty assumed by the State on ratifying the American Convention.

13. The interveners also requested that the Court rule that the State has failed to comply with what was ordered in the Judgment and that the State "has committed a new violation" of the rights recognized in Article 25(2)(c) of the Convention, for which reason he requested that it "order the corresponding remedies and measures of reparation" and report on them to the General Assembly of the OAS.

14. The common interveners provide a communication dated December 16, 2009, from the People's Ombudsman's Office addressed to the President of the Council of Ministers in which it observed the State's noncompliance, which persists "both with regard to the amount explicitly established in the ruling of the Court for nonpecuniary damage [...] as well as the amount to be determined (in the event that the irregular dismissal is verified) by the independent and impartial organ referred to in [the Judgment's operative paragraph number] 4." Consequently, the Ombudsman's Office recommended that the necessary measures be taken to "authorize the Ministry of Economy and Finance to designate the budgetary resources for complying with the judgment [...] and with the provisions of the Forty-Fifth Final Provision of the Public Sector Budget Act for fiscal year 2009."

15. The Commission observed that "no effective action has been recorded" towards compliance with what has been ordered and hopes that the obstacles to carrying out the payments can be overcome as soon as possible. It also expressed its concern with regard to the information received on a draft bill that "is intended to condition compliance with international obligations assumed by the State in good faith on the domestic law of the State responsible for the violation that led to the reparatory measure." Likewise, it observed that there is no indication that efforts have been made to make contacts and coordinate domestically in order to make the reparatory measures that were ordered effective and in order for the steps taken to effectively mitigate the violation of human rights that the victims have suffered and not simply represent the execution of formal actions."

16. The Court observes that in the time that has passed since the Judgment was handed down, the payments ordered for nonpecuniary damages have not been made by the State, despite what the Tribunal ordered and what the State expressed during the hearing and in its briefs. It is necessary to highlight that despite the provision for it in the Budgetary Act of 2009, the Ministry of Economy and Finance has reported that it does not have the necessary funds, as the People's Ombudsman's Office itself has noted (*supra* Considering 13). The Court reiterates that it is crucial for the State to take the remaining steps to make these payments as soon as possible. Likewise, given that the State has fallen into arrears, it must report on the steps taken for effective compliance with this operative paragraph, as well as on the applicable provisions for covering the corresponding interest on arrears, pursuant to paragraph 161 of the Judgment.

*B) Request for adoption of provisional measures*

17. Article 63(2) of the American Convention holds that, "In cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons," the Court will, in matters under its consideration, be able to "adopt such provisional measures as it deems pertinent."

18. Mr. Fernández Saré based his request for provisional measures (*supra* Having Seen 10) on the fact that the victims were dismissed more than 18 years ago, that the proceeding has gone on for more than 12 years, that some of the victims have died, and that the great majority of those still alive are in poor health that they are not able to have cared for due to lack of financial resources.

19. The common interveners did not submit comments with regard to this request for provisional measures.

20. The Inter-American Commission did not make specific reference to the request for provisional measures and referred to what it had expressed in its comments on compliance with the Judgment

21. The State asked the Court to "rule inadmissible the request submitted for adoption of provisional measures" on the grounds that "there is no situation of gravity and urgency capable of causing irreparable damages to the [group] of former employees of the Congress of the Republic" that presented the request. The State added that the request for provisional measures makes reference to "the provision of full medical care through the Social Security system known as 'ESSALUD' for each of the victims and their close relatives [...] for as long as the case has not been definitively resolved. This point is not material" to the operative paragraphs of the Judgment. It indicated that the brief requesting provisional measures does not make "individualized mention of the specific situation of the 257 and/or 36 victims signing it" and that it is not able to demonstrate the existence of the conditions necessary for ordering the provisional measures as set forth in Article 63(2) of the Convention. The State highlighted that the measures requested would be to the benefit of a group of individuals and not all 257 workers. It gave current information on their situation as reported on by the human resources office of the Congress of the Republic, specifying that currently, 24 of the 257 victims work in the Congress of the Republic; that of the 235 remaining victims, 45 work independently, 29 are working for various State institutions, 103 are unemployed, three have passed away, two are living abroad, and two are laid off. That information would have allowed for the specification and identification of the specific situation of the 208 victims in this case.

22. The Court understands the serious problems that could have affected the victims as a consequence of the facts in this case and, later, as a consequence of the State's delay in fulfilling its obligations as a result of the judgment. Nevertheless, the purpose of the request is partially linked to the obligation imposed on the State in the fourth operative paragraph of the Judgment,<sup>10</sup> for which reason the reinstatement of the victims in their jobs could be one of the eventual legal consequences of the improper dismissal of some of the workers, which is being determined domestically (*supra* Considering 8). In this sense, Article 63(2) of the Convention is not applicable. In addition, and attending to the fact that the State has found that the victims were dismissed improperly and without justification from their jobs, it can be assumed that economic damages were suffered in many cases and that the victims in those cases were excluded from particular social security systems. Thus, the Tribunal finds that in this case, it does not correspond to the Court to address the request for provisional measures for procuring health services for the victims, notwithstanding the actions that the State may soon take attending to its respective constitutional and legal provisions and in compliance with the general obligations established in Article 1(1) of the American Convention to guarantee that the victims in this case have access to health services through State institutions or programs, at least while their situation is not resolved

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<sup>10</sup> In a similar sense, see *Raxcaco Reyes et al.* Request for Broadening of Provisional Measures regarding Guatemala. Order of the Inter-American Court of Human Rights dated February 2, 2007, Considering 21. Also see *De la Cruz Florez*, Order of the Court of September 1, 2010, Considering 77.

and in consideration of the fact that four years have passed since this Tribunal ordered that the consequences of their dismissal be determined.

**THEREFORE:**

**THE INTER-AMERICAN COURT OF HUMAN RIGHTS,**

in exercise of its authorities and pursuant to articles 63(2), 67, and 16(1) of the American Convention, 12(3) and 30 of its Statute, and 5, 19, 27, 31, and 69(4) of its Rules of Procedure,

**DECLARES:**

1. That it shall keep open the proceeding for monitoring compliance with the points pending full observance, those being:

a) to guarantee the 257 victims access to a simple, rapid, and effective remedy, for which a process shall be concluded as soon as possible setting up an independent and impartial organ with authority to issue binding and definitive rulings on whether these individuals were dismissed properly and with justification from the Congress of the Republic or, should the opposite be the case, to determine and establish the corresponding legal consequences, including, where applicable, due compensation based on the specific circumstances of each individual, as soon as possible (*operative paragraph 4 of the Judgment* and paragraphs 148, 149, and 155 of the judgment), and

b) to immediately pay the quantity awarded to the 257 victims as compensation for non-pecuniary damages (fifth operative paragraphs of the Judgment and paragraphs 151, 156 and 158 to 161).

**AND DECIDES TO:**

1. Require the State of Peru to adopt all the measures necessary to promptly and effectively comply with the points still pending compliance in the Judgment on preliminary objections, merits, reparations, and costs handed down in the case of the Dismissed Employees of the Congress of the Republic, indicated in operative paragraph 1.

2. Dismiss the request for provisional measures submitted by Mr. Adolfo Fernández Saré and other persons in the terms indicated in Considering clause 22 of this Order.

3. Order the State of Peru to submit to the Inter-American Court of Human Rights a report stating all the measures adopted to comply with all the reparations ordered by the Court that are still pending compliance, and to do so no later than March 30, 2011.

4. Order the common interveners of the representatives of the victims and the Inter-American Commission on Human Rights to submit any pertinent comments on the State report mentioned in the preceding operative paragraph, within two and four weeks, respectively, from the receipt of said report

5. Order the State to continue reporting, subsequent to the presentation of the report ordered in the fourth operative paragraph, to the Court every three months on the measures adopted toward complying with the reparations ordered.

6. Order the Inter-American Commission and the common interveners of the representatives to submit any pertinent comments on the State report mentioned, within two and four weeks, respectively, from the receipt of said report

7. Continue monitoring the measures pending compliance of the Judgment on preliminary objections, merits, reparations and costs handed down by the Tribunal on November 24, 2006.

8. Request that the Secretariat of the Tribunal notify the State, the Inter-American Commission on Human Rights, the victims' common interveners, and Mr. Adolfo Fenández Saré of this Order.

Leonardo A. Franco  
Acting President

Manuel E. Ventura Robles

Margarette May Macaulay

Rhadys Abreu Blondet

Alberto Pérez Pérez

Eduardo Vio Grossi

Pablo Saavedra-Alessandri  
Secretary

So ordered,

Leonardo A. Franco  
Acting President

Pablo Saavedra-Alessandri  
Secretary