

**ORDER OF THE**  
**INTER-AMERICAN COURT OF HUMAN RIGHTS\***  
**OF FEBRUARY 22, 2011**  
**CASE OF CANTORAL HUAMANÍ AND GARCÍA SANTA CRUZ v. PERU.**  
**MONITORING COMPLIANCE WITH JUDGMENT.**

**HAVING SEEN:**

1. The Judgment on the preliminary objection, merits, reparations and costs (hereinafter, "the Judgment"), passed down by the Inter-American Court of Human Rights (hereinafter "the Inter-American Court" or "the Court" or "the Tribunal") on July 10, 2007, whereby it ordered that:

[...]

9. The State shall immediately investigate the acts that led to the violations in the present case, and identify, prosecute and, if applicable, punish those responsible, pursuant to paragraphs 189 to 191 of the [...] Judgment. The results of the proceedings shall be publicized so that Peruvian society has access to the judicial determination of the facts and those responsible in this case.

10. The State shall publish, in the Official Gazette and in another widely distributed national newspaper, chapters VII to X of the [...] Judgment, and the operative paragraphs thereof, without the corresponding footnotes. It shall do so within six months of notification of [...] the Judgment.

11. The State shall, within six months of notification of the [...] Judgment, hold a public act of acknowledgment for its international responsibility in the violations declared in this Judgment in order to achieve redress for the victims and to the satisfaction of their families. It shall do so in public ceremony attended by State authorities and the family members named as victims in the [...] Judgment, pursuant to paragraph 193 of the [...] Judgment. It should disseminate this act through the media, in accordance with the terms of paragraph 193 of the Judgment.

12. The State shall grant a scholarship, for a Peruvian public institution, to Ulises Cantoral-Huamaní, Pelagia Mérida Contreras-Montoya de Cantoral and the children of Saúl Cantoral-Huamaní. The scholarship shall cover all education expenses, from the moment the beneficiaries make the request to the State up until the completion of their post-secondary studies, training or refresher course, be it technical or university-level, pursuant to paragraph 194 of the [...] Judgment.

13. The State shall provide for the continuation of the psychological treatment currently being received by Venessa and Brenda Cantoral Contreras for as long as necessary and under the same conditions. It shall also provide free and immediate

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\* On January 22, 2007, Judge Diego García-Sayan excused himself from hearing the case "pursuant to Article 19 of the Rules of Procedure and 19 [, now 20] of the Rules of Procedure." The then President of the Court, after consulting with the Judges of the Court, decided to accept the aforementioned request in consideration of the aforementioned provisions and after analyzing the reasons stated by Judge García-Sayan. Consequently, the Judge did not participate in the deliberation and signing of the Judgment or the present Order.

psychological and medical treatment for as long as necessary to the other family members named as victims, pursuant to paragraphs 195 to 202 of the [...] Judgment.

14. The State shall pay the amounts awarded in the [...] Judgment as pecuniary and non-pecuniary damages, and the reimbursement of costs and expenses, within one year of notification of this [...] Judgment, to the persons named in paragraphs 159 and 160, pursuant to paragraphs 161, 171, 172, 174, 177, 180 a 183, 205 and 206 to 209.

2. The Judgment of Interpretation of the Judgment on the preliminary objection, merits, reparations and costs (hereinafter "the Judgment of Interpretation"), passed down by the Inter-American Court on January 28, 2008.

3. The Orders for monitoring compliance with Judgment issued by the Inter-American Court on April 28, 2009, and September 21, 2009. In the latter, the Tribunal declared that the State has partially complied with its obligation to pay the amounts awarded in paragraph 171 (*operative paragraph fourteen of the Judgment*), and that:

2. It shall keep the monitoring proceedings open until the pending operative paragraphs have been complied with in this case, to wit:

a) Investigate the acts that led to the violations in the present case, and identify, prosecute and, if applicable, punish those responsible, pursuant to paragraphs 189 to 191 of the Judgment. The results of the proceedings shall be publicized so that Peruvian society can be informed of the judicial determination of the facts and those responsible in this case (*operative paragraph nine of the Judgment*);

b) publish once, in the Official Gazette and another widely distributed national newspaper, within six months of the notification of [...] Judgment, chapters VII to X of the [...] Judgment, and the operative paragraphs thereof, without the corresponding footnotes (*operative paragraph ten of the Judgment*);

c) publicly acknowledge its international responsibility for the violations declared in this Judgment in order to achieve redress for the victims and to the satisfaction of their families, in a public ceremony attended by State authorities and family members declared victims in the Judgment, within six months of the notification of this Judgment and pursuant to paragraph 193 of the Judgment. This ceremony should be disseminated through the media (*operative paragraph eleven of the Judgment*);

d) grant a scholarship for a Peruvian public institution to Ulises Cantoral Huamaní, Pelagia Mélida Contreras Montoya de Cantoral and the children of Saúl Cantoral Huamaní covering all educational expenses from the moment the beneficiaries make the request to the State up until the completion of their post-secondary studies, training or refresher course, be it technical or university-level, pursuant to paragraph 194 of the Judgment (*operative paragraph twelve of the Judgment*);

e) provide for the continuation of the psychological treatment currently being received by Venessa and Brenda Cantoral Contreras, for as long as necessary, and provide free and immediate psychological and medical treatment for as long as necessary to the other family members declared victims, pursuant to paragraphs 195 to 202 of the [...] Judgment (*operative paragraph thirteen of the Judgment*);

f) pay the amounts awarded in the Judgment as pecuniary and non-pecuniary damages, and reimburse costs and expenses, within one year of notification of this Judgment, to the persons named in paragraphs 159 and 160, pursuant to paragraphs 161, 171, 172, 174, 177, 180 to 183, 205 and 206 to 209 (*operative paragraph fourteen of the Judgment*), excluding the amount paid in pecuniary damages mentioned in declarative point one of this Order; and,

g) reimburse the amount of seven thousand five hundred United States dollars (USD 7,500) to Pelagia Mélida Contreras Montoya de Cantoral (*paragraph 187 of the Judgment*).

4. The briefs of February 3, April 15, May 17 and December 16, 2010, and their annexes, whereby the Republic of Peru (hereinafter "the State" or "Peru") reported on progress in compliance with the Judgment.

5. The briefs of March 2, July 15, September 24, 2010, and January 31, 2011, and their annexes, whereby the representatives of the victims (hereinafter "the representatives") submitted their comments on the State's reports.

6. The briefs of April 1, June 28, 2010, and February 8, 2011, whereby the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission" or "the Commission") submitted its observations on the State's reports and on the observations of the representatives.

7. The notes of the Secretariat of the Court of April 22, May 19, June 9, July 8, October 7 and December 20, 2010, and January 28 and February 2, 2011, among others, whereby the State requested proof of payment of compensation and observations made to the parties on the information submitted to the Court.

#### **CONSIDERING:**

1. Monitoring compliance with its decisions is an inherent power to the jurisdictional functions of the Court.
2. Peru is a State Party to the American Convention on Human Rights (hereinafter "the American Convention") since July 28, 1978 and acknowledged the jurisdiction of the Court on January 21, 1981.
3. Furthermore, Article 68(1) of the American Convention stipulates that "[t]he State Parties to the Convention undertake to comply with the decision of the Court in any case to which they are parties." To this end, States should ensure the domestic implementation of provisions set forth in the Court's rulings.<sup>1</sup>
4. In virtue of the definitive and non-appealable nature of the Court's Judgments, according to the provisions of Article 67 of the American Convention, the State should fully comply with such Judgments.
5. The obligation to comply with the Tribunal's rulings conforms to a basic principle of international responsibility of the State, supported by international jurisprudence, under which States must abide by their international treaty obligations in good faith (*pacta sunt servanda*) and, as set forth by this Court and in Article 27 of the Vienna Convention on the Law of Treaties of 1969, States cannot, for domestic reasons,

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<sup>1</sup> Cf. *Case of Baena Ricardo et al. v. Panama. Competence*. Judgment of November 28, 2003. Series C No. 104, para. 131; *Case of Valle Jaramillo v. Colombia. Monitoring compliance with Judgment*. Order of the Inter-American Court of Human Rights of December 21, 2010, Considering Clause three, and *Case of the Ituango Massacres v. Colombia. Monitoring Compliance with Judgment*. Order of the Inter-American Court of Human Rights of December 22, 2010, Considering Clause three.

ignore their international responsibility.<sup>2</sup> The treaty obligations of State Parties are binding on all branches and bodies of the State.<sup>3</sup>

6. The States Parties to the Convention must guarantee compliance with the provisions thereof and their effectiveness (*effet utile*) within their domestic legal systems. This principle applies not only to the substantive provisions of human rights treaties (i.e., those addressing protected rights), but also to procedural provisions, such as those concerning compliance with the Court's decisions. These obligations should be interpreted and enforced in such a manner that the protected guarantee is truly practical and effective, bearing in mind the special nature of human rights treaties.<sup>4</sup>
7. The States Parties to the Convention that have recognized the compulsory jurisdiction of the Court have a duty to comply with the obligations provided for by the Court. This includes the duty of the State to report on measures taken to comply with the Court's Orders. Timely fulfillment of the State's obligation to advise the Court how it is complying with each of the points it ordered is essential in order to assess the state of compliance with the Judgment as a whole.<sup>5</sup>

a) *Obligation to effectively investigate and identify, prosecute and, where appropriate, punish those responsible for the acts*

8. Regarding the obligation to investigate and identify, prosecute and, if applicable, punish those responsible for the acts (*operative paragraph nine of the Judgment*), the State indicated "once it has received official information from the Judiciary" on a *habeas corpus* proceeding in connection to the Cantoral Huamaní and García Santa Cruz case, it will submit it to the Court.
9. The representatives initially reported that "the term for judicial investigation in the criminal proceedings for human rights violations against Saúl Cantoral Huamaní and Consuelo García Santa Cruz has expired, and the case file was forwarded to

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<sup>2</sup> Cf. *International responsibility for the issuance and application of laws that violate the Convention (Art. 1 and 2 of the American Convention on Human Rights)*. Advisory Opinion AO-14/94 of December 9, 1994. Series A No. 14, para. 35; *Case of the Miguel Castro Castro Prison v. Peru*. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of December 21, 2010, Considering Clause six, and *Case of Valle Jaramillo v. Colombia*, *supra* note 1, Considering Clause four.

<sup>3</sup> Cf. *Case Castillo Petruzzi et al. v. Peru. Monitoring compliance with Judgment*. Order of the Inter-American Court of Human Rights of November 17, 1999, Considering Clause three; *Case of the Miguel Castro Castro Prison v. Peru*, *supra* note 2, Considering Clause six, and *Case of Valle Jaramillo v. Colombia*, *supra* note 1, Considering Clause four.

<sup>4</sup> Cf. *Case of Ivcher Bronstein v. Peru. Competence*. Judgment of September 24, 1999, Series C. No. 54, para. 37; *Case of the Miguel Castro Castro Prison v. Peru*, *supra* note 2, Considering Clause seven, and *Case of Valle Jaramillo v. Colombia*, *supra* note 1, Considering Clause five.

<sup>5</sup> Cf. *Case of Five Pensioners v. Peru. Monitoring Compliance with Judgment*. Order of the Inter-American Court of Human Rights of November 17, 2004, Considering Clause five; *Case of the Serrano Cruz Sisters v. El Salvador. Monitoring compliance with Judgment*. Order of the Inter-American Court of Human Rights of February 3, 2010, Considering Clause seven, and *Case of Ximenes Lopes v. Brazil. Monitoring Compliance with Judgment*. Order of the Inter-American Court of Human Rights of May 17, 2010, Considering Clause seven.

the National Criminal Court and the Public Ministry for their respective pronouncement." Despite the fact that Peru "has not complied with its obligation to submit information," they indicated that "the State is complying with this obligation. However, [...] monitoring should continue as the criminal proceedings for these acts have not yet concluded, and the final decision on the request for the prescription period application made by one of the accused is still pending." Subsequently, the representative stated that, through a media report, they learned that in the criminal proceeding "the 35th Criminal Court of Lima accepted the request for a writ of [*habeas corpus*] filed [by one of the defendants] against the Second Supraprovincial Criminal Prosecutors Office" and nullified the criminal proceedings. This judgment "has not considered the Fourth Supraprovincial Criminal Court—the Court that began the proceedings against [the accused]— as a defendant; moreover, it has extended its effect to persons who had not filed the [*habeas corpus*] request." Finally, they stated that this resolution was reversed on an appeal filed by the Second Supraprovincial Criminal Prosecutors Office. They affirmed that, in any case, "they have not received any response [to the] brief whereby [they] requested to intervene as third part[ies]" in the proceeding. Finally, they requested that the State submit information on the main procedural steps taken during the judicial investigation stage of the present case.

10. The Commission observed with concern "that the State had not presented information with regard to this reparation measure" and recalled that the scope of this measure implies that: i) the State has a duty to investigate and sanction all those responsible; ii) that it must remove all *de facto* and *de jure* obstacles that impede proper investigation of the facts, and iii) that it must not adopt any domestic law measures to make itself exempt from this obligation.
11. It is evident from the Judgment that the State should have immediately investigated the acts that caused the violations it identified therein, and identified, prosecuted, and, if applicable, punished those responsible. Furthermore, Peru was to report on the measures adopted within one year of notification of the Judgment, a term which concluded on August 3, 2008. Given the lack of information, the Tribunal, by way of the Order of September 21, 2009, again requested that the State report on the measures adopted to comply with the Judgment, and that it submit the relevant information by January 29, 2010. However, the State has still not submitted information on the measures taken to effectively comply with this obligation.
12. The Court notes that the State is not complying with its obligation to report on progress made regarding compliance with obligations set forth in the Judgment and considers it critical that Peru provide updated, complete and detailed information on the measures undertaken and the advances made with the corresponding process. Therefore, it orders the State to forward this information, along with copies of the main proceedings, including all the relevant information on the *habeas corpus* proceeding, which the representatives reported on.

*b) Obligation to grant scholarships*

13. Regarding the obligation to grant scholarships to Ulises Cantoral Huamaní, Pelagia Mélida Contreras Montoya de Cantoral and the children of Saúl Cantoral Huamaní (*operative paragraph two of the Judgment*), the State only reported that on May 8, 2009, the Supranational State Prosecutor's Office requested the Dean of Universidad Nacional Mayor de San Marcos to grant a scholarship to Brenda

Cantoral Contreras "to take a professional refresher course offered by the School of Anthropology of the Faculty of Social Sciences at the aforementioned university. The course would be geared towards obtaining a Bachelor's Degree in Anthropology.

14. The representatives indicated that "the requests made for Brenda Cantoral [Contreras] and Pelagia Mélida Contreras Montoya de Cantoral were accepted by their respective universities. [...] However, in the case of Vanessa Cantoral [Contreras] the Universidad Nacional Federico Villareal declared the waiver request for the costs of a refresher course and the university fees for a degree in psychology to be inadmissible in accordance with university autonomy." The representatives argued that the State has partially complied with this reparatory measure with respect to exemption from tuition fees. However "in order to fully comply [with this measure, Pelagia Mélida Contreras and Brenda Cantoral] must be able to take refresher courses that are complementary to courses they have already completed." Regarding Ulises Cantoral Huamani, Marco Antonio Cantoral Lozano, and Ronny Cantoral Contreras, they reported that they would inform the State, at the appropriate time, of the decision to make use of this provision. Therefore, as regards these people, there has been no failure to comply with the aforementioned measure to date.
15. The Commission observed that the State failed to present updated information on the progress made with this obligation and stated its concern regarding the fact that the State has not referred to the obligation to award scholarships to Pelagia Mélida Contreras Montoya de Cantoral and Vanessa Cantoral Contreras.
16. In its previous Order, the Tribunal positively valued the efforts made by the State to help Brenda Cantoral Huamani and Pelagia Mélida Contreras Montoya de Cantoral, and appreciated that certain academic fees had been waived. However, the Court does not have enough information regarding full compliance with the obligation they were awarded, and asks the State to submit updated and detailed information on compliance with this measure.
17. With respect to the fee waiver for Vanessa Cantoral Contreras, the documents provided by the representatives show that, despite the measures taken by the Justice Ministry and the Office for Scholarships and Educational Loans (OBEC in Spanish), the Universidad Nacional Federico Villareal "denied the request, stating that the university is autonomous with regard to its regulations, governance, academics, administration and finances, and that it is governed according to internal regulations such as its Rules and Regulations. It also indicate[d] that tuition costs could be paid with the reparation payments received."
18. The Court recalls that in its Judgment it ordered the State to award a scholarship to study at a public Peruvian institution covering all the educational expenses incurred by the beneficiaries. The State was ordered to do so from the moment the beneficiaries make the request up until the completion of their post-secondary studies, training, or refresher course, be it technical or at a university, pursuant to paragraph 194 of the Judgment. The Tribunal did not define the process by which the scholarship would be awarded. Rather, it is incumbent on the State to undertake any internal measures needed to comply with this reparation measure. In light of this, and considering that it has not provided sufficient and up to date

information on this measure, the Tribunal requests that the State report on any progress made and steps that must be taken to achieve compliance.

19. With regard to the other beneficiaries, the Tribunal notes that for the State to comply with this obligation it involves, in part, those who want to use this reparation measure taking certain actions geared towards exercising their right to said measure. In this regard, the Court observes that the representatives indicated that they would eventually inform the State of their decision to use this reparation measure. The Tribunal stresses the importance of advancing with the coordination between the State and the representatives to comply with this obligation and requests that the State and the representatives continue reporting on efforts made and results obtained.

*c) Obligation to publish the relevant parts of the Judgment*

20. With regard to the obligation to publish relevant parts of the Judgment in the Official Gazette and another widely-circulated national newspaper (*tenth operative paragraph of the Judgment*), the State asked the Court rule on the possibility of including "a link to the judgments of the Inter-American Court [...] on the web pages of the main nationally circulated newspapers". Likewise, it reported that on April 26, 2010, "the paragraphs [...] provided for in the Judgment [...] were published in the newspaper EXPRESO S.A., leaving the publication in the Official Gazette pending, which it [...] will report on soon."
21. The representatives indicated that the State has not complied with the obligation to publish the Judgment. With regard to the request by the State concerning the possibility of including a link to the Court's judgments on the web pages of the main national newspapers, they indicated that the State "must comply with the order of the Judgment."
22. The Commission reiterated that the State did not report on the publication of the Judgment in the Official Gazette. Furthermore, it indicated that the State must comply with the Court's order in accordance with the Judgment, regardless of additional ways that the State proposes.
23. The Tribunal notes that although the State submitted a copy of a letter sent to the newspaper Expreso requesting the aforementioned publication, as well as a copy of the relevant paragraphs that the Tribunal ordered to be published, the information did not make it possible to determine actual compliance with the Court order. Furthermore, the representatives also pointed to the lack of compliance with this point. In addition, the Tribunal reiterates that the publication of the Judgment in the Official Gazette is still pending. As of result, the Court requests that the State provide information on the status of compliance with this reparation measure, including a copy of the publication made in the Expreso Newspaper on April 26, 2010 and a copy of the publication to be made in the Official Gazette.
24. Furthermore, with regard to the State's proposal to place links on the web pages of the main nationally circulated newspapers, the Tribunal observes that the State reported that the print publication in a nationally circulated newspaper, which was ordered in the judgment, has already been carried out. It requests, therefore, that

Peru clarify whether its proposal is in addition to the publication it has already carried out.

*d) Obligation to provide psychological and medical treatment*

25. Regarding the obligation to provide psychological and medical treatment to the family members declared victims (*operative paragraph thirteen of the Judgment*), the State reported that several meetings have been held with the representatives. In those meetings, it was concluded that it is necessary to identify the requirements of both families in order to send them to the Health Ministry. Likewise, it indicated that "the names and addresses of the beneficiaries, as they appear in the National Identity Registry (RENIEC in Spanish), were entered into the Integrated Health System database." It indicated that fourteen persons are affiliated to the State insurer ESSALUD, and that "all those persons yet to request their membership [...] may receive medical and/or psychological treatment in the nearest health facility within their jurisdiction. If they require more specialized care, they can be referred to a more comprehensive facility." It stated that "the health system does not automatically grant benefits to its members. It is up to those persons who are not affiliated to request membership."
26. The representatives indicated that the State had failed to provide information on the measures taken in order for Brenda and Vanessa Cantoral [Contreras] to continue to receive treatment at the Centro de Atención Psicosocial [Psychological Treatment Center] (CAPS in Spanish) and that it had not provided information on the membership in the Integrated Health Insurance (SIS) system for the widow and children of Saúl Cantoral Huamaní, despite the fact that they provided the State with information on their residence on various occasions. Likewise, they indicated that the State provided family members of Consuelo García Santa Cruz, and the siblings of Saúl Cantoral, insurance through ESSALUD and requested that the Court monitor the health services provided by the State through ESSALUD. They also indicated that "the State should take the necessary measures to ensure that family members of victims that [...] do not have health insurance receive membership, benefits and medicine."
27. The Commission took note of the information provided by the State, but noted that it "does not indicate that Peru has fully complied with the obligation to provide medical and psychological treatment to the victims [nor] that Pelagia Contreras, Marco Antonio Cantoral, Vanessa Cantoral and Brenda Cantoral have health insurance." In addition, it reiterated that compliance with this obligation should be provided immediately and without cost by the State as it is a means of mitigating the physical and psychological harm suffered by the family members of the victims.
28. The Tribunal takes note of the measures taken by the State to comply with this obligation. It also notes that in its previous Order the State was informed that it should ensure the continuation of the psychological treatment being received by Venessa and Brenda Cantoral Contreras under the same conditions in place at the time the Judgment was passed down. This is due to the treatment's particular nature. In this regard, the Court still lacks the updated information necessary to evaluate the level of compliance with this part of the Judgment in relation to the beneficiaries. Therefore, the Court concludes that the State must take the



necessary actions to comply with this reparation measure and submit information in this regard.

29. With regard to the medical treatment for family members of the victims, the representatives indicated that the State provided the family members of Consuelo García Santa Cruz and the siblings of Saúl Cantoral Huamaní with insurance through ESSALUD. The State submitted information indicating that 14 family members are enrolled in this program, among them are the children of Saúl Cantoral Huamaní. However, in this same document that the State presented it shows that two of his children, Marco Antonio Cantoral Lozano and Brenda Cantoral Contreras, "do not have any kind of insurance." Therefore, the information presented does not allow the State to accurately check the state of compliance with this reparation measure. With regard to the membership request of the other beneficiaries for the Integrated Health Insurance (SIS), the Tribunal orders the State to provide updated information regarding the implementation of such measures. Based on the above, the State must take all the necessary actions to comply with this obligation and submit updated and accurate information in this regard.

*e) Obligation to pay compensations, costs, and expenses*

30. With regard to the obligation to pay compensation and reimburse costs and expenses so ordered (*operative paragraph fourteen of the Judgment*), the State reiterated that on May 11, 2009, "as an advance payment" it provided forty thousand United States dollars (USD 40,000), which was distributed among the family members of Saúl Cantoral Huamaní and Consuelo García Santa Cruz. Likewise, it reported that on April 26, 2010, it paid reparations for the Cantoral Humaní and García Santa Cruz case with a total value of one hundred and thirty-two thousand United States dollars (USD 132,000). Also, on October 25, 2010, the State agreed to pay one hundred and fifty thousand United States dollars (USD 150,000) to the victims, of which thirty thousand United States dollars (USD 30,000) are allocated to Mrs. Pelagia Melida Contreras Montoya de Cantoral.

31. The representatives reported that the State completed total and partial payments of the compensation amounts, but that compensation for some beneficiary family members is still outstanding, and that to date only the payments of May 11, 2009, and April 26, 2010 had been carried out. Likewise, they indicated that costs and expenses ordered in the Judgment were fully reimbursed to Mrs. Pelagia Mérida Contreras. Finally, they recalled that the deadline set by the Judgment to complete compensation payments expired on August 3, 2008, and, as a result, the State must pay the moratory interest that applies.

32. The Commission valued the actions taken by the State to pay the reparations ordered by the Court, "however, it observed that there are still outstanding payments, including those related to moratory interest on the amount owed."

33. The information provided indicates the State made payments to 14 beneficiaries for a total of USD 132,000 on April, 26, 2010. The payment to six of those beneficiaries were full payments. Likewise, the State complied with payments corresponding to costs and expenses. The information provided indicates that on October 21, 2010, the Fondo Especial de Administración del Dinero Obtenido

Ilícitamente en Perjuicio del Estado [Special Fund to Administer the Money Obtained Illicitly to the detriment of the State] (FEDADOI in Spanish) authorized a transfer of USD 150,000 to the Justice Ministry to pay the remaining monetary reparations set forth in the Judgment. The Tribunal takes note of the payments by the State as well as the procedures undertaken to obtain the necessary resources to fully comply with this obligation. However, it notes that payments to date have been made after the expiration of the one-year period established by the Judgment for compensatory payments. The State therefore owes moratory interest from August 3, 2008 onwards, the date on which the deadline for complying with this obligation expired. Based on the above, the Court notes that the State has partially fulfilled this obligation and indicates that Peru must adopt all the necessary measures to guarantee prompt payment of the amounts owed and their corresponding interest.

34. With regard to the obligation to reimburse seven thousand five hundred United States dollars (USD 7,500) to Pelagia Mélida Contreras Montoya de Cantoral (paragraph 187 of the Judgment), the representatives indicated that the State has not complied with this obligation. The Commission requests that the State specifically reference this measure in its next report.
35. The Court notes that the State has not provided information on this point and thus requests the State to take the necessary steps to ensure full compliance with this obligation and to submit information in this regard.

*f) Obligation to hold a public ceremony to acknowledge its international responsibility*

36. With regard to the obligation to hold a public act to acknowledge its international responsibility, the State did not report on the status of compliance with this reparation measure.
37. The representatives confirmed that "during the November 25, 2010 meeting with the Supranational State Prosecutor's Office [...] they requested that [the] State promptly hold a public act of acknowledgment. They committed to taking the necessary actions to fulfill this obligation; however, to date, they have not provided information on or taken any steps to carry out the ceremony."
38. The Commission reiterated that the State has not submitted any information, and therefore continues to fail to comply with this obligation.
39. The Court notes that a meeting was held where the State committed to carry out actions to comply with this measure. However, it notes that the State has not submitted any information on this measure, and that despite the efforts by the representatives toward getting the State to carry out the act, it has not made any efforts to comply with this measure. Based on the above, the Tribunal asks the State to take all necessary action to comply with this measure and to provide complete and detailed information on this reparation measure.

*g) Final considering clauses*

40. The representatives requested that the Court "[request] the State [to] promptly comply with the operative paragraphs of the July 10, 2007 Judgment still pending compliance," and that it provide "updated and detailed information on the measures adopted to comply with the reparation measures" ordered in the Judgment.

41. Finally, the Commission stressed that "according to the time period established in the Judgment, the obligations ordered by the Court are past due. Although there has been partial compliance with some measures, it is necessary that they be fully implemented."

42. The Court notes that despite the time elapsed since the issuing of the Judgment the obligations ordered therein have, at best, only been partially complied with.

**THEREFORE:**

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

in exercising its authority to monitor compliance with its decisions in accordance with Articles 33, 62(1), 62(3), 65, and 68(1) of the American Convention on Human Rights, Article 25(1) and 30 of the Statute, and Article 31(2) of its Rules of Procedure,<sup>6</sup>

**DECLARES:**

1. In accordance with the provisions of Considering Clause 33 of this Order, the State has partially complied with the obligation to pay the amounts set out in paragraph 171 and, in the manner set out in paragraphs 161 and 172 of the Judgment, to the family members of the victims (*operative paragraph fourteen of the Judgment*).

2. In accordance with the provisions of Considering Clauses 11, 12, 16, 18, 19, 23, 24, 28, 29, 33, 35 and 39, the procedure to monitor compliance shall remain open until the outstanding paragraphs in this case are complied with, namely:

a) to immediately investigate the acts that led to the violations in this case, and identify, prosecute and, if necessary, punish those responsible, under the terms of paragraphs 189 to 191 of the Judgment. The outcome of this proceeding must be publicized so that the Peruvian society can be informed of the judicial determination of the facts and those responsible in this case (*operative paragraph nine of the Judgment*);

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<sup>6</sup> Rules of Procedure of the Court passed at its LXXXV Regular Session, held from November 16 to 28, 2009.

b) to publish, on a sole occasion, in the Official Gazette, and in a widely distributed national newspaper, within six months from notification of the Judgment, Chapters VII to X of the Judgment, with the operative paragraphs thereto, and without the footnotes (*operative paragraph ten of the Judgment*);

c) to publicly acknowledge its international responsibility for the violations declared in this Judgment to achieve redress for the victims, and to the satisfaction of their families, in a public ceremony attended by State authorities and the family members named as victims in the Judgment, within six months of the notification of this Judgment, as well as disseminating the ceremony through the media, and pursuant to paragraph 193 of the Judgment (*operative paragraph eleven of the Judgment*);

d) to grant a scholarship for a Peruvian public institution to Ulises Cantoral Huamaní, Pelagia Mélida Contreras Montoya de Cantoral and the children of Saúl Cantoral Huamaní, covering all educational expenses from the moment the beneficiary makes this request to the State up until the completion of their post-secondary studies, training or refresher course, be it technical or university, pursuant to paragraph 194 of the Judgment (*operative paragraph twelve of the Judgment*);

e) to provide for the continuation of the psychological treatment currently being received by Venessa and Brenda Cantoral Contreras, for as long as necessary, and provide free and immediate psychological and medical treatment for as long as necessary to the other family members declared as victims, pursuant to paragraphs 195 to 202 of the Judgment (*operative paragraph thirteen of the Judgment*);

f) to pay the amounts awarded in the Judgment as pecuniary and non-pecuniary damages, within one year of the notification of the Judgment, to the persons named in paragraphs 159 and 160, pursuant to paragraphs 161, 171, 172, 174, 177, 180 to 183, 205 and 206 to 209 (*operative paragraph fourteen of the Judgment*), excluding the amount paid in pecuniary and non-pecuniary damages so indicated in declarative paragraph one of this Judgment; and,

g) to reimburse the amount of seven thousand five hundred United States dollars (USD 7,500) to Pelagia Mélida Contreras Montoya de Cantoral (*paragraph 187 of the Judgment*).

#### **AND RESOLVES:**

1. To request that the State adopt all measures necessary to effectively and promptly comply with the outstanding points ordered by the Court in the Judgment on preliminary objection, merits, reparations and costs of July 10, 2007, in accordance with the provisions of Article 68(1) of the American Convention on Human Rights.

2. To ask the State to submit a report to the Inter-American Court of Human Rights stating all the measures adopted to comply with all the pending reparations ordered by the Court, and to do so by no later than July 29, 2011.

3. To request that the representatives of the victims and the Inter-American Commission on Human Rights submit their observations on the State report mentioned in the previous operative paragraph, within four and six weeks respectively, following the receipt of said report.

4. To continue to monitor all operative paragraphs of the Judgment on preliminary objection, merits, reparations and costs of July 10, 2007 that are pending.

5. To request the Secretariat to notify this Order to the State, the Inter-American Commission on Human Rights and the representatives of the victims.

Leonardo A. Franco  
President

Manuel Ventura Robles

Margarette May Macaulay

Rhadys Abreu Blondet

Alberto Pérez Pérez

Eduardo Vio Grossi

Pablo Saavedra Alessandri  
Secretary

So ordered,

Leonardo A. Franco  
President

Pablo Saavedra Alessandri  
Secretary