**ORDER OF THE**
**INTER-AMERICAN COURT OF HUMAN RIGHTS***
**OF JULY 1, 2011**

**CASE OF CASTILLO PETRUZZI *ET AL. v.* PERU**

**MONITORING OF COMPLIANCE WITH JUDGMENT**

**HAVING SEEN:**

1. The judgment on merits, reparations, and costs (hereinafter "the judgment") delivered by the Inter-American Court of Human Rights (hereinafter "the Inter-American Court" or "the Court") on May 30, 1999, in which it decided unanimously that the State must:

> 13. find the proceedings conducted against Jaime Francisco Sebastián Castillo Petruzzi, María Concepción Pincheira Sáez, Lautaro Enrique Mellado Saavedra and Alejandro Luis Astorga Valdez invalid, as they were incompatible with the American Convention on Human Rights, and order that the persons in question be ensured a new trial in which the guarantees of due process of law are ensured[;]
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> 14. […] adopt appropriate measures to amend those laws that th[e] judgment has declared to be in violation of the American Convention on Human Rights and ensure the enjoyment and exercise of the rights recognized in the American Convention […] to all persons subject to its jurisdiction, without exception[, and]
>
> 15. […] pay the total of US$10,000.00 (ten thousand United States dollars), or its equivalent in Peru's national currency, to the next of kin of Jaime Francisco Sebastián Castillo Petruzzi, María Concepción Pincheira Sáez, Lautaro Enrique Mellado Saavedra and Alejandro Luis Astorga Valdez who prove they have incurred costs and expenses by reason of the instant case. The procedure followed shall be the one described in paragraph 224 of th[e] judgment.

2. The Orders on Monitoring of Compliance with Judgment of the Inter-American Court of November 17, 1999, and June 1, 2001.

3. The communications of the Republic of Peru (hereinafter "the State" or "Peru") of September 12, 2000; April 18 and 20, May 8 and 16, and June 25, 2001; January 9 and 22, March 15, August 17, September 2, October 25, and November 14 and 29, 2002; January 5**,** and February 4 and 17, 2003; December 28, 2004; March 10, November 2, 15, and 28, and December 19, 2005, June 29, 2009, and April 13, and May 6, 2011 in which it referred to compliance with the judgment.

4. The briefs of the victims' representatives (hereinafter "the representatives") of July 30, September 3, 7, and 28, and October 4 and 16, 2001 January 7, March 11, July 17, and October 31, 2002; February 11, March 7, September 26, and October 3, 2003; September 29, and November 5, 2004, and January 19, and March 13, 2006, and October 23, 2009, in which they submitted their observations concerning the status of compliance with the judgment.

5. The communications of the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission" or "the Commission") of September 5, 2000; June 4 and 27, 2001; February 19 and November 7, 2002; June 23, 2005, and

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* Judge Alberto Pérez Pérez, due to reasons of *force majeur,* was unable to attend the 91st Regular Period of Sessions, and consequently, did not participate in the deliberation and signing of this Order. Judge Diego García-Sayán, a Peruvian national, recused himself from hearing this case in accordance with Articles 19(2) of the Court's Statute and 19 of its Rules of Procedure.

January 10, March 17, and April 3, 2006, in which it presented its observations concerning the status of compliance with the judgment.

6. The notes of the Secretariat of the Court (hereinafter "the Secretariat") of February 25, and November 30, 2009; February 23, 2010, and March 22, April 15 and 18, and June 6 and 21, 2011, requesting information on compliance with the judgment.

**CONSIDERING THAT:**

1. One of the inherent attributes of the jurisdictional functions of the Court is to monitor compliance with its decisions.

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

3. According to Article 67 of the American Convention, the State must comply with the judgments of the Court fully and promptly. Furthermore, Article 68(1) of the American Convention stipulates that "[t]he States Parties to the Convention undertake to comply with the judgment of the Court in any case to which they are parties." To this end, the State must ensure implementation at the domestic level of the Court's decisions in its judgments.[1]

4. The obligation to comply with the decisions in the Court's judgments corresponds to a basic principle of the law of the international responsibility of the State, supported by international case law, according to which, a State must comply with its international treaty obligations in good faith (*pacta sunt servanda)* and, as this Court has already indicated and as established in Article 27 of the 1969 Vienna Convention on the Law of Treaties, a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. The treaty obligations of the States Parties are binding for all the powers and organs of the State.[2]

5. The States Parties to the Convention must ensure compliance with its provisions and their practical effects (*effet utile*) within their respective domestic legal systems. This principle is applicable not only with regard to the substantive norms of human rights treaties (that is, those which contain provisions concerning the protected rights), but also with regard to procedural norms, such as those referring to compliance with the decisions of the Court. These obligations shall be interpreted and applied so that the protected guarantee is truly practical and effective, bearing in mind the special nature of human rights treaties.[3]

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[1] *Cf. Case of Baena Ricardo et al. Competence.* Judgment of November 28, 2003. Series C No. 104, para. 60; *Case of Cesti Hurtado v. Peru. Monitoring compliance.* Order of the Inter-American Court of Human Rights of February 4, 2010, Considering clause 3, and *Case of El Amparo v. Venezuela. Monitoring compliance*. Order of the Inter-American Court of Human Rights of February 4, 2010, Considering clause 3.

[2] *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 Cesti Hurtado, supra* note 2, fifth Considering clause, and *Case of El Amparo, supra* note 2, Considering clause 5.

[3] *Cf. Case of Ivcher Bronstein v. Peru. Competence.* Judgment of September 24, 1999. Series C No. 54, para. 37; *Case of Cesti Hurtado, supra* note 2, Considering clause 6, and *Case of El Amparo, supra* note 2, Considering clause 6.

***A) Regarding the obligation to adopt the appropriate measures to reform the norms that have been declared in violation of the American Convention in the judgment, and to ensure the enjoyment of the rights embodied in the American Convention to all persons subject to its jurisdiction, without any exception (Operative paragraph fourteen of the judgment)***

*i) Information and observations made by the parties*

6. In the reports presented in 2002, the State referred to the following measures adopted in partial compliance with this obligation: a) enactment of Law No. 27.486, promulgated on June 22, 2001, which "substantially modifie[d] the situation of all those charged with the crime of terrorism, establishing that, exceptionally, the competent jurisdictional organs for cases of terrorism could modify the order of detention, regarding the summons to appear, in the case of all those who have been charged with this crime"; b) approval of the International Convention for the Suppression of Financing for Terrorism and the International Convention for the Suppression of Terrorist Bombings, by legislative decisions Nos. 27.544 and 27.549 published in 2001; c) enactment of Law No. 27.569 published in 2001, "Law establishing new pre-trial and trial proceedings for those prosecuted and sentenced under Legislative Decrees Nos. 895 [Law against aggravated terrorism] and 897 [Law on special proceedings for the investigation and prosecution of the aggravated crimes defined in Legislative Decree No. 896]," a law that derogated the decrees, and d) elaboration of bills pending enactment that provide for amendments to the anti-terrorist laws in order to adapt them to the relevant international treaties. The State also advised that, on January 3, 2003, the Peruvian Constitutional Court handed down a judgment ordering "a series of actions to modify some aspects of Decree Laws Nos. 25.475, 25.659, 25.708, and 25.880, together with their complementary and connected norms," all of them related to the proceedings for crimes of terrorism." In its most recent brief of June 10, 2011, the State alluded to the Constitutional Court's jurisprudence on prison regime benefits for those convicted of terrorism. [4]

7. In their brief of October 31, 2002, the representatives indicated that the derogation of Legislative Decrees Nos. 895 and 897 and the enactment of Law 27.569 "bear no relationship to compliance with the [J]udgment, […] because they refer to common crimes committed by armed gangs, which former President Fujimori's Government […] equated with a type of special terrorism." According to the representatives, "[t]he other legal reforms described are in the preliminary stages of examination by Special Committees" and, consequently, "it is not possible to advance an opinion." On October 23, 2009, the representatives reported on: a) the enactment of a law on October 12, 2009, that "[would] annul the prison regime benefits for those convicted" of the crime of terrorism and would be to the detriment of Mr. Castillo Petruzzi, and b) "transfers of individuals convicted of […] terrorism to maximum security prisons," which would also be to the detriment of Mr. Castillo Petruzzi. According to the representatives, this measure is serious, because "it means that [Mr. Castillo Petruzzi] returns to the system of visits by means of a visiting room, as well as other strict limitations that he had left behind." The representatives indicated that the National Penitentiary Institute "ha[d] indicated that the transfer was not due to any type of punishment, but was carried out in the context of domestic provisions to avoid overcrowding," and that "another relocation was possible."

[4] According to the information provided by the State, of the jurisprudence of the Constitutional Court of Peru in the judgments Nos. 1593-2003-HC/TC, 00033-2007-PI/TC, and 04166-2010-HC, it is possible to conclude that "the end goal of the punishment (resocialization) established in the Constitution have not been emptied of content because despite the limited benefits[,] the prison treatment grants the group of persons charged with terrorism] other resocialization measures and also other prison benefits." (case file of monitoring of compliance, tome VI, folio 2562).

8. In its most recent brief on this measure of reparation, presented on November 7, 2002, the Commission indicated that the State "refers only to bills and not to amendments of the anti-terrorist laws," in such a way that "it was inhibited from making further observations."

*ii) Information available in the framework of cases before the Court*

9. Regarding the adaptation of domestic law to the American Convention, the Court notes that the State has referred to a judgment delivered by the Constitutional Court on January 3, 2003 (*supra* Considering clause 6). This judgment examined many of the principal arguments concerning Peru's anti-terrorist legislation. Furthermore, in the exercise of its jurisdiction to monitor compliance with regard to other cases concerning Peru that involve the obligation to adapt the same legislation, this Court has examined the new anti-terrorist laws issued after said ruling of the Constitutional Court, as well as its judgment of August 9, 2006, in which it declared unfounded the complaint that the new legislation was unconstitutional. These elements allow the Court to make a general assessment of some of the measures adopted by the State to comply with the reform of domestic laws as a result of the violations declared in this Judgment.

10. Regarding the problems concerning the codification of crimes as this applies to the crime of treason, the Court observes that the Judgment handed down by the Peruvian Constitutional Court in 2003 declared that Articles 1 and 2 of Decree Law No. 25.659 were unconstitutional and, by their connection, Articles 3, 4, 5, 6[5] and 7 thereof, in relation to the crime of treason. Indeed, the Constitutional Court indicated that "all the factual assumptions described in [said] definition of the crime […] equate to pre-existing methods of terrorism[, which results in] duplication of the same content," "thus making it possible that one and the same act could indistinctly be subsumed in either of the crimes" and "affecting the principle of criminal legality."[6]

11. Furthermore, the Court takes note that, in the 2003 judgment of the Constitutional Court, it declared the subsistence of Article 2 of Decree Law No. 25.475, relating to the crime of terrorism, with the same text, provided that it is interpreted that the action must be carried out "intentionally," because there is a reasonable uncertainty and "[t]he clauses of analogical interpretation do not violate the principle of *lex certa* when the legislator establishes exemplary assumptions that can serve as parameters [for interpretation]."[7]

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[5] Regarding article 6 of Decree Law No. 25,659, concerning the application for habeas corpus, by connection, the Constitutional Court declared unconstitutional the phrase 'or treason' so "that said precept will subsist as follows: 'The application for habeas corpus is admissible under the assumptions established in article 12 of Law No. 23,506, in favor of those detained, accused or prosecuted for the crimes of terrorism,'" and the following procedural norms must be observed. *Cf.* Judgment of the Constitutional Court of Peru issued on January 3, 2003 (Exp. No. 010-2002-AI/TC), para. 42.

[6] *Cf.* Judgment of the Constitutional Court of Peru, *supra* note 5, paras. 38 and 39. The Court observes that the Constitutional Court declared that its judgment did "not automatically annul judicial proceedings where sentences had been handed down for the crime of treason under the provisions of Decree Law No. 25,659 declared unconstitutional. Nor should it be derived from this declaration of unconstitutionality that individuals who have been sentenced and convicted cannot be tried again for the crime of terrorism, because as the Constitutional Court has established […], the same assumptions prohibited by Decree Law 25,659 are regulated by Decree Law 25,475." Consequently, the Court underscores that the Constitutional Court indicated that "once the legislator has regulated the indicated procedural avenue […], the possibility of proposing that a new criminal proceedings be held must be conditioned to it being held at the prior request of the interested party." Also, that the Constitutional Court had "urge[d] the Legislature to promulgate, within a reasonable time, ways and means for eventually processing the specific claims referred to above."*Cf.* Judgment of the Constitutional Court of Peru, *supra* note 5, para. 230.

[7] *Cf.* Thus, according to the Constitutional Court "the interpretation of the clause 'against the security of (…) ways or means of communication or transport of any kind," must restrict its scope to conducts that constitute the crime against public security that affect ways or means of transport or communication. For the

12. Furthermore, with regard to the guarantee of a natural judge and the use of the military jurisdiction to try civilians, the Constitutional Court considered that Article 4 of Decree Law No. 25.659 concerning treason was unconstitutional and emphasized the enactment "of Law No. 26.671 [which] tacitly annulled, both Article 15 [of Decree Law No. 25.475] and all those provisions that, connectedly, prevented the accused from knowing the identity of those who intervene in his trial." [8] Upon adopting this decision, this Constitutional Tribunal made express reference to that provided by the Inter-American Court in this case. [9]

13. Moreover, regarding the impossibility of filing an action of *amparo* to safeguard personal liberty, or to contest the legality or the arbitrariness of the victims' detention (Article 6 of Decree Law No. 25.659), and heading to other specific topics on the right to defense, the Court notes that Article 6 of Decree Law No. 25.659 was amended by Decree Law No. 26.248, approved on November 25, 1993, permitting, in principle, the filing of applications for *amparo* in favor of those accused of crimes of terrorism or treason. [10] Regarding the impossibility of appointing a lawyer until testimony is taken, established in Article 12, subparagraph (f), of Decree Law No. 25.475, the Court refers to the judgment of the Constitutional Court which considered that "that this contested provision could not be declared unconstitutional, because it had been tacitly derogated by Article 2 of Law No. 26.447." [11]

14. In addition, the judgment on the merits in this case deliberated on the detention conditions for serving the sentence, in application of Article 20 of Decree Law No. 25.475, which allowed the victims to be kept in a very small cell, without ventilation or natural light, with half an hour of sun each day, with continuous isolation in their cells, and with an extremely restricted visiting regime.[12] In this regard, the judgment of the Peruvian Constitutional Court established that said article established an unreasonable and disproportionate measure, constituting cruel and inhumane treatment, which violated the Peruvian Constitution and the American Convention.[13]

15. Furthermore, the Court stresses that that which was expressed in the judgment in this case regarding the prohibition to recuse the judges, was followed up on in the Constitutional Court's judgment in the paragraph where it declared that "by establishing an absolute prohibition to recuse the judges and auxiliaries of justice intervening in a

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same reasons, the clause 'against the security of (...) any other goods or service' must be interpreted in the sense that it refers only to goods and services that possess specific penal protection in the different types of crimes against public security, established in Title XII of the Second Tome of the Penal Code." *Cf.* Judgment of the Constitutional Court of Peru, *supra* note 5, paras. 72 and 73.

8 *Cf.* Judgment of the Constitutional Court of Peru, *supra* note 5, paras. 109 to 111.

9 *Cf.* Judgment of the Constitutional Court of Peru, *supra* note 5, paras. 98 to 109.

10 *Cf.* Judgment of the Constitutional Court of Peru, *supra* note 5, para. 90.

11 *Cf.* Judgment of the Constitutional Court of Peru, *supra* note 5, para. 123.

12 *Cf. Case of Castillo Petruzzi et al. V. Peru. Merits, Reparations and Costs.* Judgment of May 30, 1999. Series C No. 52, paras. 197 and 198.

13 *Cf.* Judgment of the Constitutional Court of Peru, *supra* note 5, para. 223. Furthermore, the Court underscores that, as part of the judgment in the case of Lori Berenson, it acknowledged as a proved fact that, "on January 18, 2001, Supreme Decree No. 003-2001-JUS was issued [which] indicated as rights of the 'inmate': to receive direct visit from family members and friends at the indicated times for up to eight hours a day; to meet and communicate in private with her defense counsel for up to six hours a day; to carry out any permitted activity in her cell, passageways or in the yard, at the times established for this, and to carry out individual or group activities 'compatible with the environment' of the establishment where she is." *Case of Lori Berenson Mejía V. Peru. Merits, Reparations and Costs.* Judgment of November 25, 2004. Series C No. 119, para. 88.6.

case, subparagraph (h) of Article 13 of Decree Law No. 25.475 results in a disproportionate and unreasonable restriction of the right of the natural judge and is also unconstitutional." [14]

16. Regarding the prohibition for a lawyer to defend more than one accused, regulated by Article 18 of Decree Law No. 25.475, this norm was annulled by Law No. 26.248, [15] a situation that was subsequently recognized in the Constitutional Court's judgment.

17. Regarding the possibility of incommunicado, established in Article 12, subparagraph (d), of Decree Law No. 25.475, the Court notes that the Constitutional Court found that "the incommunicado of a person detained for the crime of terrorism does not affect the right to defense because, as established in the second paragraph of Article 2 of Law No. 26.447, the participation of defense counsel in the police investigations and the interview with his client is guaranteed and cannot be limited, 'even when incommunicado has been ordered for the detainee." However, to the extent that the norm in question does not specify the authority responsible for ordering the incommunicado, and since this "must necessarily be ordered by the criminal judge, since it is a measure that restricts a fundamental right," the Court observes that the Constitutional Court finally considered this article unconstitutional. [16]

18. Lastly, as regards the problem relating to the presumption of innocence by opening pre-trial investigations with an arrest warrant, regulated by subparagraph (a) of article 13 of Decree Law No. 25.475, the Court refers to the words of the Constitutional Court to the effect that the norm "is not, *per se*, unconstitutional; however, this does not mean that, in its application, it is not possible to examine the validity of preventive judicial detention that is incompatible with the Constitution and the international human rights treaties"; thus, it would be necessary to refer to "the traditional criteria of legal interpretation and, particularly, the scope of the so-called criterion of systematic interpretation." Hence, according to the Constitutional Court, this norm "must necessarily be understood taking into account the implications of article 135 of the Code of Criminal Procedure"; however, "in addition to the reasons established in [said] article […], the legislator can introduce additional reasons to order preventive judicial detention; in particular, those relating to the risk of the perpetration of new crimes or, exceptionally, in order to preserve the public order." [17]

*iii) Conclusions of the Court*

19. Taking the foregoing into account, the Court finds that measures have been adopted by the Executive, the Legislature and the Constitutional Court to annul some domestic norms that are contrary to the Convention in this case, through their annulment, reform, or new interpretation. In this regard, some relevant legal norms have been adopted, whose content is designed to comply with standards of international human rights law. In some of the measures, particularly in the Constitutional Court's ruling, the justification for legal reform has been based on the decisions taken by the Inter-American Court in this case.

20. In this regard, the Court recalls that it is not only the elimination or enactment of norms of domestic law that guarantees the rights contained in the American Convention, pursuant to the obligation embodied in Article 2 thereof. State practices must also be

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[14] *Cf.* Judgment of the Constitutional Court of Peru, *supra* note 5, para. 113.

[15] *Cf.* Judgment of the Constitutional Court of Peru, *supra* note 5, para. 125.

[16] *Cf.* Judgment of the Constitutional Court of Peru, *supra* note 5, paras. 173 to 175.

[17] *Cf.* Judgment of the Constitutional Court of Peru, *supra* note 5, paras. 137, 142, 143, and 146.

implemented that are conducive to the effective observance of the rights and freedoms embodied in the Convention. Consequently, the existence of a norm does not, in itself, guarantee that its implementation will be sufficient. Rather, the application of the norms or their interpretation, as jurisdictional practices and an expression of the public order of the State, must be adapted to the purpose pursued by Article 2 of the Convention. In other words, the Court emphasizes that the judges and other entities involved in the administration of justice must *ex officio* monitor that domestic norms are consistent with the American Convention, evidently within the framework of their respective competences and the corresponding procedural regulations. In this task, they must take into account not only the respective international treaty, but also the interpretation of it made by the Inter-American Court, ultimate interpreter of the American Convention.[18]

21. It is necessary to ensure the most rigorous diligence in the safeguard of Convention-based guarantees in the domestic sphere. Thus, the Court recalls its questioning of the circumstances of isolation and secrecy in which the proceedings concerned took place, violating the right to the public nature of the proceedings.[19] In this way, the Court reiterated that the right to a public hearing in criminal proceedings, except when "necessary to preserve the interests of justice," was an essential element of the accusatory criminal procedural system of democratic States,[20] "whose function is to prohibit the administration of justice in secret [and] to submit it to the scrutiny of the parties and the public [in order to ensure] the transparency and impartiality of the decisions that are taken,"[21] promoting confidence in the courts of justice.

22. In addition, the Court reiterates what it has stated on other occasions, to the effect that "[a]ny person detained or retained shall be brought promptly before a judge or other officer authorized by law to exercise judicial power [...]."[22] Indeed, this Court has established that, since preventive detention is a precautionary rather than a punitive measure, the State has an obligation not to restrict the liberty of a person detained beyond limits that are strictly necessary to ensure that he or she will not impede the development of the proceedings or elude the hand of justice.[23] Previously, the Court's case law has rejected criteria of a danger to society as a justification to restrict the rights of the individual, particularly the right to due process. [24]

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[18] *Cf. Case of Almonacid Arellano et al. V. Chile. Preliminary Objections, Merits, Reparations and Costs.* Judgment of September 26, 2006. Series C No. 154, para. 124; *Case of Cabrera García and Montiel Flores V. México. Preliminary Objection, Merits, Reparations and Costs.* Judgment of November 26, 2010. Series C No. 220, para. 225, and *Case of Gelman V. Uruguay. Merits and Reparations.* Judgment of February 24, 2011. Series C No. 222, para. 193.

[19] *Cf. Case of Castillo Petruzzi et al.*, *supra* note 11, paras. 172 and 173; *Case of Cantoral Benavides V. Peru. Merits, Reparations and Costs.* Judgment of August 18, 2000. Series C No. 69, paras. 146 and 147, *and Case of Lori Berenson Mejía*, *supra* note 12, para. 198.

[20] *Cf. Case of Lori Berenson Mejía*, *supra* note 12, paras. 198 to 200 and *Case of Palamara Iribarne V. Chile. Merits, Reparations and Costs.* Judgment of November 22, 2005. Series C No. 135, para. 167.

[21] *Cf. Case of Palamara Iribane*, *supra* note 20, para. 168.

[22] *Cf. Case of Bulacio V. Argentina. Merits, Reparations and Costs.* Judgment of September 18, 2003. Series C No. 100, para. 129; *Case of Bayarri V. Argentina. Preliminary Objection, Merits, Reparations and Costs.* Judgment of October 30, 2008. Series C No. 187, para. 63, and *Case of Cabrera García and Montiel Flores, supra* note 18, para. 93.

[23] *Cf. Case of Suárez Rosero V. Ecuador. Merits.* Judgment of November 12, 1997. Series C No. 35, para. 77; *Case of Barreto Leiva V. Venezuela. Merits, Reparations and Costs.* Judgment of November 17, 2009. Series C No. 206, para. 121, and *Case of Usón Ramírez V. Venezuela. Preliminary Objection, Merits and Reparations and Costs.* Judgment of November 20, 2009. Series C No. 207, para. 144.

[24] *Cf. Case of Fermín Ramírez V. Guatemala. Merits, Reparations and Costs.* Judgment of June 20, 2005. Series C No. 126, paras. 92 to 98.

23. Furthermore, the Court stresses that the public authorities must diligently ensure the principles of criminal legality, the right to defense, and the obligation to guarantee the rights of those deprived of liberty under the Court's jurisprudence and the relevant international law. In particular, the State must fully guarantee the principles of the public and adversarial nature of the proceedings and immediacy of the evidence, bearing in mind the Court's jurisprudence, to the effect that the "elements of evidence arising from [a] military trial" are "inadmissible, taking into account the circumstances in which they were produced,"[25] and that the imposition of restrictions on the victims' defense counsel violates the right of the defense to question witnesses and summon people to appear who could shed light on the facts.[26]

24. Lastly, the Court notes that the information provided by the representatives about the enactment of a new law, Law No. 29.423, derogating Legislative Decree No. 927, and which would affect the access to prison regime benefits for the victims in this case, exceeds the purpose of the obligations that are covered in the monitoring of the judgment. As such, the Court does not consider it relevant to rule on this.

25. Taking the foregoing into consideration, given that 12 years have passed since the judgment in this case was handed down, and that there is no specific and current dispute between the parties concerning the scope of the reforms ordered, the Court will proceed to conclude monitoring compliance with this measure of reparation. The Court highlights that, although some aspects of the anti-terrorist laws have not been examined in the context of this Order, this does not impede future examination in the context of other contentious cases.

**B) Obligation to find the proceedings against Jaime Francisco Sebastián Castillo Petruzzi, María Concepción Pincheira Sáez, Lautaro Enrique Mellado Saavedra, and Alejandro Luis Astorga Valdez invalid, because they were incompatible with the American Convention, and to order that they be guaranteed a new trial with full respect for due process of law (*Operative paragraph thirteen of the judgment*)**

26. Before presenting the information and observations of the parties on compliance with this obligation, the Court finds it relevant to specify the type of violation of judicial guarantees that were declared in the judgment handed down in this case. [27] The Court declared as proven that Jaime Francisco Sebastián Castillo Petruzzi, Lautaro Enrique Mellado Saavedra, María Concepción Pincheira Sáez, and Alejandro Luis Astorga Valdez, Chilean nationals, had been detained on October 14 and 15, 1993, under an operation conducted by the *Direccion Nacional contra el Terrorismo* [National Anti-Terrorism Directorate] (DINCOTE for its Spanish acronym). The Court ruled on the scope of the codification of the crimes for which the victims were tried and the ambiguity in their formulation, especially as regards treason. In this way, the Court established that the crime of treason was closely linked to the crime of terrorism, as can be inferred from comparing article 2, subparagraphs (a), (b) and (c), of Decree Law No. 25.659 (crime of treason) and articles 2 and 4 of Decree Law No. 25.475 (crime of terrorism), concluding that the failure to strictly distinguish the criminal actions, "violates the principle of legality established in Article 9 of the American Convention."

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[25] *Cf. Case of Lori Berenson*, *supra* note 12, para. 174.

[26] *Cf. Case of Castillo Petruzzi et al., supra* note 11, para. 155.

[27] *Cf. Case of Castillo Petruzzi et al. V. Peru. Merits, Reparations and Costs,* Judgment of May 30, 1999. Series C No. 52, paras. 113 to 173.

27. Furthermore, the Court declared that the guarantee of being judged by a competent judge had been violated, based on the fact that the Decree Law No. 25.659 (crime of treason) and Decree Law No. 25.475 (crime of terrorism) divided jurisdiction between the military and the ordinary [civil] courts and attributed consideration of the crime of treason to the former and of terrorism to the latter. Consequently, the Court emphasized that the classification of an act as treason meant that individuals would be heard by a "faceless" military court, that the accused would be tried by abbreviated preliminary proceedings, with reduced guarantees, and that they would be sentenced to life imprisonment (article 4 of Decree Law No. 25.659 and article 15 of Decree Law No. 25.475).

28. The Court added that the military courts that tried the victims did not satisfy the requirements of independence and impartiality. Also, the fact that the judges who intervened in the proceedings for the crimes of treason were "faceless" meant that the accused would not know the identity of the judge, and thus assess the judge's competence. This situation was aggravated by the fact that the law prohibited the recusal of the judges. The Court underscores that, in the case of Mr. Astorga Valdez, he was convicted without right of appeal, based on new evidence that the defense counsel was unaware of and could not challenge.

29. Furthermore, the Court found that the restriction of the work of the defense counsel and the limited possibility of presenting evidence for the defense had been proven. The accused were not fully and opportunely advised of the charges against them; the conditions under which the defense counsel acted were totally inadequate for effective action, and they only had access to the file the day before the judgment at the first instance was delivered. The Court considered that the laws applied in the case made it impossible to question the witnesses on whose testimony the charges against the alleged victims were based. On the one hand, questioning members of either the police or the army who had allegedly taken part in the investigations was prohibited. On the other, the absence of an intervention by the defense counsel up until the time the accused was called to declare meant that the former could not contest the evidence gathered and entered in the police attestation. In addition, the Court indicated that the right to appeal the judgment was denied because the court that heard the appeals that were filed formed part of the military structure and because the victims were unable to file remedies before the ordinary [civil] jurisdiction for the latter to review the proceedings under the military jurisdiction.

30. Lastly, the Court emphasized that the proceedings were conducted on military premises, to which the public did not have access. All the procedures took place in these circumstances of isolation and secrecy, including the hearing itself, aspects that gave rise to a violation of the right to the public nature of the proceedings.

31. Having established the foregoing, the Court will now analyze the information regarding the new trial against the victims.

*i) Arguments and information forwarded by the parties*

32. The State advised that a special appeal for review had been filed before the Supreme Council of Military Justice, "for this body to annul its decision of June 11, 1999, [which declared 'non-executable' the judgment of the Inter-American Court], and to annul the proceedings in the criminal action for the crime of treason against the four Chilean citizens […] and, consequently, that it inhibit itself from hearing this appeal and forward it to the competent ordinary criminal judge so that a new criminal trial could be conducted, with full guarantees." Accordingly, on May 14, 2001, the Plenary Chamber of the Supreme Council of Military Justice "decreed the annulment of the proceedings […] before military justice against Castillo Petruzzi *et al.*, and the criminal action against them was taken up by the ordinary [civil] justice. [T]he case files were forwarded to the

office of the Special Prosecutor for Crimes of Terrorism, which filed criminal charges against the four Chilean citizens for perpetration of the […] crime [of terrorism] established in article 2 of Decree Law No. 25.475 with the aggravating circumstances described in subparagraphs (b) and (c) of article 3 thereof, the penalties for which were modified by Law No. 26.360.

33. Furthermore, the State indicated that, on October 2, 2002, the National Chamber for Terrorism, Criminal Organizations, and Gangs, decided that "there were grounds for filing oral proceedings against [the victims] for a crime against the Public Order – Terrorism." In the same indictment, the Chamber specified: i) regarding the 15-day period for holding the oral proceedings, established in article 13, subparagraph (f), of Decree Law No. 25.475, this was contrary to a reasonable time so that "[…] the ordinary rules established for oral proceedings contained in the Code of Criminal Procedure and the laws that amend it should be applied"; ii) regarding the prohibition to offer as witnesses those who, owing to their functions, intervene in the preparation of the police attestation, established in article 13, subparagraph (c), of Decree Law No. 25.475, this is "contrary to the right to summon witnesses of those who can throw light on the facts," and iii) regarding the absolute prohibition to challenge the judges who intervene in proceedings for the crime of terrorism, established in article 13, subparagraph (h), of Decree Law No. 25.475, this is "contrary to the right to be tried by an impartial judge" and, "consequently, the norms on recusal established in the Code of Criminal Procedure are applicable." In its decision of December 20, 2002, the National Chamber for Terrorism decided to recuse of some of the judges who had ordered the opening of the oral proceedings. Furthermore, it indicated that no ruling had been made regarding substantive articles relating to the codification of crimes and imposition of punishments because, in any case, "[a] trial under the normative parameters of a contested law does not imply *per se* the violation of due process, because, even under the framework in force, it was possible to conduct a trial with full guarantees."

34. The State forwarded several items from the judicial case file. The indictment filed by the prosecution includes, *inter alia*, the preliminary statements of the four accused, the testimony of two people who had been kidnapped by the armed group, the "Túpac Amaru Revolutionary Movement (MRTA)," of five people accused of being part of the armed group, and of six fully identified witnesses related to the alleged facts, and four statements of the members of the police forces who took part in the operation that led to the capture of the accused. In addition, the testimony of seven repentants with code names was incorporated, and six confrontations were conducted between the accused and witnesses with regard to the facts they were accused of. Other measures related to the ratification of forensic certificates and other types of documentary evidence. During the oral proceedings, several hearings and interrogations were conducted.

35. In addition, the State reported that, on September 2, 2003, the National Chamber for Terrorism sentenced and convicted Castillo Petruzzi, Mellado Saavedra, Pincheira Sáez, and Astorga Valdez; the first three as co-perpetrators and the latter as perpetrator of the crime of terrorism against the State, imposing terms of imprisonment of 23, 20, 18, and 15 years, respectively, as well as an accessory penalty of 180 days' fine and a sum for civil reparations. In this judgment, the National Chamber for Terrorism analyzed the discussions relating to the public nature of the hearing, the objections to the police attestations, and the objection to a video used as evidence. Moreover, regarding Mr. Astorga Valdez, the National Chamber for Terrorism examined the evidence that incriminated him and concluded that it was "insufficient" to conclude his responsibility for participation in a kidnapping. However, taking into consideration several pieces of evidence, it found that he was responsible for another crime.

36. In view of this judgment, the victims filed an appeal for a declaration of nullity, which was rejected by the Transitory Criminal Chamber of the Supreme Court of Justice in decisions of December 10, 2003, and July 20, 2004. These decisions of the Supreme

Court referred to the evidence in the case file and offered different response to the arguments submitted by the victims' defense counsel.

37. The State also indicated that, on August 12, 2005, Mr. Astorga Valdez was granted the prison regime benefit of parole and indicated that he had returned to Chile in December 2008. The State added that Mr. Mellado Saavedra and Mrs. Pincheira Sáez were granted the benefit of parole on October 18, 2008, and on May 29, 2007, respectively.

38. The representatives questioned the following aspects of the proceedings under the ordinary [civil] justice system: i) "[t]he factual grounds are the same as those the victims were accused of under the military justice system in the proceedings for treason," and the legal grounds for the complaint is article 2 of Decree Law No. 25.475; ii) "[t]he measures requested […] reiterate the proceedings under the military justice system and the Anti-Terrorism Directorate (DINCOTE), the nullity of which was expressly declared in the judgment of the Court"; iii) "[t]he court decreed the confidentiality of the proceedings; in other words, that the lawyers could not have access to the file until the preliminary statements had been taken from the accused" and, consequently, this confidentiality was maintained for two and a half months; iv) "the police attestations were used […] as evidence and this violated due process, because they were often obtained through pressure, threat, or torture under the preceding dictatorial regime"; v) "the testimony of the "repentants" was used, violating due process, because, for a testimonial statement to be legally valid, the person making it should not have any interest in the result of the proceedings and, an individual who "repents" may improve his legal situation and, thus, his testimony is often not objective"; vi) the principle of the public nature of the proceedings was not respected, because television cameras were not allowed into the oral hearing; vii) "the crime of terrorism [was erroneously considered] a crime against humanity," and viii) they were not allowed to intervene in the testimony of those who had taken advantage of the Repentance Law, limiting the right of defense. Consequently, the representatives concluded that "[t]he Peruvian State has only assumed compliance with the Court's judgment as regards the new trial and, according to the defense, it did not ensure the conditions for fair and due process."

39. Regarding the final decisions of the Supreme Court in this case, the representatives indicated that they fail to comply with the judgment of the Inter-American Court by applying article 3(b) and (c) of Decree Law No. 25.475, particularly "owing to the very severe punishments imposed, which are not proportionate to the alleged responsibility of the accused." They alleged that the "Criminal Chamber illegally decided that the maximum and the minimum punishment were the same" and that "if they had ordered a minimum punishment of 20 years," the reductions in the sentences would have implied the release of Mrs. Pincheira Sáez and Mr. Mellado Saavedra. Regarding these accused, they indicated that the Supreme Court had attributed them with "greater responsibility than that which had been proven and admitted" and that, although "they both admitted that they had collaborated with the MRTA," there is no evidence for the argument of the Criminal Chamber "that all the charges must be accepted in order to ensure a sincere confession." Regarding Mr. Astorga Valdez, they indicated that the "Chamber based itself on the testimony of a repentant, who refused to appear before the court"; that the "defense was unable to question the repentant"; that "it had not taken the testimony of another repentant into account," and that there was "subjectivity and irregularity" in the assessment of the evidence. Regarding the personal liberty of the victims, the representatives reported that several requests for their release had been submitted as well as applications for *habeas corpus* requesting their immediate release owing to "excessive imprisonment," "all of which were denied," based on alleged "political rather than juridical arguments."

40. For its part, the Commission, in its latest brief on this reparation, presented on April 3, 2006, indicated that it was "concerned" about the specific irregularities reported

by the representatives regarding i) the failure to prove the crimes of which some of those convicted were accused; ii) the criteria applied to establish punishments; iii) the erroneous consideration of terrorism as a crime against humanity; iv) the use of "the laws that the Inter-American Court had declared were in violation of the Convention" in the judgments of the Superior Chamber and the Transitory Criminal Chamber, and iv) the inclusion in the body of evidence of the testimony of a "key repentant," who, according to the Inter-American Commission "was the fundamental element that justified the conviction" of Mr. Astorga Valdéz. Accordingly, it requested the State to clarify: i) "[t]he application in the proceedings of Decree Law [No.] 25.475, and the criteria for its application, taking into consideration the Court's decision," and ii) "the criteria for the incorporation of the testimony of a "key repentant" […] into the [body of evidence of the] proceedings." Since it requested these clarifications on April 3, 2006, the Commission has not referred to the issue again.

*ii) Considerations of the Court*

41. The Court takes note that, in compliance with the Court's judgment in the instant case, the Plenary Chamber of the Supreme Council of Military Justice of Peru decreed the nullity of the proceedings under the military jurisdiction against the victims for the crime of treason, and the criminal action was continued against them under the ordinary criminal jurisdiction. After this, on September 2, 2003, the National Terrorism Chamber, in charge of the new proceedings in the ordinary [civil] jurisdiction, handed down a judgment convicting the victims for the perpetration of the crime of terrorism against the State. Accordingly, the Court underscores that, as a result of the second new proceedings, Messers. Castillo Petruzzi, Mellado Saavedra, Pincheira Sáez, and Astorga Valdez were sanctioned with terms of imprisonment of 23, 20, 18 and 15 years, respectively, in contrast to the life imprisonment that was imposed on them in application of article 4 of Decree Law No. 25.659. Thus, at the date this order is issued, the Court notes that the victims are serving their respective sentences, three of them with the prison regime benefit of parole (*supra* Considering clause 35 and 37), and Mr. Castillo Petruzzi is the only one who remains deprived of liberty.

42. Furthermore, the Court notes that several judicial decisions issued during the new proceedings referred to the provisions of the judgment of the Inter-American Court in this case (*supra* Considering clause 33). Indeed, the victims were given a new trial before a natural judge (ordinary [civil] jurisdiction), with hearing and defense guarantees. During the proceedings, several types of evidence were examined, the accused were able to question the prosecution witnesses, some of whom ratified their accusations, and specific concerns about judicial independence and alleged malfeasance of the judges in charge of the case were decided. In this context, the domestic judicial authorities, at different times, abstained from applying several norms of the Peruvian anti-terrorist legislation that was in force at the time, bearing in mind this Court's findings as regards their incompatibility with the American Convention (*supra* Considering clause 33).

43. The representatives argued, at different times, that the application of Decree Law No. 25.475 as grounds for the accusation for the crime of terrorism resulted in the nullity of the proceedings, given that the same norm was being used that had been declared in violation of human rights. In this regard, the Court stresses that the violations of the principle of legality in the judgment delivered in this case were directly related to the application of the crime classified as treason. Despite the Court's previous decision as regards the obligation to reform the norms declared to be in violation of the American Convention (*supra* Considering clauses 19 to 25), the Court finds it necessary to recall what it indicated in another case with regard to the crime of terrorism regulated by Decree Law No. 25.475:

> Regarding the basic crime of terrorism established in article 2 of Decree Law No. 25.475, it should be indicated that this Court has not found elements to conclude that Article 9 of the Convention has been violated, because this crime establishes the elements of the criminalized conducts, allows them to be distinguished from conduct that is not punishable and unlawful conduct punishable with measures other than imprisonment and does not violate other norms of the American Convention. [28]

44. In addition, although the representatives also contested the punishments imposed on the Mrs. Pincheira Saez and Mr. Mellado Saavedra in the second proceeding, the Court notes that, in its judgment, it did not develop a specific ruling on the proportionality of the punishments established in Decree Law No. 25.475. This limits the scope of the ruling that the Court can make in the context of the monitoring of compliance in this case.

45. In addition, the representatives alleged the violation of various guarantees to Pincheira Saez and Mr. Mellado Saavedra and Mr. Astorga Valdez in the context of the new trial; this was affirmed on more than one occasion before the domestic courts, which offered different answers to the concerns. For its part, in its latest brief, forwarded on April 3, 2006, the Inter-American Commission asked for clarifications regarding the application of Decree Law No. 25.475. The State has not presented any arguments in relation to this request; however, neither has the Commission specified how the application of the norm in this case could have involved specific violations of judicial guarantees.

46. In addition, the Court emphasizes that, following the last domestic judicial decision of the Supreme Court regarding Mr. Castillo Petruzzi, the representatives did not submit any specific allegation concerning violation of judicial guarantees to the detriment of the victim.

47. Bearing in mind the foregoing, the Court notes that, although various arguments have been presented concerning alleged violations of due guarantees in the second proceeding against the victims, in the context of monitoring compliance, the Court has only examined the principle disputes directly related to specific problems declared in the judgment in this case, which, are basically circumscribed to the violation of judicial guarantees in the military jurisdiction. In this understanding, this Order does not constitute a ruling with regard to juridical problems that it would possibly be admissible to analyze in future cases arising from the application of the anti-terrorist laws.

48. Consequently, the Court finds it pertinent to conclude the monitoring of compliance with judgment with regard to the aspects corresponding to the obligation to guarantee a new trial with full observance of due process of law for Jaime Francisco Sebastián Castillo Petruzzi, María Concepción Pincheira Sáez, Lautaro Enrique Mellado Saavedra, and Alejandro Luis Astorga Valdez.

### *C) Obligation to pay a total amount of US$10,000.00 (ten thousand dollars of the United States of America) or the equivalent in Peru's national currency, to the next of kin of the victims, who prove that they have incurred costs and expense by reason of this case (Operative paragraph fifteen of the judgment)*

49. The State advised that, by Urgent Decree No. 030-2005, it had authorized "a supplementary credit in the public sector's budget for the 2005 fiscal year […] in order to respond to a series of petitions, including the one related to the payment of legal obligations, including supranational judgments." Thus, "the State affirmed that it "ha[d] coordinated with officials of the General Administrative Office of the Ministry of Justice

[28] *Case of García Asto and Ramírez Rojas V. Peru. Preliminary Objection, Merits, Reparations and Costs,* Judgment of November 25, 2005. Series C No. 137, para. 194.

[…], noting that the last date to make the payment […] for costs and expenses in this case expired inevitably on March 16, [2005].” Lastly, the State advised that, on March 28, 2005, it had asked the Director of the General Administrative Office that […], “considering […] Law No. 28.411 (General Law of the National Budget System), with regard to payment of judgments, the budgeted amount of US$10,000.00 (ten thousand dollars of the United States of America) be deposited in the bank account of the Ministry of Justice, so that the amount is not returned to the Public Treasury.” In addition, on December 28, 2004, and on December 15, 2005, the State asked the Inter-American Commission to “determine the identity of the beneficiaries who should receive the amount for costs and expenses.” On May 6, 2011, the State reported that it had consulted the lawyer of the Ministry of Justice “about the procedure for the reimbursement of costs and expenses” in this case “in view of the process of reparation that is being carried out at the national level in cases of terrorism.”

50. The representatives asked whether the expenses incurred by FASIC could be paid directly to this organization, “because they considered it difficult that the next of kin make the reimbursement, since they have very limited resources and, over the years, the relationship with them has become less than fluid.”

51. On January 10, 2006, the Inter-American Commission indicated that “the four next of kin” who should be beneficiaries of the amount for costs and expenses are Jaime Castillo Navarrete (Jaime Francisco Sebastian Castillo Petruzzi’s father), M. Angélica M. Saavedra (Lautaro Enrique Mellado Saavedra’s sister), Rosa Pincheira Sáez (Maria Concepción Pincheira Saez’s sister) and Teresa Valdés Escobar (mother of Alejandro Luis Astorga Valdés). On March 17, 2006, in view of the representatives’ observations, the Commission indicated that it was “admissible” to make the payment directly to the *Fundación de Ayuda Social de las Iglesias Cristianas* [Foundation for Social Aid of the Christian Churches] (FASIC for its acronym in Spanish).[29]

52. In this regard, the Court stresses that, at different times, it has asked the State to provide specific information on the status of the procedure to reimburse the costs and expenses. Specifically, it consulted whether the payment could be made directly to the *Fundación de Ayuda Social de las Iglesias Cristianas* [Foundation for Social Aid of the Christian Churches] (FASIC), as had been requested by the next of kin of the victims at one time. However, no relevant information was submitted.

53. In this regard, the Court recalls that, in the terms of the judgment, the obligation to comply with a specific measure of reparation is effective from the moment legal notice of the judgment is provided, irrespective of the corresponding time frame granted. In this regard, when handing down a judgment, the Court assumes the State’s good faith to take the necessary measures and make the effort required to comply within the time limits indicated.[30] Consequently, as of legal notice of the Judgment, the State should have taken all the necessary measures to reimburse costs and expenses. And this, even though the Court is aware of the different administrative measures, procedures and arrangements that may be necessary at the domestic level to make the reimbursement.[31]

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[29] On June 22, 2005, the Inter-American Commission, based on information provide by FASIC, specified that a total of US$358 should be paid for expenses to each family (in other words, US$1,432) and US$7,779 to FASIC for expenses in hearings and fees.

[30] *Cf. Case of the Pueblo Bello Massacre v. Colombia. Monitoring compliance with judgment.* Order of the Inter-American Court of Human Rights of July 9, 2009, Considering clause 65.

[31] *Case of Montero Aranguren et al. v. Venezuela. Order* of November 17, 2009, Considering clauses 67, 68 and 70.

54. Taking into account the 12 years that have passed since the Judgment was handed down, and the five years that have elapsed since the Inter-American Commission specified that the respective payment should be made to FASIC, the Court asks that FASIC, as soon as possible, advise the State of its bank account, so that the State can proceed to make the respective payment. In its next report, the State must forward updated information on this point.

**THEREFORE:**

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

in exercise of its authority to monitor compliance with its decisions and in accordance with Articles 33, 62(1), 62(3), 65, 67, and 68(1) of the American Convention on Human Rights, 25(1) and 30 of its Statute, and 31(2) and 69 of its Rules of Procedure,

**DECLARES THAT:**

1. In accordance with the findings in Considering clauses 6 to 48 of this Order, it proceeds to end monitoring compliance with the following operative paragraphs of the judgment:

> a) find the proceedings conducted against Jaime Francisco Sebastián Castillo Petruzzi, María Concepción Pincheira Sáez, Lautaro Enrique Mellado Saavedra and Alejandro Luis Astorga Valdez invalid, as they were incompatible with the American Convention on Human Rights, and order that the persons in question be ensured a new trial in which the guarantees of due process of law are ensured *(Operative paragraph thirteen of the Judgment and Considering clauses 26 to 48),* and
>
> b) adopt appropriate measures to amend those laws that the judgment has declared to be in violation of the American Convention on Human Rights and ensure the enjoyment and exercise of the rights recognized in the American Convention to all persons subject to its jurisdiction, without exception (*Operative paragraph fourteen of the judgment and Considering clauses 6 to 25*).

2. That it will keep open the procedure to monitor compliance with the following aspect pending fulfillment:

> a). Pay the total of US$10,000.00 (ten thousand dollars of the United States of America), or its equivalent in Peru's national currency, to the next of kin of Jaime Francisco Sebastián Castillo Petruzzi, María Concepción Pincheira Sáez, Lautaro Enrique Mellado Saavedra and Alejandro Luis Astorga Valdez who prove they have incurred costs and expenses by reason of the instant case. (*Operative paragraph fifteen of the judgment and Considering clauses 49 to 54*).

**AND DECIDES TO:**

1. Require the State of Peru to adopt all necessary measures to comply promptly and effectively with the aspect pending compliance indicated in the second declarative paragraph *supra*, pursuant to the provisions of Article 68(1) of the American Convention on Human Rights.

2. Request the State of Peru to present to the Inter-American Court of Human Rights, by September 20, 2011, at the latest, a report indicating all the measures adopted to comply with the reparation ordered by this Court that is pending compliance, as indicated in Considering clauses 52 to 54, and in the second declarative paragraph of this Order.

3. Request the representatives and the Inter-American Commission on Human Rights to submit their observations on the State's report mentioned in the preceding operative paragraph within two and four weeks, respectively, as of receipt of it.

4. Require the Secretariat of the Court to provide legal notice this Order to the Republic of Peru, the Inter-American Commission on Human Rights, and the representatives of the victims.

Diego García-Sayán
President

Manuel E. Ventura Robles

Margarette May Macaulay

Rhadys Abreu Blondet

Alberto Pérez Pérez

Eduardo Vio Grossi

Pablo Saavedra Alessandri
Secretariat

So ordered,

Diego García-Sayán
President

Pablo Saavedra Alessandri
Secretariat