

ORDER OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS¹

OF NOVEMBER 24, 2010

CASE OF THE DISMISSED CONGRESSIONAL EMPLOYEES (Aguado Alfaro and others) v. PERU

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

HAVING SEEN:

A) Monitoring compliance with Judgment

1. The Judgment on preliminary objections, merits, reparations and costs (hereinafter "the Judgment") issued by the Inter-American Court of Human Rights (hereinafter "the Court," "the Inter-American Court" or "the Tribunal") of November 24, 2006, in the case of the Dismissed Congressional Workers v. Peru.
2. The interpretation request for the Judgment, presented by one of the representatives of the victims, and declared inadmissible by the Inter-American Court on November 30, 2007, as it did not comply with Article 67 of the Convention and Articles 29(3) and 59 of the Rules of Procedure of the Court that were in force at that time.²
3. The Order of the then-President of the Court of June 8, 2009, through which it was decided to call a private hearing at the Court's headquarters so that the Tribunal could obtain information from the Republic of Peru (hereinafter "the State" or "Peru") about the reparation measures ordered in the Judgment and the respective observations of the Inter-American Commission and the common intervening parties.
4. The hearing held on July 8, 2009, during the LXXXIII Ordinary Period of Sessions of the Tribunal at its headquarters³, as well as the documents presented by the Commission and the State during the hearing.
5. The Order issued on November 20, 2009, by which the Tribunal declared:

¹ Judge Diego Garcia-Sayan, because of his Peruvian nationality, did not participate in the deliberation and signing of this Order, pursuant to Article 19 of the Statute and Article 19 of the Rules of the Court. Consequently, for the purposes of monitoring compliance with the Judgment in the present case, the Vice President of the Tribunal, Judge Leonardo A. Franco, acted as President-in-Office.

² *Case of the Dismissed Congressional Workers (Aguado Alfaro and others). v. Peru.* Request for Interpretation of Judgment of Preliminary Objections, Merits, Reparations and Costs. Judgment of November 30, 2007. Series C No. 174.

³ Mr. Francisco Ercilio Moura and Mr. Javier Mujica Petit, from the Centro de Asesoría Laboral del Perú [Labour Advisory Centre of Peru] (CEDAL), attended this audience along with the common intervenors of the representatives: for the Commission, Mrs. Lilly Ching Soto (Adviser); and, for the State, Delia Muñoz Muñoz (Specialized Supranational Public Prosecutor), Rodolfo Reyna Salinas (Advisor to the President of Congress), Mr. Edgar Chauca Lopez (Head of Legal Congress), Mrs. Erika Ramos Arteaga (Advisor to the Specialized Supranational Public Prosecutor), Ambassador Moises Valley Tambini de Valle (Head of the Diplomatic Mission of Peru to Costa Rica), and Mr. Gustavo Lembcke and Mr. David Tejada, Minister and Second Secretary of the Embassy of Peru in Costa Rica, respectively.

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

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

a) To guarantee the 257 victims with access to simple, fast and efficient recourse, hence an independent and impartial body must be formed as soon as possible. Said body should have the power to rule in a binding and definitive manner on whether these persons were dismissed from the Congress of the Republic in a fair and justifiable manner or, if that were not the case, it should determine and set the corresponding legal consequences, and, if it were necessary, even award due compensation in accordance with the specific circumstances of each of the persons, as soon as possible (*operative paragraph four of the Judgment* and paragraphs 148, 149 and 155 thereof); and,

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

And Resolv[ed]:

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

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

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

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

[...]

6. The briefs of March 18 and 26 and June 22, 2010, through which the State referred to the fulfillment of the Judgment.

7. The briefs of December 7, 2009, January 26, March 2, June 2, October 22 and November 12, 2010, through which the common intervening parties of the representatives of the victims (hereinafter "the interveners") presented their observations regarding the state of compliance with the Judgment.

8. The communication of July 1, 2010, through which the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") presented their observations on the state of compliance with the Judgment.

B) Request to adopt provisional measures

9. The brief received via email on July 14, 2010, through which Mr. Adolfo Fernández Saré and eight other persons submitted a request for provisional measures before the Inter-American Court, in accordance with Article 63(2) of the American Convention and Article 27 of the Rules of the Court, in order to provide for their "return to work at the Congress of the Republic of Peru while the State employees comply with the operative paragraph four of the Judgment;" and the State "[would] offer full medical attention through the Social Security called [ESSALUD] to each victim and to their immediate family [...] until the present case is resolved in a definitive manner."

10. The note of the Secretariat of the Court of July 20, 2010, through which Mr. Fernandez Sare was informed that the corresponding processing of his request for provisional measures would take place once the Tribunal received the original of said brief or, failing that, a facsimile with the signatures of all the applicants. The original copy of the request for provisional measures and its annexes were received on November 2, 2010. Next, following the President of the Tribunal's instructions, said brief was sent to the Commission, to the State, and to the common interveners so that they could present their observations on this issue.

11. The briefs of November 11 and 12, 2010, by which the State, on one side, and the common interveners and the Inter-American Commission, on the other, issued their observations regarding the request for provisional measures (*supra* Having Seen 11). Notwithstanding, only the State specifically referred to the request for provisional measures, while the Commission and the common interveners referred to the fulfillment of the Judgment.

CONSIDERING:

A) *Monitoring of compliance with Judgment*

1. Monitoring compliance with its decisions is a power inherent to the judicial functions of the Court.
2. Peru has been a State Party to the American Convention on Human Rights since July 28, 1978, and acknowledged the binding jurisdiction of the Court on January 21, 1981.
3. Pursuant to Article 68(1) of the American Convention, "[t]he States Parties to the Convention undertake to comply with the judgment of the Court in any case to which they are parties." The State should, therefore, ensure that the Tribunal's rulings are complied with within their jurisdiction.⁴
4. Given the final and uncontestable nature of the Court's judgments, as set forth in Article 67 of the American Convention, said judgments are to be promptly and fully complied with by the State.
5. The obligation to comply with the Court's judgments conforms to a basic principle of the law on the international responsibility of the State, as supported by international jurisprudence, under which the States are required to comply with their international treaty obligations in good faith (*pacta sunt servanda*) and, as previously held by the Court and as provided for in Article 27 of the Vienna Convention on the Law of Treaties of 1969, States may not invoke the provisions of domestic laws to justify non-fulfillment of its existing international responsibility. The treaty obligations of States Parties are binding on all State bodies and organs.⁵
6. The States Parties to the American Convention are required to guarantee compliance with the provisions thereof and their effectiveness (*effet utile*) within their respective domestic legal systems. This principle applies not only to the substantive provisions of

⁴ Cf. *Case of Baena Ricardo and others. Competence*. Judgment of November 28, 2003. Series C No. 104, paragraph 60; *Case of Tristán Donoso v. Panama*. Monitoring of Compliance with Judgment. Order of the Inter-American Court of Human Rights of September 1, 2010, Considering Clause three, and *Case of De la Cruz Flores v. Peru*. Monitoring of compliance with Judgment. Order of the Inter-American Court of Human Rights of September 1, 2010, Considering Clause three.

⁵ Cf. International Responsibility for the Expedition and Application of Laws in Violation of the Convention (Articles 1 and 2 of the American Convention on Human Rights). Advisory Opinion OC-14/94 of December 9, 1994. Series A No. 14, paragraph 35; *Case of Tristán Donoso v. Panama*. Monitoring of compliance with Judgment. *supra* note 5, Considering Clause five, and *Case of De la Cruz Flores v. Peru*. Monitoring of compliance with Judgment, *supra* note 5, Considering Clause five.

human rights treaties (i.e. those addressing the protected rights), but also to procedural rules, such as those concerning compliance with the Court's decisions. Such obligations are to 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.⁶

A.1) A simple, quick, and effective recourse for the determination of rights

7. Regarding the obligation established in operative paragraph four of the Judgment (*supra* Having Seen 5), the State has manifested that "it is complying with the pertinent processes" to comply with the Judgment; it has met with the intervening parties in order to set up a commission that will allow it to comply with the provisions of the Judgment and it has informed the Legislative Branch that said commission must consist of two State representatives (from the Ministry of Justice and the Congress) and a representative of the workers. Regarding the point referring to free legal advice for the victims, the State informed that the General Board of Public Defense designated public defenders for the legal support of the 257 victims, stating that it named 10 public defenders that will work for free, in accordance with that provided for in paragraph 149 of the Judgment. The State informed, additionally, that the new Special Commission⁷ has exercised its functions since July 16, 2010, and it strives to "guarantee the 257 victims of the case with access to a simple, fast and efficient recourse." According to the State, said Commission is "built based on the precepts that were set forth in the Order to Monitor [Compliance]" on November 20, 2009, issued in the present case. The State also manifested that once the Special Commission was set up on August 23, 2010, it requested the Ministry of Justice to ratify and acknowledge that the Commission would consist of delegates from the Congress of the Republic, the Ministry of Justice, delegates of the victims and a President. In accordance with the State's provisions, the Special Commission has 90 calendar days to issue a Final Report, which finished on November 23, 2010⁸, the State, however, has not informed the Tribunal of this effect. Prior to setting up the Special Commission, the State requested the current addresses of the 257 victims from the National Registry of Identification and Civil Status in order to notify all the victims of said acts and to guarantee due process. The State indicated that on October 5 and 29, 2010, it carried out public hearings whereby victims were granted the opportunity to make statements, in a voluntary manner. According to reports, 69 of the victims included in the Judgment requested to make a statement in order to put forward their claims before said "Special Commission."⁹ The State indicated that said hearings were being registered in order to submit them to this Tribunal at a later date. Also, the State added that the Special Commission has seen the need to open a new date to hold another public hearing, with an "open date," to "make it possible to listen to all the victims that have not been able to make statements and that desire to express [...] alternative solutions to their particular cases."

8. The common interveners manifested that in March 2010 they rejected the proposal made by the Specialized Supra-National Public Prosecutor to the Ministry of Justice to create a "Special Commission" composed of three members as it did not follow the rulings

⁶ Cf. *Case of Ivcher Bronstein v. Peru. Competence*. Judgment of the Inter-American Court of Human Rights of September 24, 1999, paragraph 37; *Case of Tristán Donoso v. Panama*. Monitoring of compliance with Judgment. *supra* note 5, Considering Clause six, and *Case of De la Cruz Flores v. Peru*. Monitoring of compliance with Judgment, *supra* note 5,, Considering Clause six.

⁷ The Special Commission referred to is presided over by Mr. Carlos Blancas Bustamente, elected on July 26, 2010, during the meeting of the Special Commission that took place in the offices of the Super-National Attorney General's Office. See: Annex 13 of the brief of the State of November 9, 2010 (case file of monitoring of compliance, pages xxx).

⁸ Cf. Annex 14 of the brief presented by the State on November 9, 2010 (case file of Monitoring Compliance with Judgment, pages xx).

⁹ Cf. Annexes 17 and 18 of the brief presented by the State on November 9, 2010, which contained lists of the persons that requested use of the floor during the private hearings called by the "Special Commission" (case file of monitoring of compliance, pages xx).

delivered by the Court in its Order of November 20, 2009. At a later date, they stated that on March 31, 2010, they received a new communication from the Public Prosecutor reiterating the request because the representatives of the victims were required to designate their representatives for the "Special Commission," but they specified that "the Commission will be composed, now not of four, but of five members: two designated by the State (one by the Congress of the Republic and one by the Ministry of Justice), two by the representatives of the victims, and the fifth –set to preside over the Commission– would be decided by both parties by means of a mutual agreement." On April 7, the representatives of the victims communicated to the Prosecutor General the designation of their two representatives for the aforementioned Commission. The State also named its two representatives on April 9, 2010. Also, on April 20, 2010, the Special Commission was officially set up and the President was designated, who accepted the position in August of 2010. In that same month, the rules of the "Special Commission" were approved and since then, various meetings have been held within the framework thereof; it has agreed to discuss criteria for reparations; it has requested information from Congress regarding the situation of each victim, and public hearings have been convened so victims are able to personally express what they deem pertinent, as well as to raise issues and to propose their own criteria for reparations.

9. Meanwhile, the Inter-American Commission considered that the decision to form a new "Special Commission" in charge of monitoring compliance with judgments "constitutes a notable advance in the prolonged process of compliance." Also, the Commission noted that "the time period to create an independent body, and within which said body would adopt final decisions, has concluded and there is no prospect that the obligation established by the Court will be put into practice and resolved within a reasonable timeframe." Regarding the means to offer free legal advice to the damaged party in the present case, the Commission highlighted the lack of information regarding the form in which the assigned public defenders can participate in the defense of the interests of the victims before the "Special Commission."

10. In its previous Order (*supra* Having Seen 5), the Court emphasized the characteristics of the body to be created by the State to comply with the provisions of operative paragraph four of the Judgment of the aforementioned Order to determine the rights of the victims. On this occasion, the Court valued that the State and the representatives had begun to form a new "Special Commission" that would be in charge of determining the corresponding legal consequences, and when necessary, the due compensation for each of the victims, having already determined that the victims were dismissed unfairly and unjustifiably from Congress. Such "Special Commission," according to the information of the interveners, had already begun to operate. Bearing in mind the State obligation should be a fast and simple recourse, whose final decisions must be adopted within one year of notification of the Judgment, and in light of the order issued one year ago, the Court hopes that the agreed upon and established procedure comes to a positive conclusion as soon as possible. Furthermore, the Tribunal values the designation of the public defenders to give legal advice to the victims and to request information from the State about the form in which this means will be implemented.

A.2) Payment of non-pecuniary damages

11. Regarding the payment of the amounts set as non-pecuniary damages to 257 victims (*operative paragraph five of the Judgment*), the State only went so far as to inform about the procedures and communications carried out during 2009 before the Ministry of Justice and the Ministry of Economy and Finance, among other public instances, to achieve compliance.

12. The common interveners manifested that the State did not provide for the payment of the indemnities within the Law of Budget of 2009, even though during the hearing it committed to settle the debt by no later than December 31, 2009. They highlighted that the State has not complied, despite the existence of several requirements that have been created by the Ombudsman's Office for such purposes, and the judicial requirements and sanctions that the Judicial Branch has imposed on the Ministry of Justice, as part of the

execution process that some victims have pursued within the domestic jurisdiction. They reiterated that the State sought to justify its lack of compliance on the grounds of its domestic legislation, since "the lack of budget credit [stated by the Ministry of Economy and Finance], due to deficient State management, does not constitute a valid reason to not comply with the payment of the amounts owed." They alleged that the workers have had to endure the lack of compliance, having to file several initiatives before the Judicial Branch, in some cases, by means of precautionary measures to obtain partial payments through the seizure and auction of some State property. In other cases, an order to pay this debt was issued by the 27 Juzgado Especializado en lo Civil [27 Court Specialized in Civil Matters] of the Superior Court of Justice to the Ministry of Justice. Also, they manifested their concern that on May 3, 2010, the President of the Republic sent Bill No. 4006/2009-PE to the Congress of the Republic, in order "to establish, among other things, that compliance with supranational judgments shall not be adjusted to the term set forth in the judgments issued by the respective bodies (for example in the case of reference, a year after notification), but rather it shall only be subject to the norms of domestic law and, in particular, to the terms of the Texto Unico Ordenado de la Ley [Sole Ordered Text of the Law] that regulates the Administrative Contentious procedure (Supreme Decree No. 013-2008-JUS) and Article 70 of Law No. 28411, General Law of the National Budget System, that considers substantially longer terms, that can be extended up to five years." The common interveners alleged that these provisions are contrary to the duty assumed by the State by ratifying the American Convention.

13. Furthermore, the interveners requested that the Court declare the lack of compliance of the State with that ordered in the Judgment and that the State "has committed a new violation" of the right recognized in Article 25(2)(c) of the Convention, and therefore, they requested the Court "provide for the corresponding remedies and means of reparation," and to inform the OAS General Assembly of this.

14. The common interveners submitted a communication on December 16, 2009, from the Ombudsman's Office, addressed to the President of the Council of Ministers, through which the former noted the lack of compliance by the State, that remains "both regarding the amount explicitly set as non-pecuniary damages in the ruling of the Court [...] as well as the amount to be set (in the event that the unjust dismissal is verified) by the 'independent and impartial body' referred to in paragraph 4" of the operative paragraphs of the Judgment. Consequently, the Ombudsman recommended the adoption of the necessary measures in order to "authorize the Ministry of Economy and Finances to assign the budgetary resources to comply with the judgment [...], as well as that set forth in the Forty-fifth Final Provision of the Public Sector Budget Law] for the 2009 fiscal period."

15. The Commission observed that "there is no evidence of effective action" to comply with that stipulated by the Court, and that it expects that the payment obstacles be overcome as soon as possible. It also expressed its concern regarding the information received regarding the bill that "tries to govern the compliance with the international obligations, assumed by the State in good faith, by the rules of domestic law of the State which is responsible for the violation that led to the reparation measure." Likewise, it observed that there is no evidence of efforts carried out by the State to complete the internal links and coordination to give effect to the reparation measure ordered, in such a manner that the procedures are an effective way [of] mitigating the human rights violation that the victims have suffered and not merely the execution of formal actions."

16. The Court observes that, after the time passed since the Judgment was issued, the payments awarded as non-pecuniary damages have not been made by the State, despite the provisions made by the Tribunal and the State's manifestations during the hearing and in its briefs. It is necessary to stress that despite the provision in the Budget Law of 2009, the Ministry of Economy and Finance has communicated that they do not have the necessary resources, as noted by the Ombudsman's Office (*supra* Considering Clause 13). The Court reiterates that it is essential that the State carry out the necessary procedures to make such payments as soon as possible. Likewise, since the State has defaulted, it shall inform of the procedures started to effectively comply with this operative paragraph, as well as the provisions applicable to cover the respective moratorium interest, in accordance with paragraph 161 of the Judgment.

B) *Request to Adopt Provisional Measures*

17. Article 63(2) of the Convention states that, “[i]n extremely serious and urgent cases, and when necessary to avoid irreparable damage to persons,” the Court can, in relation to the matters under consideration, “adopt the provisional measures that it deems necessary.”

18. Mr. Fernández Saré based his request for provisional measures (*supra* Having Seen 10), on the fact that the victims were dismissed over 18 years ago, the proceedings have lasted over twelve years, some workers have died, and the great majority have delicate states of health and due to a lack of economic resources cannot take care of their conditions.

19. The common interveners did not submit observations regarding this request for provisional measures.

20. The Inter-American Commission did not refer specifically to the request for provisional measures and referred to its observations regarding compliance with the Judgment.

21. The State requested the Court to “declare the request filed to adopt provisional measures inadmissible,” considering “the situation is not serious or urgent enough to cause irreparable damages to the [group] of ex-workers of the Congress of the Republic” that presented it. The State added that the aforementioned request for provisional measures refers to “the provision of comprehensive medical care through the Social Security called ‘ESSALUD,’ to each of the victims and their closest next of kin [...] until the case is resolved in a definite manner[,]an issue which is not addressed” in the operative paragraphs of the Judgment. It indicated that in the request for provisional measures no “detailed mention is made of the exact situation of the 257 and/or 36 victims that signed [it]” and the existence of the motives to order the provisional measures stipulated in Article 63(2) of the Convention has not been proven. The State highlighted that the measures are requested for a group of persons, and not all of the 257 workers have provided necessary up-to-date information about their situation, which was reported by the Human Resources office of the Congress of the Republic, specifying that currently 24 of the 257 victims work in the Congress of the Republic; and, of the remaining 233, 45 are independent workers, 29 are working for various State institutions, 103 are unemployed, 3 have died, 2 persons are overseas, and there are 2 dismissals. Such information would have allowed the specific situation of 208 victims to be determined and identified in the present case.

22. The Court understands the serious problems that could have affected the victims as a consequence of the facts of the present case and, also, because of the delay in the compliance by the State with the obligations set forth in the Judgment. However, the object of the request is partially linked with the obligation imposed upon the State in operative paragraph four of the Judgment,¹⁰ since job restitution could be one of the possible legal consequences of the irregular dismissal of some of the workers, which is to be determined in domestic jurisdiction (*supra* Considering Clause 8). Thus, Article 63(2) of the Convention is not applicable. However, and considering the State has already declared that the victims were irregularly and unjustifiably dismissed from their jobs, it can be inferred that in many cases they suffered economic damages and that they were excluded from certain Social Security plans. Therefore, the Tribunal deems that in this case, it is not necessary to accept the request for provisional measures to provide health services for the victims, without prejudice to the measures that the State could promptly adopt, considering the respective legal and constitutional provisions, and in compliance with the general obligations set forth in Article 1(1) of the American Convention, to guarantee that the victims of the present case have access to health services, through state programs or institutions, at least until their

¹⁰ In a similar sense, see *Raxcaco Reyes et al.* Request to Extend Provisional Measures regarding Guatemala. Order of the Inter-American Court of February 2, 2007, Considering Clause 21. See also *De la Cruz Florez*, Order of the Court of September 1, 2010, Considering Clause 77.

situation is clearly expressed and considering that four years have passed since this Tribunal ordered that the consequences of their dismissals be determined.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in exercising its powers and in accordance with Articles 63(2), 67 and 68(1) of the American Convention on Human Rights, and Articles 12(3) and 30 of the Statute, and Articles 5, 19, 27, 31 and 69(4) of its Rules of Procedure,

DECLARES:

1. That it will keep the procedure to monitor compliance with the outstanding issues open, namely:

- a) to guarantee the 257 victims access to a simple, quick, and effective recourse, for which it will be necessary to form, as soon possible, an independent and impartial body with the power to decide in a binding and definite manner if these persons were dismissed fairly and justifiably from the Congress of the Republic, or if that were not the case, it must be proven and the corresponding legal consequences must ensue, including, if necessary, the compensations due according to the specific circumstances of each person, as soon as possible (*operative paragraph four of the Judgment* and paragraphs 148, 149 and 155); and,
- b) to immediately pay the amount awarded to the 257 victims, as non-pecuniary damages (*operative paragraph five of the Judgment* and paragraphs 151, 156, and 158 to 161 thereof).

AND RESOLVES:

1. To request the State of Peru to adopt all the measures necessary to effectively and promptly comply with the paragraphs pending compliance with the Judgment of preliminary exceptions, merits, reparations and costs, issued in the case of the Dismissed Congressional Employees, pointed out in the first declarative paragraph.

2. To dismiss the request for provisional measures presented by Mr. Adolfo Fernández Saré and others, in the terms stated in the Considering Clause twenty of this Resolution.

3. To require the State of Peru to present a report, in which it states all the measures adopted to comply with the outstanding reparations ordered by the Court, to the Inter-American Court of Human Rights, by no later than March 30, 2011.

4. To request the common interveners of the victims' representatives and the Inter-American Commission on Human Rights to submit the observations that they deem

pertinent on the State Report mentioned in the prior operative paragraph, within four and six weeks, respectively, following the receipt of said report.

5. To request the State, after the submission of the report requested in operative paragraph four, to continue informing the Court, every three months, about the measures adopted to comply with the reparations ordered.

6. To request the Inter-American Commission and the common interveners of the representatives to submit the observations that they deem pertinent on the State reports within four and six weeks, respectively, following the receipt of the report.

7. To continue monitoring the outstanding paragraphs from the Judgment on preliminary objections, merits, reparations and costs issued by the Tribunal on November 24, 2006.

8. To request the Secretariat of the Tribunal to notify the present Order to the State, to the Inter-American Commission on Human Rights, to the common interveners of the victims, and to Mr. Adolfo Fenández Saré.

Leonardo A. Franco
President-in-Office

Manuel E. Ventura Robles

Margarette May Macaulay

Rhadys Abreu Blondet

Alberto Pérez Pérez

Eduardo Vio Grossi

Pablo Saavedra Alessandri
Secretary

So directed,

Leonardo A. Franco
President-in-Office

Pablo Saavedra Alessandri
Secretary