

**Order of the
Inter-American Court of Human Rights*
of April 3, 2009
Case of Baldeón García v. Peru
(Monitoring 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 "Court", "the Inter-American Court" or the "Tribunal") on April 6, 2006, whereby it was unanimously decided that the State should:

[...]

8. [...] adopt, in full compliance with the right to fair trial and within reasonable time, all measures necessary to identify, prosecute and punish [if applicable] the physical perpetrators [...] of the violations committed against Mr. Bernabé Baldeón-García, as set forth in paragraphs 195 to 203 and 210 of [the] Judgment.

9. [...] publish within six months, at least once, in the official gazette and in another nationwide daily newspaper, the Section of [the] Judgment entitled Proven Facts, without the corresponding footnotes, and the operating paragraphs of [...] Judgment, as set forth in paragraphs 194 and 210 [t]hereof;

10. [...] make, within six months following notice of [the] Judgment, a public apology and acknowledgment of its international liability regarding the violations referred to [t]herein, in the presence of the highest-ranking State authorities, pursuant to the terms of paragraphs 204 and 210 of [...] Judgment;

11. [...] name, within one year following notice of [the] Judgment, a street, park or school in the memory of Mr. Bernabé Baldeón-García, as set forth in paragraphs 205 and 210 of [the] Judgment[;]

12. [...] provide medical, psychological and psychiatric treatment, as applicable, to Guadalupe Yllaconza-Ramírez de Baldeón¹; Crispín, Roberto, Segundina, Miguelita, Perseveranda, Vicente, Sabina and Fidela, all members of the Baldeón-Yllaconza family, at their discretion and for as long as necessary, as set forth in paragraphs 207 and 210 of [the] Judgment[;]

13. [...] pay to Guadalupe Yllaconza-Ramírez de Baldeón; Crispín, Roberto, Segundina, Miguelita, Perseveranda, Vicente, Sabina and Fidela, all members of the Baldeón-Yllaconza family, within one year, the compensation for pecuniary damage established in paragraphs 185 and 187 of [...] Judgment, as set forth in paragraphs 185, 187, 210, 211 and 213 to 216 [t]hereof[;]

14. [...] pay to Guadalupe Yllaconza-Ramírez de Baldeón; Crispín, Roberto, Segundina, Miguelita, Perseveranda, Vicente, Sabina and Fidela, all members of the Baldeón-Yllaconza

* Judge Diego García-Sayán, Peruvian, disqualified himself from hearing the procedure to monitor compliance with this case, in accordance with Articles 19(2) of the Court's Statute and 20 of its Rules of Procedure.

¹ The Court notes that the victim identified with National Identity Document Number 07115970 appears in the court file as "Guadalupe Yllaconza Ramírez de Baldeón", "Guadalupe Yllaconza Ramírez de Baldeón" and "Guadalupe Yllaconza Ramírez de Baldeón". In this sense, the Tribunal shall use indistinctively said references in this Order, understanding that it refers to one person only, identified with the identity document already mentioned.

family, within one year, the compensation for non pecuniary damage established in paragraph 191 of [the] Judgment, as set forth in paragraphs 191, 192, 210, 211 and 213 to 216 [t]hereof[;]

15. [...] pay, within one year, the costs and expenses incurred in domestic courts and in the international proceedings carried out within the Inter-American System for Human Rights Protection, pursuant to the amount established in paragraph 209 of [the] Judgment. Said amount must be delivered to Mr. Crispin Baldeón-Yllaconza, as set forth in paragraphs 209, 210 and 212 to 216 thereof.

[...]

2. The Order of the Inter-American Court of February 7, 2008 on the monitoring compliance with the Judgment, by which it was declared that:

1. [p]ursuant to the information contained in *Considering* paragraphs 1 and 11 of [said] Order, the State has not complied with its obligation to inform the Court of the measures adopted to abide by the orders of this Tribunal in the operative paragraphs of the Judgment [and]

2. it will keep the procedure for the monitoring of compliance open on all reparation measures ordered by this Court in said Judgment.

AND DECIDE[D]:

1. To require the State to adopt all necessary measures to fully and promptly comply with that ordered by the Court in the Judgment [...] in keeping with that set forth in Article 68(1) of the American Convention on Human Rights [and]

2. To request that the State submit a report to the Inter-American Court of Human Rights no later than March 12, 2008, indicating all the measures it has taken to comply with the orders laid out by the Court.

[...]

3. The briefs of April 18 and September 17, 2008 by which the State of Peru (hereinafter, the "State" or "Peru") referred to the compliance with the Judgment.

4. The communications of February 21, May 21 and October 17, 2008 by means of which the victims' representatives (hereinafter, the "representatives") submitted their observations to the status of compliance with the Judgment.

5. The communications of June 6 and November 3, 2008 by which the Inter-American Commission of Human Rights (hereinafter, the "Commission" or the "Inter-American Commission") submitted the observations to the status of compliance with the Judgment.

Considering:

1. That, it is an inherent power of the judicial functions of the Court to monitor compliance with its decisions.

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

3. That 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". Therefore, the States must ensure that the rulings set out in the decisions of the Court are implemented at the domestic level.²

4. That, in consideration of Article 67 of the American Convention, which stipulates that the judgment of the Court shall be final and shall not be subject to appeal, such judgment shall be fully and promptly complied with by the State.

5. That the obligation to comply with the rulings of the Court conforms to a basic principle of the law on the international responsibility of States, under which States are required to fulfill their international treaty obligations in good faith (*pacta sunt servanda*) and, as previously held by the Court and provided for in Article 27 of the Vienna Convention on the Law of Treaties of 1969, States cannot invoke their municipal laws to escape from their pre-established international responsibilities.³ The treaty obligations of States Parties are binding on all State powers and organs.⁴

6. That the States Parties to the Convention must ensure compliance with its provisions and their inherent effects (*effet utile*) within their respective domestic legal systems. This principle applies not only in connection with the substantive provisions of human rights treaties (*i.e.* those dealing with provisions on protected rights) but also in connection with procedural rules, such as the ones concerning compliance with the decisions of the Court. Such obligations are intended to be interpreted and enforced in a manner such that the protected guarantee is truly practical and effective, taking into account the special nature of human rights treaties.⁵

7. That those States Parties to the American Convention that have accepted the binding jurisdiction of the Court are under a duty to fulfill the obligations set by the Tribunal. In this sense, Peru must adopt all the necessary measures to effectively comply with the Court's decision of April 6, 2006. This obligation includes the State's duty to inform of the measures adopted to abide by the orders of this Tribunal in said Judgment. Timely fulfillment of the

² Cf. *Case of Baena Ricardo et al v. Panamá*. Competence. Judgment of November 28, 2003. Series C No. 104, para. 131; *Case of Bámaca Velásquez v. Guatemala*. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of January 27, 2009, Considering Clause three; and *Case of the "Street Children" (Villagrán Morales et al.) v. Guatemala*. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of January 27, 2009, Considering Clause three.

³ Cf. *International Responsibility for the Promulgation and Enforcement of Laws in Violation of the Convention (Articles 1 and 2 American Convention on Human Rights)*. Advisory Opinion OC-14/94 of September 9, 1994, Series A N°14, para. 35; *Case of Suárez Rosero v. Ecuador*. Monitoring Compliance with Judgment. Order of the President of the Inter-American Court of Human Rights of March 20, 2009, Considering Clause fourth; and *Case of Bámaca Velásquez*, *supra* note 2, Considering Clause five.

⁴ Cf. *Case of Castillo Petruzzi et al v. Perú*. Monitoring Compliance with Judgment. Order of the Inter-American Court of Human Rights of November 17, 1999. Series C N° 59, Considering Clause three; *Case of Suárez Rosero*, *supra* note 3, Considering Clause fourth; and *Case of Ivcher Bronstein v. Perú*, Monitoring Compliance with Judgment. Order of the President of the Inter-American Court of Human Rights of February 27, 2009, Considering Clause fourth.

⁵ Cf. *Case of Ivcher Bronstein v. Perú*. Competence. Judgment of September 24, 1999. Series C No. 54, para. 37; *Case of Bámaca Velásquez*, *supra* note 2, Considering Clause six; and *Case of the "Street Children" (Villagrán Morales et al.)*, *supra* note 2, Considering Clause six.

State's obligation to report to the Court on the exact manner in which it is complying with each of the aspects ordered by the latter is essential to evaluate the whole status of compliance in this case.

*
* *
*

8. That as to the obligation to adopt all measures to identify, prosecute and, if applicable, punish all the physical perpetrators and instigators of the violations committed against Mr. Bernabé Baldeón-García, the State informed that such obligation "is pending compliance".

9. That, regarding this aspect, the representatives pointed out that "in spite of the beginning of the criminal procedure and the identification of the alleged responsible for the human rights violations committed against Bernabé Baldeón-García, two years have passed since the criminal procedure began and the accused had not been detained yet, which represents a serious hindrance to comply with the State's obligation to prosecute and punish the responsible according to the Judgment delivered by the Court in the instant case".

10. That, in such regard, the Commission emphasized that "the State is required to provide useful information on the compliance with the obligation to investigate, prosecute and punish the responsible [and that] relevant information shall be such that reflects specific and effective results pursuant to the obligation established by the Tribunal [...]".

11. That this Tribunal notes that in the Judgment, the Court consider proven the following facts: a) that Mr. Bernabé Baldeón-García was arrested by military officers without a warrant issued by a competent judge and not in *flagrante delicto*;⁶ b) that during his arrest, he was beaten, tied up with a wire and hung upside down from a beam and then submerged in a tank of cold water;⁷ c) that he died in the early morning of September 26, 1990 in Pacchahuallua while in military custody,⁸ and d) up to the date of this judgment, only two persons have been indicted and none has been punished for the events giving rise to this case⁹.

12. That the information presented by the representatives suggests that no significant progress has been made in the investigations into said facts since the delivery of the judgment, inasmuch as the only two accused people have not been detained yet.¹⁰ The foregoing means that after 18 years of the occurrence of such events, the violations so declared in the case at hand are still in the same condition of impunity that they were at the moment of the delivery of the Judgment, three years ago.¹¹

⁶ Cf. *Case of Baldeón García v. Perú*. Merits, Reparations, and Costs. Judgment of April 6, 2006; Series C No. 147, para. 58, 72(17) and 122.

⁷ Cf. *Case of Baldeón García*, *supra* nota 6, párr. 72(20) and 123.

⁸ Cf. *Case of Baldeón García*, *supra* nota 6, para. 72(21)

⁹ Cf. *Case of Baldeón García*, *supra* nota 6, para. 72(37)

¹⁰ Cf. *Case of Baldeón García*, *supra* nota 6, para. 72(36)

¹¹ Cf. *Case of Baldeón García*, *supra* note 6, para. 165 and 195.

13. That in such regard, in accordance with the case law¹² and the Judgment, the Court recalls that "the next of kin of Mr. Baldeón García are entitled to, and the State has the duty to procure, an effective investigation of the events involving the victims by state authorities, proceedings against the alleged perpetrators and if applicable, the appropriate penalties imposed to redress the damage sustained by said next-of-kin".¹³ Otherwise, they would be creating, in a climate of impunity, the conditions that will allow these events to continue repeating.¹⁴

14. That in order to effectively comply with this obligation, the State must adopt all the judicial and administrative measures necessary to expedite the investigation into the facts of the case at hand. Besides, the next-of-kin of Bernabé Baldeón García or his representatives must have full access and capacity to act at all stages and before all instances of the proceeding, in keeping with domestic law and the norms of the American Convention, releasing the next-of-kin or their representatives from the burden to expedite proceedings. Likewise, the State must guarantee the effective compliance with the decision adopted in the domestic jurisdiction in order to fulfill this obligation.¹⁵

15. That the Tribunal notes that the State has not provided sufficient information to determine the status of compliance with this obligation. In this sense, the Tribunal considers it is essential for the State to present updated, detailed and full information on the actions taken and the progress made in the procedure. Furthermore, the Court urges the State to adopt all necessary measures to, within a reasonable time, identify, prosecute and punish, if applicable, the responsible.

*
* *

16. That regarding the obligation to publish within six months, at least once, in the official gazette and in another nationwide daily newspaper, the Section of this Judgment entitled Proven Facts, and the operating paragraphs, the State informed that "this obligation has been partially fulfilled with the publication in the Official Gazette of the Ministerial Order N° 169-2007-JUS, dated May 30, 2007 [and that it was pending] the obligation to publish in another nationwide newspaper. According to the State, "the Executive Secretariat of the Human Rights National Council requested the General Secretariat of the Ministry of Justice to take the corresponding actions so that the Peruvian State complies with the publication of the judgments delivered by the Inter-American Court in a nationwide newspaper".

17. That, regarding this aspect, the representatives confirmed that the section entitled Proven Facts and the operating paragraphs of the Judgment [...] "were published in "El

¹² Cf. *Case of Velásquez Rodríguez v. Honduras*. Merits. Judgment of July 29, 1988. Series C N° 4, para. 181; *Case of Valle Jaramillo et al v. Colombia*. Merits, Reparations, and Costs. Judgment of November 27, 2008. Series C No. 192, para. 102; and *Case of Ticona Estrada v. Bolivia*. Merits, Reparations, and Costs. Judgment of November 27, 2008. Series C No. 191, para. 81.

¹³ Cf. *Case of Baldeón García*, *supra* nota 6, para. 167.

¹⁴ Cf. *Case of Myrna Mack Chang v. Guatemala*. Merits, Reparations, and Costs. Judgment of November 25, 2003. Series C No. 101, para. 156; *Case of La Cantuta v. Perú*. Merits, Reparations, and Costs. Judgment of November 29, 2006. Series C No. 162, para. 115; *Case of Vargas Areco v. Paraguay*. Merits, Reparations, and Costs. Judgment of September 26, 2006. Series C No. 155, para. 76.

¹⁵ Cf. *Case of the Caracazo v. Venezuela*. Reparations and Costs. Judgment of August 29, 2002. Series C No. 95, para. 118; *Case of Valle Jaramillo et al.*, *supra* note 12 para. 233; and *Case of Bayarri v. Argentina*. Preliminary Objections, Merits, Reparations, and Costs. Judgment of October 30, 2008. Series C N° 187, para. 176.

Peruano" Official Gazette on May 30, 2007". Afterwards, on December 17 and 18, 2007, those same parts were published in the nationwide newspaper called "La [P]rimera". Nevertheless, the representatives considered that "even though the Peruvian State has complied with the publications ordered by the Inter-American Court, it is worth mentioning that such publications were made once the term granted by the Tribunal to such end had expired".

18. That in such regard, the Commission "note[d] with satisfaction the compliance with the order established in operative paragraph nine of the Judgment of April 6, 2006".

19. That despite the fact that the State has only informed on the partial compliance with this obligation, the victims' representatives as well as the Commission has referred to its full compliance by means of the publication of the pertinent parts of the Judgment in the Official Gazette and in another nationwide newspaper (*supra* Considering clauses 17 and 18). Furthermore, the representatives forwarded to the Tribunal copies of said publications. Therefore, the Court considers that the State has complied with the order established in operative paragraph nine of the Judgment.

*
* *
*

20. That, as to obligation to make, within six months following notice of [the] Judgment, a public apology and acknowledgment of its international liability regarding the violations referred to [t]herein, in the presence of the highest-ranking State authorities, the State pointed out that this obligation "is pending compliance". Nevertheless, the State pointed out that on February 7, 2008 the Executive Secretariat of the Human Rights National Council forwarded to the Minister of Justice an official letter recommending the organization of an act of public apology act and acknowledgment of international responsibility.

21. That regarding this obligation, the representatives stated that "the Peruvian State has not complied with the act of public apology" and that, besides, the State has expressed that the "highest-ranking State authorities" would not be present in such act but "the State agent appointed to the case and a representative of the Secretariat of the Human Rights National Council" would be there. Furthermore, the representatives pointed out that "the next-of-kin of Bernabé Baldeón expressed their discontent due to the time they have to wait for [said act] to be carried out". Moreover, they showed regret for an incident that occurred on January 9, 2007 "that seriously affected the memory of Bernabé Baldeón-García [, namely that] the President [of the Republic] of Peru [...] issued statements before the national media referring to Bernabé Baldeón-García as a terrorist, in respect to whom the Peruvian State should pay an economic compensation as ordered in a judgment delivered by the Inter-American Court of Human Rights". However, later on, the representatives presented media press-clips pointing out that the President of Peru offered his "apologies" for such incident and the next-of-kin expressed their "agreement" for that gesture.

22. That the Commission "waits for the State to refer, in a more specific way, to the compliance with this obligation in the next daily reports".

23. That according to the statements made by the parties and despite the efforts pointed out by the State to comply with this obligation, the Court verifies that the public act of acknowledgment of responsibility and to make amends, in accordance with the Judgment,

has not been made. Furthermore, the Tribunal notes that the term determined for that purpose was of six (6) months as of notice of the Judgment. The judgment was notified on May 15, 2006; therefore, the term fixed to comply with that obligation expired on November 15, 2006. In this sense, the Tribunal reminds the State the importance of the compliance with this measure of reparation, given the symbolic real value of that measure of satisfaction and guarantee of non-repetition of events such as those that occurred in the case at hand. Therefore, the Court requests the State to adopt all measures necessary to comply with that obligation and inform the Tribunal about that aspect.

*

* *

24. That, as to the obligation to name, within one year following notice of this Judgment, a street, park or school in the memory of Mr. Bernabé Baldeón-García, the State informed that it has complied with that obligation, inasmuch as it has decided to "officially acknowledge the name of the street 'AVENIDA BERNABÉ BALDEÓN-GARCÍA', main street of Pucapaccana, in symbolic recognition on the part of the community and the Municipality, for the loss of the life of an active citizen of said town [...]".

25. That in accordance with the statements made by the representatives, they have communicated "to the Peruvian State the wish of the next-of-kin to name the school of Pacchahualhua after Bernabé Baldeón García". Therefore, the representatives expressed their surprise for the resolution of the Municipality of the Independence District [*Municipio Distrital de Independencia*] and "stated that they are not satisfied with the decision made by the Municipality [inasmuch as it did not take their opinion into account,] in accordance with the Judgment [...]".

26. That, in such regard, the Commission pointed out that "it regrets the lack of coordination in the compliance with the order [...] the Judgment on merits and the lack of consideration [...] for the allegations of the victim's family".

27. That the Court notes that the due to the lack of coordination between the State and the victims' next-of-kin, an avenue was named after Bernabé Baldeón-García instead of a school, according to the will of next-of-kin. Nevertheless, it considers that the adoption of said measure is consistent with the end of the compliance with the obligation to remember the victim's memory in its place of origin. Therefore, the Tribunal considers that the State has complied with the operative paragraph eleven of the Judgment. However, the Tribunal deems it is pertinent to require the State to coordinate with the victims all the aspects related to the compliance with the other measures of reparations that are pending compliance.

*

* *

28. That regarding the obligation to provide medical, psychological and psychiatric treatment, as applicable, to Guadalupe Yllaconza-Ramírez de Baldeón; Crispín, Roberto, Segundina, Miguelita, Perseveranda, Vicente, Sabina and Fidela, all members of the Baldeón-Yllaconza family, at their discretion and for as long as necessary, the State mentioned that it has complied with this obligation by means of the implementation of the following measures: a) "[the] Director of *Seguro Integral de Salud* (SIS) [*Health Insurance*

Institute] was requested to collaborate in order to take the necessary actions to provide Mrs. Guadalupe Yllaconza with the appropriate treatment"; b) the representative of the Ministry of Health before the Human Rights National Council was requested to cooperate and coordinate with the [SIS] to provide medical assistance to Mrs. Yllaconza" and c) "the Director of [SIS] stated that, even though Mrs. Yllaconza was not affiliated to the [institute], she was registered, treated on August 14, 2007 at the Health Center of Vilcashuamán and diagnosed with severe gastritis".

29. In relation to this obligation, the representatives expressed that "even though the State has taken the necessary steps to affiliate the next-of-kin of Bernabé Baldeón to the [SIS], this obligation must be subjected to permanent follow-up in order to guarantee the provision of medical assistance[,] as well as the medicines that the next-of-kin of Bernabé Baldeón García so require [...]". Moreover, they stated that initially the next-of-kin of Bernabé Baldeón had certain difficulties in receiving medical assistance, in view of the fact that "the moment they were informed about their affiliation to SIS, they appeared before the health centers corresponding to their domicile[s], where they were told that the benefits granted to them were not recognized". Furthermore, the representatives emphasized the case of Mrs. Guadalupe Yllaconza and requested the Court to order the "State to comply with the obligation to provide the appropriate medical treatment including, if necessary the surgery that she may need, according to the doctors' opinion, as well as the payment of all the costs of medical assistance resulting from that surgery", since part of the medical treatments and medicines she requires "are beyond the coverage provided for by SIS".

30. That as to the provision of medical and psychological treatment, free of charge, the Commission pointed out that "these measures of rehabilitation must be immediately and inevitably complied with considering the nature of the damage sustained by the victims' next-of-kin and their permanent physical and psychological consequences".

31. That the Court notes and values that the State has adopted certain measures tending to the compliance with this obligation; particularly regarding the affiliation of the next-of-kin of Mr. Baldeón-García to the SIS. The foregoing constitutes a partial compliance with the order established in operative paragraph twelve of the Judgment. Besides, it spring from the information presented by the parties that some of the treatments and medicines required by Mrs. Guadalupe Yllaconza Ramírez de Baldeón are not being covered by said SIS (*supra* Considering clause 29). In such regard, the Court notes that, according to operative paragraph twelve, interpreted in view of paragraph 207 of the Judgment, the psychological and medical treatment that the next-of-kin of Mr. Baldeón-García receive "shall include [...], any necessary medication".¹⁶ Therefore, the Court reminds the State its obligation to provide such medicines, as long as the suffering sustained by the next of kin of Mr. Baldeón-García mentioned in the Judgment "derived from the violations analyzed in [...] judgment"¹⁷ by the Court. The State must inform on the measures adopted to such end.

*

* *

32. That regarding the obligation to pay to Guadalupe Yllaconza-Ramírez de Baldeón; Crispín, Roberto, Segundina, Miguelita, Perseveranda, Vicente, Sabina and Fidela, all

¹⁶ Cf. *Case of Baldeón García*, *supra* nota 6, para. 207.

¹⁷ Cf. *Case of Baldeón García*, *supra* nota 6, para. 206.

members of the Baldeón-Yllaconza family, within one year, the compensation for pecuniary and non-pecuniary damage, the State recognized that "such payment has not been made". Nevertheless, it expressed that "the Executive Secretariat of the Human Rights National Council, as of notice of the [...] Judgment, has been presenting before the *Fondo Especial de Administración del Dinero Obtenido Ilícitamente en Perjuicio del Estado* (FEDADOI) [Special Fund of Administration of Money Illegally Obtained to the detriment of the State] and the Ministry of Economy and Finance, a series of joint requests related to the pending payments for compensation ordered by the Inter-American Court [...]".

33. That the representatives pointed out that "the Peruvian State has not complied with the obligation to pay to the next-of-kin of Bernabé Baldeón García the compensation for pecuniary" and non-pecuniary damage. Furthermore, the representatives alleged the lack of communication and information on the part of the State regarding this issue and they asserted that "the lack of response of the Ministry of Economy and Finance before the communications of the Ministry of Justice does not justify the non-compliance with the payment of the compensation" ordered by the Court, since "according to section 7 of Act N° 27775, [...] the Ministry of Justice must incorporate to and maintain in the [budget] an entry of sufficient funds to handle exclusively the sums of money as payment of the compensations" ordered by judgments delivered by supranational tribunals.

34. That, besides, the Commission pointed out that "it waits in the next periodic reports, the State informs on the effective payment of the compensations [ordered] in the Judgment".

35. That the term granted to make the payment for compensation of pecuniary and non-pecuniary damage sustained by the victims, expired on May 15, 2007 and up to the present, the Court has not received information regarding the compliance with that obligation. In this sense, the Tribunal considers it is pertinent to remind the State that it must adopt all measures necessary to fully comply with this obligation and inform the Court about it.

*

* *

36. That as to the obligation to pay the costs and expenses incurred in domestic courts and in the international proceedings carried out within the Inter-American System for Human Rights Protection, the State made no statement in that regard.

37. That regarding this aspect, the representatives referred to the arguments put forward in relation to the compensations for pecuniary and non-pecuniary damage (*supra* Considering clause 33).

38. That, regarding this aspect, the Commission pointed out that "it waits in the next periodic reports, the State informs on the effective payment of [...] costs and expenses ordered in [the] Judgment".

39. That considering the lack of information regarding the reimbursement of costs and expenses incurred in domestic courts and in the international proceedings carried out within the Inter-American System for Human Rights Protection, the Court deems it is appropriate to request the State to forward updated information regarding the measures it adopt to effectively comply with such obligation.

Therefore:

The Inter-American Court of Human Rights,

by virtue of its authority to monitor compliance with its own decisions pursuant to Articles 33, 62(1), 62(3), 65, 67, and 68(1) of the American Convention on Human Rights, and Articles 25(1) and 30 of its Statute and 30(2) of its Rules of Procedure,

Declares:

1. That in accordance with Considering clauses 19 and 27 of this Order, the State has complied with the following obligations:

a) Publish, at least once, in the official gazette and in another nationwide daily newspaper, the Section of this Judgment entitled Proven Facts, without the corresponding footnotes, and the operating paragraphs of this Judgment (*operative paragraph nine of the Judgment*), and

b) Name a street, park or school in the memory of Mr. Bernabé Baldeón-García (*operative paragraph eleven of the Judgment*).

2. That in accordance with Considering clause 31 of this Order, the State has partially complied with the following obligation:

a) provide medical, psychological and psychiatric treatment, as applicable, to Guadalupe Yllaconza-Ramírez de Baldeón; Crispín, Roberto, Segundina, Miguelita, Perseveranda, Vicente, Sabina and Fidela, all members of the Baldeón-Yllaconza family, at their discretion and for as long as necessary (*operative paragraph twelve of the Judgment*).

3. That in accordance with Considering clauses 15, 23, 35 and 39 of this Order, the following obligations are pending compliance:

- a) adopt, in full compliance with the right to fair trial and within reasonable time, all measures necessary to identify, prosecute and punish the physical perpetrators and instigators of the violations committed against Mr. Bernabé Baldeón-García (*operative paragraph eight of the Judgment*);
- b) make a public apology and acknowledgment of its international liability regarding the violations referred to in the Judgment (*operative paragraph ten of the Judgment*);
- c) pay to Guadalupe Yllaconza-Ramírez de Baldeón; Crispín, Roberto, Segundina, Miguelita, Perseveranda, Vicente, Sabina and Fidela, all members of the Baldeón-Yllaconza family, within one year, the compensation for pecuniary and non pecuniary damage (*operative paragraphs thirteen and fourteen of the Judgment*) and,
- d) pay to Mr. Crispín Baldeón Yllaconza the amount established in paragraph 209 of the Judgment as the costs and expenses incurred in domestic courts and in the international proceedings carried out within the Inter-American System for Human Rights Protection (*operative paragraph fifteen of the Judgment*).

4. That it will keep open the instant procedure to monitor compliance until full compliance with the obligations established in the two foregoing declaratory paragraph.

And Decides:

1. To require the State to immediately adopt the necessary measures to effectively and immediately comply with the Operative Paragraphs pending fulfillment of the Judgment on the Merits, Reparations, and Costs delivered by the Court on April 6, 2006 according to the provisions of Article 68(1) of the American Convention on Human Rights, established in declaratory paragraphs two and three of this Order.
2. To request the State to submit to the Inter- American Court of Human Rights, no later than June 10, 2009, a detailed report specifying such measures as may have been adopted to comply with the reparations ordered by this Court, still pending compliance, as spelled out in the Considering clauses 15, 23, 31, 35, and 39 as well as the declarative paragraph two and three of this Order.
3. To call upon the representatives and the Inter-American Commission on Human Rights to submit their observations to the State's report referred to in the preceding operative paragraph, within a period of four and six weeks, respectively, as from the date of receipt of the report.
4. To continue monitoring the aspects of the Judgment on Merits, Reparations, and Costs of April 6, 2006 that are still pending compliance.

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

Cecilia Medina Quiroga
President

Sergio García Ramírez

Manuel E. Ventura Robles

Leonardo A. Franco

Margarette May Macaulay

Rhadys Abreu Blondet

Pablo Saavedra Alessandri
Secretary

So ordered,

Cecilia Medina Quiroga
President

Pablo Saavedra Alessandri
Secretary