

INTER-AMERICAN COURT OF HUMAN RIGHTS

CASE OF THE TEACHERS OF CHAÑARAL AND OTHER MUNICIPALITIES V. CHILE

JUDGMENT OF JULY 27, 2022

(Interpretation of the Judgment on Preliminary Objection, Merits, Reparations and Costs)

In the case of *the Teachers of Chañaral and other Municipalities v. Chile*,

the Inter-American Court of Human Rights (hereinafter "the Inter-American Court", "the Court" or "the Tribunal"), composed of the following judges:*

L. Patricio Pazmiño Freire, Acting President;
Humberto Antonio Sierra Porto, Judge;
Eduardo Ferrer Mac-Gregor Poisot, Judge;
Eugenio Raúl Zaffaroni, Judge, and
Ricardo C. Pérez Manrique, Judge,

also present,

Romina I. Sijniensky, Deputy Registrar,**

pursuant to Article 67 of the American Convention on Human Rights (hereinafter also "the American Convention" or "the Convention") and Article 68 of the Rules of Procedure of the Court (hereinafter also "the Rules of Procedure"), resolves the request for interpretation, of the Judgment on Preliminary Objection, Merits, Reparations and Costs issued by this Court on November 10, 2021. This request was filed by the Republic of Chile (hereinafter also "the State" or "Chile") on March 21, 2022.

* This Interpretation Judgment is rendered during the 65th Special Session of the Court, which was held virtually using technological means pursuant to the Rules of Procedure of the Court. Judge Elizabeth Odio Benito, for reasons of force majeure accepted by the Plenary of the Court, did not participate in the deliberation and signing of this Interpretation Judgment. Judge Eduardo Vio Grossi, a Chilean national, did not participate in the deliberation or signing of this Interpretation Judgment, pursuant to Articles 19(1) and 19(2) of the Rules of Procedure of the Court.

** Registrar Pablo Saavedra Alessandri did not take part in the proceedings or in the deliberation and signing of this judgment.

I
REQUEST FOR INTERPRETATION AND PROCEEDINGS BEFORE THE COURT

1. On November 10, 2021, the Inter-American Court issued the Judgment in the instant case, which was notified to the parties and to the Inter-American Commission on Human Rights (hereinafter also "the Commission") on December 21 of the same year.

2. On March 21, 2022, the State submitted a request for interpretation of the Judgment. First, it requested clarification of the expression "annual installments" used in paragraph 232 of the Judgment, which defines the form of payment of the amounts established as a restitution measure. Secondly, it requested that the criteria for the payment of the amounts corresponding to the restitution measure and the compensatory damages and payment of costs and expenses be established with greater precision. Third, it requested clarification on how the calculation of interest referred to in paragraph 209 of the Judgment would be applied, in relation to the criteria established in paragraphs 232 and 238 of the Judgment. In addition, it requested clarification as to whether the readjustment to the amounts ordered as a restitution measure applies in respect of each installment in relation to the date of payment or in respect of the total amount owed after the payment of a respective installment. Fourth, it requested the interpretation of the scope of the term "justice operators" in paragraph 216 of the Judgment in relation to guarantees of non-repetition. Finally, it requested an interpretation as to whether the mechanism indicated in paragraph 234 to resolve the situation of those deceased victims whose heirs could not be determined is only applicable to the three cases identified in that paragraph or whether it would be applicable to all the other cases in which the succession of the deceased victims could not be determined in order to make the payment.

3. On March 23, 2022, pursuant to Article 68(2) of the Rules of Procedure and on instructions from the Presidency of the Court, the Registry of the Court transmitted the aforementioned request for interpretation to the representatives of the victims (hereinafter "the representatives")¹ and to the Inter-American Commission on Human Rights, and granted them until April 25, 2022, to submit any written pleadings they might deem pertinent. On April 25, 2022, the representatives and the Commission submitted their respective observations.

II
JURISDICTION

4. Article 67 of the American Convention establishes:

The judgment of the Court shall be final and not subject to appeal. In case of disagreement as to the meaning or scope of the judgment, the Court shall interpret it at the request of any of the parties, provided the request is made within ninety days from the date of notification of the judgment.

5. Pursuant to this article, the Inter-American Court is competent to interpret its judgments. According to Article 68(3) of the Rules of Procedure, when examining requests for interpretation and making the corresponding decisions, the Court should, if possible, have the same composition it had when delivering the respective judgment. On this

¹ The victims' representatives are Alexandra Orrego Da Silva, Giampiero Fava Cohen and Ciro Colombara López.

occasion, the Court is composed of the same judges who delivered the judgment the interpretation of which has been requested.

III ADMISSIBILITY

6. It is incumbent upon the Court to verify whether the request submitted by the State complies with the requirements established in the rules applicable to a request for interpretation of a Judgment, namely, Article 67 of the Convention and Article 68 of the Rules of Procedure.² Furthermore, Article 31(3) of the Rules of Procedure establishes that "[t]he judgments and orders of the Court may not be contested in any way".

7. The Court notes that the parties were notified of the Judgment on December 21, 2021, and the State submitted its request for interpretation on March 21, 2022, within the 90-day time limit established in Article 67 of the Convention. Therefore, the request is admissible as far as the time period in which it was filed is concerned. As for the other requirements, the Court will analyze them in the next chapter.

IV ANALYSIS OF THE MERITS OF THE REQUEST FOR INTERPRETATION

8. This Court will analyze the State's request for interpretation to determine whether or not, pursuant to the norms and standards developed in its case law, it is appropriate to clarify the meaning or scope of any provision of the Judgment.

9. The Court has indicated that a request for interpretation of judgment cannot be used as a means of contesting the decision whose interpretation is required. The exclusive purpose of this type of request is to determine the meaning of a ruling when any of the parties claims that the text of its operative paragraphs or of its considerations is unclear or imprecise, provided such considerations affect the said operative paragraphs. Consequently, a request for interpretation may not be used to seek the amendment or nullification of the judgment in question.³

10. The Court has also indicated that it is inadmissible to use a request for interpretation to submit considerations on factual and legal matters that have already been submitted at the proper procedural moment and on which the Court has already taken a decision,⁴ or to

² This article establishes that: "The request for interpretation referred to in Article 67 of the Convention may be made in connection with judgments on preliminary objections, on the merits, or on reparations and costs, and shall be filed with the Secretariat. It shall state with precision questions relating to the meaning or scope of the judgment of which interpretation is requested.[...]. 4. A request for interpretation shall not suspend the effect of the judgment. 5. The Court shall determine the procedure to be followed and shall render its decision in the form of a judgment."

³ *Case of Loayza Tamayo v. Peru. Interpretation of the Judgment on Merits.* Judgment of March 8, 1998. Series C No. 47, para. 16, and *Case of Casa Nina v. Peru. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs.* Judgment of September 1, 2021. Series C No. 433, para. 10.

⁴ *Cf. Case of Loayza Tamayo v. Peru. Interpretation of the Judgment on Reparations and Costs, supra,* para. 15, and *Case of Casa Nina v. Peru. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs, supra,* para. 11.

expect the Court to re-assess matters that have been decided in the judgment.⁵ Similarly, a request cannot be used to try and expand the scope of a reparation measure that was ordered at the opportune procedural moment.⁶

11. The Inter-American Court will examine the issues raised by the State in the following order: (A) the request for interpretation of the term "annual installments"; (B) the request for interpretation of the criteria to be applied for restitution and compensation payments, and the reimbursement of costs and expenses; (C) the request for interpretation on the increase of the amounts to be paid in three annual installments relating to the restitution measure and the charging of interest for late payment on the sums due; (D) the request for interpretation on the procedure for the search for heirs in respect of beneficiaries who die or have died in the course of the enforcement of the Judgment and (E) the request for interpretation of the concept of "judicial operators" in the guarantees of non-repetition.

A. Interpretation of the term "annual installments"

A.1. Arguments of the parties and the Commission

12. The **State** requested clarification of the expression "annual installments" used in paragraph 232 of the Judgment regarding the method of payment of the amounts established as a restitution measure. It alleged that, according to the Dictionary of the Royal Academy of Language, there are different meanings of the word "installment" [*tracto*, in Spanish], and therefore requested that the Court indicate which one the Judgment refers to.

13. The **representatives** argued that the word "installment" should be understood as "three annual periods of time", indicating that this meaning is the most consistent with the Judgment itself and the one that allows payment through a regulated and progressive mechanism in time for the full and timely compliance with the Judgment. They added that the first installment must be counted within one year of notification of the Judgment, that is, as of December 21, 2021, which extends until December 21, 2022. They argued that such payment method "seeks to prevent and avoid further delay in payments at the stage of compliance".

14. The representatives also requested the Court to ensure a rapid, efficient, transparent and reliable mechanism to implement the payment ordered by the Judgment, and therefore asked the Court to urgently request the State of Chile to designate the sound Chilean financial institution referred to in paragraph 236 of the Judgment and to order the representative to go to the entity designated by the State, accompanying the power of attorney that have been granted by the victims in the case, to arrange for the opening of a current account or deposit certificate, under the most favorable financial conditions permitted by Chilean law and by banking practice. They added that, pursuant to the regulations governing trust commissions, it would be necessary for the trustee to grant a special authorization to that institution in order to manage the financial payments pursuant

⁵ *Case of Salvador Chiriboga v. Ecuador. Interpretation of the Judgment on Reparations and Costs.* Judgment of August 29, 2011. Series C No. 230, para. 30 and *Case of Casa Nina v. Peru. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs, supra*, para. 11.

⁶ *Case of Escher et al. v. Brazil. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs.* Judgment of November 20, 2009. Series C No. 208, para. 11 *Case of Casa Nina v. Peru. Interpretation of the Judgment on Preliminary Objections, Merits, Reparations and Costs, supra*, para. 11.

to the best banking practices on the administration of third-party funds, with full respect for the confidentiality and personal data of the victims and their heirs, in order to comply with the Judgment. Likewise, they requested that the State of Chile be ordered that the updated determination of the amounts and their payment for each one of the installments be made directly into the aforementioned account and with the collaboration of said financial institution. The same practice should apply to the payment of expenses and costs during the compliance stage and the updated reversion of the balances 10 years after notification of the Judgment, with the common representative having to inform the Court that said payments have been made.

15. The **Commission** observed that clarifying the doubts put forward by the State can facilitate the process of monitoring the Judgment and expedite compliance with the reparation measures, which is extremely important in the instant case given the advanced age of the victims. However, it did not specifically comment on actual issues submitted in the request for interpretation.

A.2. Considerations of the Court

16. The Court considers it pertinent to clarify the meaning of the expression "annual installments" used in paragraph 232 of the Judgment with respect to the method of compliance with the reparation measure ordered in the fourth operative paragraph, according to which: "[t]he State shall make cash payment of the amounts owed to the victims for restitution, under the terms set in paragraphs 205 to 209 and 232 to 238 of [the] Judgment". In said paragraph, the Court determined the following:

232. The payment of the amounts granted by this judgment as restitution must be disbursed directly to the people whose names are listed in Annex 1 in three annual installments, the first to be paid within one year of notification of this judgment. The amounts of these installments should be calculated on the basis of the amounts given in Annex 2, to be updated to the date of payment according to the readjusted CPI calculated by the National Bureau of Statistics from July 31, 2020 through the time when payment is actually made, and the maximum allowable interest rate for readjustable operations as of that same date, based on the provisions of Article 63 of the Labor code (*supra* para. 207). After the State works out the individual amounts to be paid to each person, it must so notify the beneficiaries and their representatives as soon as possible.

17. Indeed, from the reading of the paragraph, doubts may arise as to the meaning of the term "installment" and this may impact the compliance with the order, without this fact changing the meaning of the Judgment.

18. Consequently, the Court emphasizes that the State must effectively pay the totality of the amounts established in the Judgment as a restitution measure. This payment can be made in three installments, the first to be paid no later than December 21, 2022; the second no later than December 21, 2023; and the third no later than December 21, 2024. This division of the total payment into three installments is made for the benefit of the State. Notwithstanding the foregoing, the State may opt for a form of payment that is more beneficial to the victims and, therefore, transfer the full amounts awarded in one lump sum, no later than 21 December 2022.

19. Regarding the representatives' request that the Court require the State to establish a payment mechanism through the representative of the victims, this Court notes that the representatives had already made a similar request during the proceedings, which was referred to in paragraph 198 of the Judgment. On the other hand, in paragraph 209 of the

Judgment, the Court ordered the State to "pay the amounts still owed, directly to the victims whose names are listed in Annex 1 or to their successors as defined by applicable domestic law". Thus, the Court notes that the issue was decided in the Judgment, and it is not possible to seek the modification of the reparation measure ordered through the pleadings on a request for interpretation. Without prejudice to the foregoing, it is an issue that can be raised during the monitoring of compliance with the Judgment.

20. In conclusion, this Court interprets that the term "installment" should be understood as equivalent to "portion" in the sense that the payment of the totality of the amounts established in this Judgment as a restitution measure may be made in three installments, with the first installment to be paid no later than December 21, 2022; the second, no later than December 21, 2023; and the third, no later than December 21, 2024.

B. On the criteria for payment of restitution and compensation, and reimbursement of costs and expenses

B.1. Arguments of the parties and of the Commission

21. The **State** alleged that there is lack of precision in the criteria established regarding payments ordered in the Judgment. It indicated that paragraph 232 of the Judgment establishes the time period and the particular criteria for updating the amounts ordered as a restitution measure. However, it argued that the eighth operative paragraph, which refers to the payment of compensatory damages and reimbursement of costs and expenses, also indicates that it must be made pursuant to paragraphs 232 to 238 of the Judgment. Likewise, it argued that paragraph 233 mentions the one-year term within which the payment of compensation for non-pecuniary damage and the reimbursement of costs and expenses must be made, without referring to the restitution payment. However, the fourth operative paragraph on the restitution measure sets out that paragraph 233 was also applicable to it. It further noted that paragraphs 234, 235 and 238 made general reference to "the respective amount", "the monetary obligations" or "the amount owed", without specifying which amounts were referred to. Chile also requested clarification as to whether paragraph 236 also applies to the restitution payment or only to the compensatory payment. To sum up, Chile requested that, for each of the measures ordered in the fourth and eighth operative paragraphs, the criteria that should be applied to make such payments be specified.

22. The **representatives** replied that the modality of compliance with the payments ordered, depending on the nature of the payment, should be understood as that which is most aligned with the Judgment itself, in terms of ensuring payment through a regulated and progressive mechanism for full and timely compliance. Thus, they considered that the reference made in the operative paragraphs referring to payments should be understood as the type of payment described and not to any other, maintaining as common modalities, those that effectively have that nature, according to paragraphs 232 to 238. They added that the request for interpretation is improper, since there is no disagreement on the meaning or scope of the Judgment, since the Court has resorted to criteria common to other Judgments, which have gone through the compliance phase without difficulties.

23. The **Commission** observed that clarifying the points raised by the State can facilitate the process of monitoring compliance with the judgment and expedite compliance with the reparation measures, which is extremely important in the instant

case given the advanced age of the victims. However, it did not refer to the points raised in the requests for interpretation.

B.2. Considerations of the Court

24. The Court ruled in the operative paragraphs of the Judgment that:

4. The State shall make cash payment of the amounts owed to the victims for restitution, under the terms set in paragraphs 205 to 209 and 232 to 238 of th[e] judgment.

[...]

8. The State shall pay the amounts set in paragraphs 228 and 231 of this judgment as compensation for nonpecuniary damage and court costs and attorney fees, under the terms of paragraphs 232 to 238 of [the] Judgment.

25. For its part, the following was provided with respect to the modalities of compliance with the payments ordered:

232. The payment of the amounts granted by this judgment as restitution must be disbursed directly to the people whose names are listed in Annex 1 in three annual installments, the first to be paid within one year of notification of this judgment. The amounts of these installments should be calculated on the basis of the amounts given in Annex 2, to be updated to the date of payment according to the readjusted CPI calculated by the National Bureau of Statistics from July 31, 2020 through the time when payment is actually made, and the maximum allowable interest rate for readjustable operations as of that same date, based on the provisions of Article 63 of the Labor code (*supra* para. 207). After the State works out the individual amounts to be paid to each person, it must so notify the beneficiaries and their representatives as soon as possible.

233. The State must disburse the compensation for nonpecuniary damage determined herein directly to the people named in the judgment, according to the information given in Annex 1, as well as payment for court costs and attorney fees directly to the people named in paragraph 231, within one year of the date of notification of this judgment.

234. If beneficiaries have passed away or should pass away prior to the payment of their due compensation, the money shall be delivered directly to their heirs under the terms of applicable domestic legislation. This Court acknowledges that the representatives have no information about the heirs of victims María Graciela Cisternas Cisternas, María Apolina Lara Pereira and Heriberto Antonio Martínez Salazar. The Court deems, in this regard, that in order to determine these peoples' heirs, the State must run a notice in at least three editions of the Official Gazette, over the course of six months, calling on the next of kin of these individuals to report with the necessary information and informing them of the procedure to be followed for these purposes.

235. The State must fulfill all its monetary obligations by means of payment in United States dollars or the equivalent in national currency, calculated according to the exchange rate on the market as published or calculated by a qualified banking or financial authority on the day nearest to the date of payment.

236. If for causes attributable to the beneficiaries of the compensation or their heirs it should prove impossible to pay the amounts established within the required term, the State shall deposit the amount in their names into accounts or certificates of deposit in a sound Chilean financial institution, in United States dollars, under the most favorable financial conditions allowed by law and by banking practice. If the compensation has not been claimed after ten years, the money shall revert to the State with interest.

237. The amounts allocated in [the] judgment as compensation for restitution, nonpecuniary damage and reimbursement of costs and expenses shall be disbursed in their entirety to the assigned beneficiaries, as ordered in [the] judgment, with no deductions for possible fiscal fees.

238. If the State should fall behind on payments, it must pay interest on the amounts owed, based on overdue interest rates in effect for banks the Republic of Chile.

26. The State considers that it is not clear which paragraphs of this section are applicable to the payment of restitution, and which are applicable to the payment of compensation and reimbursement of costs and expenses. In response to this request, this Court recalls that the parties must read the Judgment as a whole and not consider each paragraph of the Judgment as if it were independent of the rest.

27. Thus, this Court considers that the criteria that apply for the payment of the amounts established in the Judgment for restitution, and compensation for non-pecuniary damage, as well as for the reimbursement of costs and expenses, are sufficiently clear and precise.

28. However, in order to facilitate compliance with the measures ordered, the Court emphasizes that, from the joint reading of the operative paragraphs and the paragraphs on the modalities of compliance, it is clear that paragraph 232 only refers to the modality of compliance regarding the payment of the amounts established by this Judgment as a restitution measure. It is clarified therefore that the possibility of paying in three installments applies only to the amounts recognized as a restitution measure. Likewise, paragraph 233 literally establishes that it applies to the payment of compensation for non-pecuniary damages and to the reimbursement of costs and expenses. Paragraph 234, which refers to the method of payment of the beneficiaries who have died or who may die before the respective amount is paid to them, applies to all amounts due, whether for restitution or compensation for non-pecuniary damage. Similarly, paragraphs 235 and 236 apply to payments of all amounts due to the beneficiaries for both restitution and compensation for non-pecuniary damages. On the other hand, paragraph 237 literally states that it applies to payments for restitution, non-pecuniary damage and reimbursement of costs and expenses.

29. Thus, it is considered that this aspect of the State's request is answered on the basis of the literal wording of the aforementioned paragraphs. The Court will refer to the applicability of paragraph 238 in the following section.

C. On the adjustment of the amounts to be paid in three annual installments relating to the restitution measure and the charging of interest on arrears on the sums due

C.1. Arguments of the parties and of the Commission

30. The **State** asked for clarification of how the calculation of interest referred to in paragraph 209 of the Judgment, in connection with paragraphs 232 and 238, would operate. First, it requested clarification as to whether the calculation of interest stops when the first payment is made, whether interest would accrue until the last payment of the last annual installment, and when and how the State would fall into arrears and until when interest would accrue with respect to both the payment of compensation for non-pecuniary damage and the restitution owed with respect to the deceased victims. In addition, it asked how interest would be calculated in cases in which the heirs of any of the beneficiaries are not determined or, even if they are determined, the inheritance proceedings have not been carried out. Secondly, Chile asked for clarification as to whether the adjustment of the amounts would apply in respect of each tract in relation

to its date of payment, or of the total amount owed after the payment of a respective tract.

31. The **representatives** considered that the answers to the questions posed by the State regarding the calculation of readjustments and interest, arrears and possible difficulties in paying the amounts owed to the deceased victims should be based on the interpretation that is most in line with the Judgment itself, with respect to ensuring payment through a regulated and progressive mechanism over time, so as to ensure full and timely compliance. Regarding the calculation of readjustments and interest, they indicated that paragraph 232 is clear in stating that these must be applied between July 31, 2020 and the date on which payment is actually made. They specified that, if the amounts of the restitution measure are paid in three installments, in order not to harm the victims, the calculation of adjustments and interest should be applied until the date of the actual payment of each installment. With respect to the determination of arrears, they indicated that, according to domestic law, this will occur when the State does not comply with the obligation to pay within the stipulated term. Regarding the payment of the amounts owed to the deceased victims and their heirs, and in view of possible difficulties in determining their beneficiaries, they noted that paragraph 236 solved the problem directly, requiring the State, in case it is not possible to make the payment within the period stipulated for compliance, to deposit the amounts in an account or deposit certificate in a sound financial institution.

32. The **Commission** noted that clarifying the points raised by the State can facilitate the process of monitoring compliance with the judgment and expedite compliance with the reparation measures, which is extremely important in the instant case given the advanced age of the victims. However, it did not refer to the points raised in the requests for interpretation.

C.2. Considerations of the Court

33. The State requested that the modalities for calculating interest, readjustment, and interest on arrears with respect to the amounts owed to the victims for restitution be clarified. In this regard, the Judgment established:

209. In consequence, the Court orders the State to pay the amounts still owed, directly to the victims whose names are listed in Annex 1 or to their successors as defined by applicable domestic law, according to the amounts listed in Annex 2, in keeping with the financial report, "Current estimate of amounts outstanding for failure to comply with judicial findings delivered in the case of the teachers by the courts of Chañaral, Vallenar, Parral, Cauquenes and Chanco." The amounts ordered for each victim should be updated at the time they are disbursed, based on the readjustment of the CPI determined by the National Bureau of Statistics between July 31, 2020 and the time payment is actually made, and the maximum interest rate allowed for readjustable operations as of that same date, according to the provisions of Article 63 of the Labor Code (*supra* para. 207), within the period set for that purpose (*infra* para. 232).

[...]

232. The payment of the amounts granted by this judgment as restitution must be disbursed directly to the people whose names are listed in Annex 1 in three annual installments, the first to be paid within one year of notification of this judgment. The amounts of these installments should be calculated on the basis of the amounts given in Annex 2, to be updated to the date of payment according to the readjusted CPI calculated by the National Bureau of Statistics from July 31, 2020 through the time when payment is actually made, and the maximum allowable interest rate for readjustable operations as of that same date, based on the provisions of Article 63 of

the Labor code (supra para. 207). After the State works out the individual amounts to be paid to each person, it must so notify the beneficiaries and their representatives as soon as possible.

34. With regard to the determination of readjustment and interest, this Court considers that it is clear from paragraph 232 that they must be calculated between July 31, 2020 and the time when the payment is actually made. Thus, if the State decides to make payment in three installments, as defined above (paras. 16 to 20), it is clear that the readjustment and interest must be calculated on the sums still due, taking as a starting point July 31, 2020, and up to the effective date of payment, namely December 21, 2022; December 21, 2023, and December 21, 2024.

35. Regarding the application of late payment penalties in case of payments of sums due for restitution and the calculation of default interest, paragraph 238 of the Judgment establishes in general terms that, "[i]f the State should fall behind on payments, it must pay interest on the amounts owed, based on overdue interest rates in effect for banks the Republic of Chile".

36. On this point, this Court considers it pertinent to clarify that, as noted above, in order to calculate and update the amounts owed to the victims or their successors as restitution, the correction based on the Consumer Price Index (CPI) determined by the National Institute of Statistics must be taken into account. Likewise, with respect to these readjusted amounts, they shall accrue the maximum interest allowed for readjustable operations, until the time of actual payment. Thus, the calculation of these amounts already considers interest on arrears, which will continue to be applied to the readjusted amounts until such time as the State actually pays the full amounts still owed to the victims or their heirs. Consequently, the application of interest established in paragraph 238 only concerns the payment of compensation for non-pecuniary damage and the reimbursement of costs and expenses.

37. Finally, with respect to the question as to how the calculation of interest would apply in cases in which the heirs of any of the beneficiaries are not determined or, even if they are determined, the inheritance proceedings have not been carried out, this Court reiterates that it is necessary for the parties to read the Judgment in its entirety. In the event that the beneficiaries cannot be determined or that the corresponding inheritance proceedings have not been carried out, paragraph 236 of the Judgment applies, which clearly establishes that:

236. If for causes attributable to the beneficiaries of the compensation or their heirs it should prove impossible to pay the amounts established within the required term, the State shall deposit the amount in their names into accounts or certificates of deposit in a sound Chilean financial institution, in United States dollars, under the most favorable financial conditions allowed by law and by banking practice. If the compensation has not been claimed after ten years, the money shall revert to the State with interest.

38. Thus, this Court concludes that the State's request regarding the interpretation of how the calculation of interest would operate in cases in which the heirs of any of the beneficiaries are not determined or, even if they are determined, the inheritance proceedings have not been carried out, is inadmissible.

39. In conclusion, this Court clarifies that, if the State decides to pay the amounts due for restitution in three installments, the adjustment and interest must be calculated on the sums owed, taking July 31, 2020 as the starting point until the effective date of payment, namely, December 21, 2022, December 21, 2023, and December 21, 2024. Likewise, with respect

to the application of late payment interest to the amounts due for restitution, it is interpreted that such interest is already included in the form of calculation established for the payment, pursuant to article 63 of the Labor Code, and must be applied to the readjusted amounts still due until the time of actual payment. Finally, with respect to the request for interpretation on the calculation of interest in cases where the heirs of any of the beneficiaries are not determined or, even if they are determined, the inheritance proceedings have not been carried out, it is declared inadmissible.

D. On the procedure for the search for heirs in respect of beneficiaries who die or have died in the course of the enforcement of the Judgment

D.1. Arguments of the parties and the Commission

40. The **State** requested clarification as to whether the notice mechanism indicated in paragraph 234 of the Judgment to resolve the situation of the three cases of deceased victims whose heirs could not be determined could be used to determine the beneficiaries who eventually die during the time of execution of the Judgment.

41. The **representatives** argued that, given the large number of victims of senior age, and their gradual death, the determination of their present and future heirs, based on the domestic legal system, requires additional measures of care and protection for the beneficiary victims and their heirs, so as to protect their wishes of transcendence and legacy. Thus, they considered that the proposal to use the mechanism provided for in the paragraph for other victims, who have a legal representative with sufficient power of attorney, "makes no sense and exposes the heirs of the victims to unnecessary publicity", since there are mechanisms in the domestic legal system that allow for the identification of a person's heirs.

42. The **Commission** noted that clarifying the points raised by the State can facilitate the process of monitoring compliance with the judgment and expedite compliance with the reparation measures, which is extremely important in the instant case given the advanced age of the victims. However, it did not refer to the points raised in the requests for interpretation.

D.2. Considerations of the Court

43. Paragraph 234 of the Judgment establishes the following:

234. If beneficiaries have passed away or should pass away prior to the payment of their due compensation, the money shall be delivered directly to their heirs under the terms of applicable domestic legislation. This Court acknowledges that the representatives have no information about the heirs of victims María Graciela Cisternas Cisternas, María Apolina Lara Pereira and Heriberto Antonio Martínez Salazar. The Court deems, in this regard, that in order to determine these peoples' heirs, the State must run a notice in at least three editions of the Official Gazette, over the course of six months, calling on the next of kin of these individuals to report with the necessary information and informing them of the procedure to be followed for these purposes.

44. The State asked whether the mechanism established in this paragraph could be used to determine the beneficiaries of the victims who die during the execution stage of the Judgment. In this regard, this **Court** reiterates that the parties must read the Judgment as a whole and not consider each paragraph of the Judgment as if it were independent of the

rest. Thus, in the event that there is any problem preventing the payment of the sums to the victims, due to the failure to determine their beneficiaries, the Judgment itself establishes the applicable mechanism in paragraph 234, by stating that the beneficiaries shall be determined "under the terms of applicable domestic legislation". If there is any obstacle attributable to the beneficiaries regarding the payment of the amounts due, paragraph 236 cited (*supra* para. 25) establishes the mechanism to be followed.

45. This Court considers that the determination of the successors in the event that the beneficiaries die during the execution of this Judgment is an aspect relating to the monitoring of compliance with the Judgment and cannot be determined in the abstract by means of an interpretation of the Judgment. Consequently, it declares the request on this point inadmissible.

E. The concept of "justice operators" under guarantees of non-repetition

E.1. Arguments of the parties and of the Commission

46. The **State** asked about the scope of the term "justice operators" mentioned in paragraph 216 of the Judgment. On this point, it argued that the Judiciary has worked before and after the notification of the Judgment, training the country's judges and future judges in relation to the treatment of and access to justice for older persons. In this regard, it argued that there is a "Protocol on Access to Justice for Older Persons", approved by the Supreme Court on 23 November 2020. Also, pursuant to resolution AD 1303-2021 issued by the Supreme Court of Chile on January 31, 2022, the Judicial Academy has been instructed to take the necessary steps to implement the advanced training course "Rights of the Elderly". In this way, it requested clarification as to whether the training of judges "would satisfy the duty to guarantee non-repetition".

47. The **representatives** considered that the concept of judicial operators should be understood and interpreted in relation to the provisions in its Articles 3(n), 4(c) and 31(b) of the Inter-American Convention on Protecting the Human Rights of Older Persons on judicial protection and access to justice. In this way, they considered that a proper understanding of the Judgment and of the expression "judicial operators" cannot, in any case, be restricted to judges, and must reach at least the personnel charged with the administration of justice, including police and penitentiary personnel.

48. The **Commission** noted that clarifying the points raised by the State can facilitate the process of monitoring compliance with the judgment and expedite compliance with the reparation measures, which is extremely important in the instant case given the advanced age of the victims. However, it did not refer to the points raised in the requests for interpretation.

E.2. The Court's considerations

49. In its Judgment, the Court ordered as a guarantee of non-repetition:

216. In view of the violations of the reinforced duty to guarantee due diligence and preferential treatment of older persons in access to justice and expeditious processes, the Court finds it fitting to order the State to create and implement, over the course of one year, a training and sensitivity plan for justice operators concerning access to justice for older adults. This training plan should include verifiable indicators for evaluating progress made during implementation of the plan.

50. On the first point, the term "justice operators" has been used by this Court in a broad sense, including not only judges, but also, among others, prosecutors⁷ and public defenders.⁸ Therefore, training for "justice operators" can be understood as referring to those officials who play a central role in ensuring access to justice for older persons and can include judges, prosecutors, and public defenders. Also, depending on the context, the term "justice operators" could cover other actors, including prison and police personnel. In the instant case, the Court considers that, in light of the facts and violations found in the Judgment, the training plan should be directed at judges.

51. On the other hand, the Court considers that the evaluation of the training programs for judges and other justice operators implemented by the State is an aspect related to the monitoring of compliance with the Judgment and should not be the object of an abstract pronouncement by the Inter-American Court in this Judgment. Consequently, it declares the request for interpretation on this point inadmissible.

52. In conclusion, this Court interprets that, in light of the facts and violations found in the Judgment, the training plan referred to in paragraph 216 of the Judgment, as a guarantee of non-repetition, should be aimed at judges.

V OPERATIVE PARAGRAPHS

53. Therefore,

THE COURT

DECIDE,

Unanimously:

1. To declare admissible the request for interpretation of the Judgment on Preliminary Objection, Merits, Reparations and Costs in the case of the *Teachers of Chañaral and other Municipalities v. Chile*, presented by the State, pursuant to paragraphs 6 and 7 of this Interpretation Judgment.

2. To clarify, by means of an Interpretation, the Judgment on Preliminary Objection, Merits, Reparations and Costs in the case of the *Teachers of Chañaral and other Municipalities v. Chile*, with respect to the use of the expression "annual installments", pursuant to 16 to 20 of this Interpretation Judgment.

3. To clarify, by means of an Interpretation, the Judgment on Preliminary Objection, Merits, Reparations and Costs in the case of the *Teachers of Chañaral and other Municipalities v. Chile*, with respect to the modalities of compliance with the payments ordered, pursuant to paragraphs 28 and 29 of this Interpretation Judgment.

⁷ *Case of Martínez Esquivia v. Colombia. Preliminary Objections, Merits and Reparations.* Judgment of October 6, 2020. Series C No. 412, para. 94, and *Case of Cuya Lavy et al. v. Peru. Preliminary Objections, Merits, Reparations and Costs.* Judgment of September 28, 2021. Series C No. 438, para. 128.

⁸ *Case of García Cruz and Sánchez Silvestre v. Mexico. Merits, Reparations and Costs.* Judgment of November 26, 2013. Series C No. 273, para. 92.

4. To clarify, by means of an Interpretation, the Judgment on Preliminary Objection, Merits, Reparations and Costs in the case of the *Teachers of Chañaral and other Municipalities v. Chile*, with respect to the calculation of readjustment and interest, as well as the incidence of interest in arrears to the sums due for restitution, pursuant to 34 to 36 and 39 of this Interpretation Judgment.
5. To dismiss as inadmissible the request filed by the State for interpretation of the Judgment on Preliminary Objection, Merits, Reparations and Costs in the case of the *Teachers of Chañaral and other Municipalities v. Chile*, regarding the calculation of interest in cases in which the heirs of any of the beneficiaries are not determined or, even if they are determined, the inheritance proceedings have not been carried out, pursuant to paragraphs 37, 38 and 39 of this Interpretation Judgment.
6. To dismiss as inadmissible the request filed by the State for interpretation of the Judgment on Preliminary Objection, Merits, Reparations and Costs in the case of the *Teachers of Chañaral and other Municipalities v. Chile*, with respect to the mechanisms applicable to the search for heirs of the successors, pursuant to paragraphs 44 and 45 of this Interpretation Judgment.
7. To clarify, by means of an Interpretation, the Judgment on Preliminary Objection, Merits, Reparations and Costs in the case of the *Teachers of Chañaral and other Municipalities v. Chile*, with respect to the use of the expression "justice operators," pursuant to paragraphs 50 and 52 of this Interpretation Judgment.
8. To declare inadmissible the request filed by the State for interpretation of the Judgment on Preliminary Objection, Merits, Reparations and Costs in the case of the *Teachers of Chañaral and other Municipalities v. Chile*, with respect to the training provided to judges in the domestic sphere, pursuant to paragraph 51 of this Interpretation Judgment.
9. To order that the Registrar of the Court notify the Republic of Chile, the representatives of the victims and the Inter-American Commission on Human Rights of this Interpretation Judgment.

I/A Court HR, *Case of the Teachers of Chañaral and other Municipalities v. Chile*. Interpretation of the Judgment on Preliminary Objection, Merits, Reparations and Costs. Judgment of July 27, 2022, adopted in San José, Costa Rica, in a virtual session.

L. Patricio Pazmiño Freire
Acting President

Humberto Antonio Sierra Porto

Eduardo Ferrer Mac-Gregor Poisot

Eugenio Raúl Zaffaroni

Ricardo C. Pérez Manrique

Romina I. Sijniensky
Deputy Registrar

So ordered,

L. Patricio Pazmiño Freire
Acting President

Romina I. Sijniensky
Deputy Registrar