

**CONCURRING OPINION OF
JUDGE AD HOC FERNANDO VIDAL-RAMÍREZ**

The truthfulness of the facts has been acknowledged by the Peruvian State, and that acknowledgement also entails that of its liability before the States, which are part of the Inter-American System of Protection of Human Rights.

As accurately expressed by the Judgment, the acknowledgement by the State constitutes a positive contribution to the principles that inspire the American Convention; however, the Judgment has also pondered the need of determination of the facts and causes and consequences of its international liability.

The facts and their consequences, occurred in the decade of the 90s have violated the right to life, to personal integrity and liberty, as well as the right to judicial guarantee and protection, and to that we have to add the non-fulfillment of the obligation of not passing laws adversarial to the American Convention on Human Rights and which are oriented to prevent the effective exercise of the rights and liberties that the latter consecrates, as it was expected to apply amnesty laws, the inefficacy of which has been definitely established *ad initio*.

The consequences of these facts, which violate the principles and rules that inspire and consecrate the Inter-American System, determine the reparations that the Peruvian State, by virtue of its historical continuance, must fulfill. The recognition of liability for the facts occurred in the interregnum of the 90s -even if later on recognized by the subsequent direction of the State with praiseworthy sensitivity- does not exempt it from international liability.

The historical continuity of the State thus determines the assumption of responsibilities and duties generated by international treaties, especially those oriented to the preservation and enforcement of human rights, which must be fulfilled at all time. This reflection has motivated my Opinion and so I certify.

Fernando Vidal-Ramírez
Judge *ad hoc*

Pablo Saavedra-Alessandri
Secretary