

**PARTIALLY DISSENTING OPINION
OF JUDGE AD HOC VICTOR OSCAR SHIYIN GARCÍA TOMA**

As to the issue of the reparations, I deem that the *quantum* of such reparations regarding the pecuniary and non-pecuniary damage, costs and expenses has been established without any specific technical ground, under the discretionary criteria that is more and more discussed. Based on this reason, I have the need to point out that I do not have any objective parameter to consider as tiny, reasonable or excessive the sums established by the Court.

It is worth mentioning that the amounts of reparations that the defendant State has, with all its efforts, been paying to victims or next-of-kin for acts of terrorism (civilians, political authorities and police and military officers); as well as the cases related to the HIV/AIDS infection at State hospitals are, in no way, comparable. Therefore, it is clear that between the *quantum* determined by the Court and the defendant State within the area of reparations, there is a remarkably and unjustified asymmetry and disparity.

In the future, it would be important for the Court to rely on specialized experts and to determine precise rules for the establishment of said reparations. It should not be ignored the fiscal reserves, average income levels of the defendant State, among other aspects. This would allow the reparations to advance legal security.

JUDGE AD HOC VICTOR OSCAR SHIYIN GARCÍA TOMA