

**Order of the
Inter-American Court of Human Rights*
February 8, 2008
Sawhoyamaxa Indigenous Community v. Paraguay
(Monitoring Compliance with Judgment)**

HAVING SEEN:

1. The judgment on merits, reparations and costs delivered by the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court") of March 29, 2006, in which it ordered, *inter alia*, that:

6. The State shall adopt all legislative, administrative and other measures necessary to formally and physically deliver to the members of the Sawhoyamaxa Community their traditional lands, within three years[...].

7. The State shall establish a community development fund[...].

8. The State shall pay compensation for non-pecuniary damage, costs and expenses within one year of notification of th[e] Judgment[...].

9. As long as the members of the Sawhoyamaxa Indigenous Community remain landless, the State shall deliver to them the basic supplies and services necessary for their subsistence[...].

10. Within six months of notification of th[e] Judgment, the State shall set up in the Santa Elisa and Kilometer 16 settlements of the Sawhoyamaxa Community a communication system enabling victims to contact the competent health authorities in case of emergencies[...].

11. The State shall implement a registration and documentation program within one year of notification of th[e] Judgment[...].

12. The State shall adopt within its domestic laws and within a reasonable time the legislative, administrative or other measures necessary to establish a mechanism to reclaim the ancestral lands of the members of indigenous communities, that guarantees their rights over their traditional lands[...].

13. The State shall comply with the publications specified in paragraph 236 of th[e] Judgment within one year of notification of th[e] Judgment. Similarly, the State shall finance the radio broadcasting of the [...] Judgment[...].

2. The Order of the Inter-American Court issued on February 2, 2007.

3. The Order of the President of the Court of December 14, 2007, in which he decided, *inter alia*, to convene the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission"), the representatives of the victims (hereinafter "the representatives") and the State of Paraguay (hereinafter "the State" or "Paraguay") to a private hearing to be held at the seat of the Court on February 4, 2008, from 5 p.m. to 6.30 p.m., for the Court to obtain information from the State on compliance with the judgment on merits, reparations and costs (hereinafter "the Judgment") delivered in this case, and hear the corresponding observations of the Commission and the representatives.

* Judge Manuel E. Ventura Robles advised the Court that, for to reasons beyond his control, he would be unable to take part in the deliberation and signature of this Order.

4. The private hearing held by the Court on February 4, 2008,¹ during which the State, the representatives and the Commission referred to the degree of compliance with the Judgment.

5. The documents presented by the State and the representatives during the private hearing.

CONSIDERING:

1. That one of the inherent attributes of the jurisdictional functions of the Court is to monitor compliance with its decisions.

2. That the State of Paraguay has been a State Party to the American Convention on Human Rights (hereinafter “the Convention” or “the American Convention”) since August 24, 1989, and accepted the jurisdiction of the Court on March 26, 1993.

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.” To this end, the State must ensure implementation at the national level of the Court’s decisions in its judgments.²

4. That, in view of the final and unappealable nature of the judgments of the Court, as established in Article 67 of the American Convention, they should be complied with fully and promptly by the State.

5. That the obligation to comply with the decisions in the Court’s judgments corresponds to a basic principle of the law of the international responsibility of the State, supported by international case law, according to which, a State must comply with its international treaty obligations in good faith (*pacta sunt servanda*) and, as this Court has already indicated and as established in Article 27 of the 1969 Vienna Convention on the Law of Treaties, a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.³

¹ Pursuant to Article 6(2) of the Rules of Procedure, the Court held the hearing with a panel of judges composed of: Judge Diego García-Sayán, Vice President; Judge Sergio García Ramírez and Judge Rhadys Abreu Blondet. There appeared before the hearing: (a) for the Inter-American Commission: Isabel Madariaga and Lilly Ching, advisers; (b) for the State of Paraguay: Darío Díaz Camaraza, Attorney General; Arnaldo Frutos, Deputy Minister of the National Secretariat for Children and Adolescents; Julio Arriola, Chargé d’Affaires of the Republic of Paraguay to the Government of the Republic of Costa Rica; Edgar Fidiás Taboada Ynsfrán, Director General of Human Rights of the Ministry of Justice and Labor; Francisco Barreiro Perrota, Director of Human Rights of the Ministry of Foreign Affairs; Nury Natalia Montiel Mallada, Director of Human Rights of the Supreme Court of Justice; Silvio Ortega Rolón, Director of Human Rights of the Ministry of Public Health and Social Welfare; Sonia Chávez Galeano, Head of Execution and Monitoring of Judgments; and, Stella Azuaga, Director General of the National Service for Juvenile Offenders; and (c) for the representatives of the victims: Carlos Marecos Aponte, Community Leader; Oscar Ayala Amarrilla, Julia Cabello Alonso and Jacob Nathaniel Kopas, from the organization *Tierraviva for the indigenous peoples of the Chaco*.

² *Cf. Baena Ricardo et al. v. Panama. Competence*. Judgment of November 28, 2003. Series C No. 104, para. 131; *García Asto and Ramírez Rojas v. Peru*. Compliance with judgment. Order of the Court of July 12, 2007, fourth considering paragraph, and *Molina Theissen v. Guatemala*. Compliance with judgment. Order of the Court of July 10, 2007, second considering paragraph.

³ *Cf. International Responsibility for the Promulgation and Enforcement of Laws in violation of the Convention* (Arts. 1 and 2 American Convention on Human Rights). Advisory Opinion OC-14/94 of December 9, 1994. Series A No. 14, para. 35; *García Asto and Ramírez Rojas v. Peru*. Compliance with

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 is applicable not only with regard to the substantive norms of human rights treaties (that is, those which contain provisions concerning the protected rights), but also with regard to procedural norms, such as those referring to compliance with the decisions of the Court. These obligations shall be interpreted and applied so that the protected guarantee is truly practical and effective, bearing in mind the special nature of human rights treaties.⁴

7. That the Court considers that the hearing held to monitor the points pending compliance in this case, characterized by the good will and spirit of cooperation of the parties, was extremely useful.

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8. That, regarding the granting of the traditional lands to the members of the Sawhoyamaxa Indigenous Community (hereinafter "the Community") (*sixth operative paragraph of the Judgment*), the Court ordered that "the State should provide information on all the measures taken to this end and forward the necessary supporting documents."⁵

9. That the State indicated that "at this time the Attorney General's Office [...] is gathering the relevant documentation to again ask for a preventive measure on the traditional lands requested by the Community," and that "the [Paraguayan Institute for Indigenous Peoples (hereinafter "INDI")] is currently preparing the application for the expropriation of the lands for the Sawhoyamaxa Indigenous Community, for its subsequent presentation to Parliament by the Executive Branch." The State also indicated that the lands claimed by the Community were in private hands and that, in such cases, the most appropriate procedure would be to initiate an expropriation process, which would be "very conflictive in some cases" and would take time. Lastly, the State suggested the possibility of identifying alternative lands "within the same area," in consultation with the Community.

10. That the representatives indicated that "[t]he State has not initiated any negotiation process with the actual owners of the land[; they d]o not know of any action designed to seek a rapprochement with the firms who own the land[; n]o one has been appointed to take charge of the process, nor have criteria or a framework been established for discussions with the representatives of the firms[;] there is no expropriation plan, and no funds budgeted for acquisition of the land." They also expressed their "concern, regarding the renewed proposal by the State suggesting the possibility of granting alternative land, because the efforts made to grant the lands that are the subject of the Community's claim have been totally insufficient. It might be possible to consider a proposal of that nature if the State had taken any

judgment, *supra* note 2, sixth considering paragraph, and *Molina Theissen v. Guatemala. Compliance with Judgment*, *supra* note 2, third considering paragraph.

⁴ Cf. *Ivcher Bronstein v. Peru. Competence*. Judgment of September 24, 1999. Series C No. 54, para. 37; *Gómez Palomino v. Peru. Compliance with judgment*. Order of the Court of October 18, 2007, fourth considering paragraph, and *García Asto and Ramírez Rojas v. Peru. Compliance with judgment*, *supra* note 2, seventh considering paragraph.

⁵ Cf. *Sawhoyamaxa Indigenous Community v. Paraguay. Compliance with judgment*. Order of the Court of February 2, 2007, fourth operative paragraph.

actions [...] that would reveal good faith, and constant and systematic actions to respond to the original claim but, unfortunately, this has not happened. In this regard, [...] they have demanded [...] that the State adopt the necessary measures, so that, in compliance with the Court's rulings, pertinent measures are taken and the lands that are the subject of claim are returned."

11. That the Commission indicated that the granting of the land would resolve the "extremely serious" situation of the members of the Community.

12. That, even though the time granted to the State to hand over the traditional lands to the members of the Community has not yet expired, the Court notes with concern that there has been no progress on this point. Consequently, the State must be required to adopt all necessary measure to comply with this obligation within the allotted time, bearing in mind that compliance with this aspect is fundamental in the instant case, because a series of consequences relating to other types of rights derive from compliance or non-compliance with this obligation.

13. That, regarding the proposal to identify alternative lands for the Community, the Court recalls that, in its Judgment, it indicated that:

212. [...] If restitution of ancestral lands to the members of the Sawhoyamaxa Community is not possible on objective and sufficient grounds, the State shall make over alternative lands, selected upon agreement with the aforementioned Indigenous Community, in accordance with the community's own decision-making and consultation procedures, values, practices and customs. [...]

214. [...] the fact that the Community's traditional lands is currently privately held or reasonably exploited, is not in itself an "objective and sufficient ground" barring restitution thereof.

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14. That, regarding the community development fund and the committee that will implement the development projects (*seventh operative paragraph of the Judgment*), the Court ordered that the State must "forward to adopted by the committee at each session."⁶

15. That the State indicated that "Resolution No. 660/06 of the Ministry of Finance was forwarded [...] so that the inclusion [of the fund] in the INDI budget could be observed," and that Augusto Fogel formed part of the implementation committee in representation of the State.

16. That the representatives indicated that, even though the committee had been constituted formally, it "had not held any meetings to discuss the projects that should be implemented. The representative of the State had affirmed that this aspect was conditional on obtaining land. [...] T]he money for the fund has not been deposited."

17. That, as indicated by the parties, the State has not complied with this aspect of the Judgment.

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⁶ Cf. *Sawhoyamaxa Indigenous Community v. Paraguay*. Compliance with judgment, *supra* note 5, fourth operative paragraph.

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18. That, regarding the payment of the compensation and the reimbursement of costs and expenses (*eighth operative paragraph of the Judgment*), the State reported that, on August 10, 2007, it had proceeded to pay US\$5,000.00 (five thousand United States dollars), converted into guaraní, for pecuniary damage and, on September 7, 2007, it had paid the sum of US\$5,000.00 (five thousand United States dollars), converted into guaraní, for costs and expenses. Also, on September 7, 2007, it had paid a "first installment" of US\$5,385.00 (five thousand three hundred and eighty-five United States dollars), converted into guaraní, "distributed between 19 families, victims of non-pecuniary damage."

19. That the representatives confirmed the payment of the amounts indicated by the State. However, they stated that the payment for pecuniary damage was made with three months delay, and the payment corresponding to costs was made with four months delay, so that, in their opinion, the State should pay "interest on arrears of 3%." Lastly, they indicated that the State owed the victims the sum of US\$483,247.00 (four hundred and eighty-three thousand two hundred and forty-seven United States dollars) "plus the interest on arrears that is still owed."

20. That the Commission had taken into consideration the progress made on this aspect.

21. That this Court considers that the State has complied partially with this aspect of the Judgment, and awaits further information on payment of the remaining amounts, in the terms of the Judgment delivered in this case.

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22. That, regarding the provision of the basic goods and services required for the subsistence of the members of the Community (*ninth operative paragraph of the Judgment*), in its Order of February 2, 2007, the Court decided that the State must provide detailed information as follows:

- (a) Regarding immediate attention to the members of the Community [...] the State must submit information that will allow the Court to differentiate the goods and services supplied to the members of the Sawhoyamaxa Community from those supplied to other communities. To this end, the report must also include:
- i) Regarding the provision of potable water, the State must specify: (1) the delivery schedule; (2) the means used to make deliveries and ensure the water is pure; (3) the amount supplied to each person and/or family, and (4) the means used by the State to determine the amount to be delivered;
 - ii) Regarding periodic medical care and the supply of medicines, the State must specify: (1) the number of persons attended, their names and, if applicable, whether they were hospitalized; (2) progress in the deparasitation process, and (3) progress in the vaccination process;
 - iii) Regarding the supply of food, the State must specify: (1) the delivery schedule; (2) the amount of food supplied, by person and/or family, and (3) the criteria used by the State to determine the type and amount of food to be supplied, and the delivery schedule;
 - iv) Regarding the effective and hygienic management of biological waste, the State must specify the type and number of latrines to be delivered, and
 - v) Regarding the bilingual material to be supplied to the Community school, the State must specify the type of material and the amount of material for each student.

23. That the information provided by the State on this aspect has not been entirely in keeping with the terms of the Order of February 2, 2007.

24. That, the State advised, *inter alia*, that it had provided medical, dental, family planning, pre-natal control and vaccination services to the members of the Community; that it had built 16 latrines and installed two fiberglass tanks in the Santa Elisa settlement and 9 latrines and one tank in the Kilometer 16 settlement, which are supplied "periodically" with potable water; that it had carried out educational and community talks, trained voluntary health promoters, provided the Community with food every month, delivered bilingual materials and carried out a "training course [...] with the teachers of the indigenous schools on the best use of the bilingual educational material."

25. That the representatives indicated that the supply of water has been "sporadic and inadequate." The Community "has to use unsafe sources of water, risking their health." That every month, water is delivered to the Kilometer 16 settlement that lasts less than seven days, and the water delivered to Santa Elisa lasts for three days. "The quality of the medical care has been inadequate, consisting of infrequent and hurried visits and, on one opportunity at least, medicines were delivered that had possibly expired." That "31.6% of children have slight growth atrophy and 21.1% of children have moderate to severe atrophy." That there is a lack of pre-natal care in the Community and the State does not reimburse the cost of transporting pregnant women to the clinics. The delivery of food has been irregular, and the food is "of a very low nutritional quality." "The calories of the packages that the State delivers are only sufficient for an average Community family of four persons for 21 days, based on a minimum consumption of 2000 calories a day." That the materials for the construction of the latrines "had been bought and taken to the community settlements"; however, "[t]he construction of the latrines was pending." That the condition of the schools in the Community's settlements is "extremely precarious," and the children "do not receive educational material in [their] own language."

26. That the representatives reported that thirteen persons had died in the Sawhoyamaxa Community "[a]s a result of the State's failure to take action and its limited attention to the assistance ordered in the Judgment."⁷

27. That the Commission stated that "the insufficient and inadequate compliance with certain obligations that the State acquired with the Judgment of the Inter-American Court is not only jeopardizing the life of the members of the Community, but it is also killing them." In addition, it indicated that "while the State does not comply fully and adequately with the Judgment, the lives of the members of the Community are in danger every day [...], and also, each day the very existence of the Sawhoyamaxa Community, its cultural survival, its development as a Community and its [...] expectations of a future as a group are jeopardized."

28. That, according to the documentation forwarded by the State, the criteria used for the provision of water is "to guarantee a minimum of five liters per person, per

⁷ The persons who died from 2005 to 2008 and their respective age at death were as follows: Frolian Gimenez Aponte, Arnaldo Manuel Ramirez (1 month), Fátima Carolina Ramirez (1 month), Rafael Martinez (48 years), Aurelia Galeano Montania (1 year), Eulalio Enrique Yegros (4 months), Rodrigo Marcial Yegros (2 years), Unnamed (newborn), Wilma Yegros (1 year), María Clara Galeano (15 days), Eugenio Florentín Fernández, Lidia Mabel González (3 years).

day, for the basic uses of drinking, food preparation, and hand washing.”⁸ That the Court observes with concern that, as stated by the representatives and not contested by the State, the amount delivered to the settlements of the Community is not sufficient to satisfy the needs of the victims for more than one week and that, on several occasions, deliveries have been irregular.

29. That, also, the documents provided indicate that “[o]ther uses that require greater amounts of water are satisfied with traditional surface sources located on neighboring properties.”⁹ These alternative sources correspond to ponds located on private property, which signifies problems of both the quality and the accessibility of the water. First, the water “must be safe, therefore free from micro-organisms, chemical substances and radiological hazards that constitute a threat to a person’s health.”¹⁰ The ponds from which the Community obtains water are used by animals, especially livestock, which makes it doubtful that the water is of an adequate quality. Second, “[p]hysical security should not be threatened during access to water facilities and services.”¹¹ According to the representatives, since the ponds are on private property, the victims are prohibited from entering and, on several occasions, threats have been reported. Hence, these sources cannot be considered accessible. Consequently, the only source of safe water of sufficient quality to which the indigenous people have access is the water provided by the State. If the State does not fulfill this task, it endangers the members of the Community, either due to lack of sufficient water, or to the consumption of unhealthy water, or to threats to their physical safety.

30. That, according to the Judgment delivered in this case, the State is obliged to provide medical care to all the members of the Community, especially the children, the elderly and the women, accompanied by regular vaccination and deparasitation campaigns, which respect their traditions and customs. That, from the information provided, the Court concludes that the State has taken a series of measures to comply with this aspect. However, the measures adopted by the State have been insufficient, because they have not avoided more deaths in the Community.

31. That, in its Order of February 2, 2007 (*supra* Having seen paragraph 2) the Court considered that “the State has not ceased violating the life of the members of the Sawhoyamaxa Community; it maintains them in a situation of high risk, and it has not adopted sufficient preventive measures to avoid the loss of life.” To date, this conclusion of the Court has not varied. Paraguay is still failing to comply with its international commitments.

32. That, according to the Judgment, the State must provide the victims with “food of sufficient quality and quantity.” That, in this regard, the diet that the State must deliver should provide “a mix of nutrients for physical and mental growth, development and maintenance, and physical activity that are in compliance with

⁸ Cf. Communication of February 1, 2008, addressed by Genaro Cristaldo Ibarra (engineer) to Dr. Norma Duré de Bordón (file of compliance with judgment, Tome III, folios 901 and 902).

⁹ Cf. Communication of February 1, 2008, *supra* note 8.

¹⁰ Cf. Committee on Economic, Social and Cultural Rights, General comment No. 15, “The right to water (articles 11 and 12 of the Covenant)”. United Nations, Document HRI/GEN/1/Rev.7 at 117 (2002), para. 12(b).

¹¹ Cf. Committee on Economic, Social and Cultural Rights, General comment No. 15, *supra* note 10, para. 12(c).

human physiological needs at all stages throughout the life cycle and according to gender and occupation.”¹² That, according to the information provided, and not contested by the State, the food delivered each month to the victims is only sufficient for 21 days; that a high percentage of the children of the Community have growth atrophy and that there are two cases of acute malnutrition. That, without ignoring the measures that the State has taken to date, the Court considers that the provision of food has been insufficient to resolve the situation described and the situation of abandon that the Court examined in its Judgment.

33. That the Court finds a discrepancy between the State and the representatives regarding the management of biological waste. On the one hand, the State indicates that it has built several latrines. On the other hand, the representatives affirm that the construction materials have been purchased and sent to the Community, but that the construction has not started. The Court requires more information on this point.

34. That the Court notes the delivery of educational materials to the schools of the settlements of the Community, as well as the talks that the State has given. However, it finds it appropriate to request the State to comment on the difficulties reported by the representatives (*supra* twenty-fifth Considering paragraph *in fine*).

35. That the Court shares the Commission’s opinion that the insufficiencies in the delivery of basic goods and services, added to the failure to grant the traditional lands, affects the very existence of the Community and its cultural survival as a group.

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36. That, regarding the installation of a communications system that allows the victims to contact the competent health authorities in case of emergency (*tenth operative paragraph of the Judgment*), the State advised that “the Sawhoynamaxa settlements have a UHF radio installed by INDI.”

37. That the representatives “confirm[ed] the installation of the radio systems in the Community’s two settlements.”

38. That the Commission noted compliance with this aspect.

39. That, based on the information provided by the parties, the Court finds that the State has complied fully with this aspect of the Judgment.

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40. That, regarding the registration and documentation program (*eleventh operative paragraph of the Judgment*), the State advised that “officials from the INDI Community Registration Bureau had visited the Community three times [...] accompanied by an official from the Identification Department of the National Police Force to issue identity cards, and also birth certificates and the Indigenous Peoples Identity Card.”

¹² Cf. Committee on Economic, Social and Cultural Rights, General comment No. 12, “The right to adequate food (art. 11)”. United Nations, Document E/C.12/1999/5 (1999), para. 9.

41. That the representatives indicated that "94.83% of adults from Kilometer 16 and 96.46% of those from 'Santa Elisa' now have identity cards. However, 16.67% of the children from Kilometer 16 and 18.92% of those from Santa Elisa do not have either a birth certificate or an identity card. In addition, several people [...] have complained of errors in the documents issued." They also, indicated that "[t]he way these documents are issued consists of organizing a trip to the Community for this purpose. However, this method is not sustainable owing to the high costs of a trip and the unrealistic nature of issuing birth certificates extensively, owing to the number of trips that would be needed each year to cover the births."

42. That the Commission notes that the State has made progress in complying with this aspect.

43. That the Court notes the measures taken by the State and finds that it has complied partially with this aspect. The Court awaits information from the State on the measures adopted to document the percentage of people who have not been registered, indicated by the representatives, and its opinion concerning the unsustainable nature of the method used.

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44. That, with regard to the adoption of the legislative, administrative or other measures necessary to establish a mechanism to reclaim the ancestral lands of the members of indigenous communities, and that guarantees their rights over their traditional lands (*twelfth operative paragraph of the Judgment*), the Court decided that the State must indicate "all the administrative, legislative or other measures that it has adopted [...], and the results of such measures."¹³

45. That the State has not made any real progress.

46. That the representatives indicated that "[t]here has been no action towards the enactment of [...] adequate legislation."

47. That the Court does not have sufficient information on this aspect.

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48. That, as regards the publications and radio broadcast of the Judgment (*thirteenth operative paragraph of the Judgment*), the State informed that, on June 18, 2007, it had published the Judgment in the official gazette. The State also indicated that it "had approved [...] the proposal [...] made by the representatives of the victims, *Tierraviva*, when they offered a space to the State, free of charge, on the Pa'i Puku radio station."

49. That the representatives stated that "[t]he fact that the State has decided to comply with the thirteenth operative paragraph is a step forward in compliance with the Judgment." They added that "the publication in a national newspaper has not been made."

¹³ Cf. *Sawhoyamaya Indigenous Community v. Paraguay*. Compliance with judgment, *supra* note 5, fourth operative paragraph.

50. That the Commission indicated that it noted positively the information provided by the State.

51. That the Court considers that the State has complied partially with this aspect, as regards the publication in the official gazette. The Court awaits information regarding the publication in the national newspaper. It take into account the agreement reached by the State and the representatives concerning the radio broadcast of the pertinent parts of the Judgment, and reminds the State that, according to the Order of February 2, 2007, it must provide the Court with the respective written records of the radio station used, the timetable and the number of broadcasts, and the language used. Also, the State must forward a recording of one of the broadcasts, a transcription of this broadcast and, should it have been carried out in any language other than Spanish, a translation of the transcript.

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52. That the representatives stated “that there is a lack of coordination among the State’s institutions to comply fully with the Judgment.”

53. That, during the public hearing, the State indicated that it undertook “to form a commission [...] by means of a presidential decree so as be able to implement public policies [...], especially in the indigenous regions.”

54. That the Court observes positively the State’s offer to appoint a commission. The Court also recalls that the treaty obligation of the States Parties to comply promptly with the Court’s rulings is binding on all the State’s powers and organs.¹⁴

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in exercise of its authority to monitor compliance with its decisions and in accordance with Articles 33, 62(1), 62(3), 65, 67 and 68(1) of the American Convention on Human Rights, 25(1) and 30 of its Statute, and 29(2) of its Rules of Procedure,

DECLARES:

1. That as indicated in Considering paragraphs 36 to 39 of this Order, the State has complied fully with the tenth operative paragraph of the Judgment on merits, reparations and costs.

2. That, as indicated in Considering paragraphs 21, 43 and 51 of this Order, the State has complied partially with the following operative paragraphs:

(a) Partial payment of the compensation and reimbursement of costs and expenses (*eighth operative paragraph of the Judgment*);

¹⁴ Cf. *Baena Ricardo et al. v. Panama*. Competence, *supra* note 2, para. 60; *Gómez Palomino v. Peru*. Compliance with judgment, *supra* note 4, seventh considering paragraph, and *García Asto and Ramírez Rojas v. Peru*. Compliance with judgment, *supra* note 2, sixth considering paragraph.

- (b) Registration and documentation program (*eleventh operative paragraph of the Judgment*), and
 - (c) Publication of the Judgment in the official gazette (*thirteenth operative paragraph of the Judgment*).
3. That it will continue to monitor the following pending aspects:
- (a) Delivery of the traditional lands to the members of the Sawhoyamaxa Indigenous Community (*sixth operative paragraph of the Judgment*);
 - (b) Implementation of a development fund (*seventh operative paragraph of the Judgment*);
 - (c) Payment of the remaining amounts (*eighth operative paragraph of the Judgment*);
 - (d) Provision of the basic goods and services necessary for the subsistence of the members of the Community (*ninth operative paragraph of the Judgment*);
 - (e) A registration and documentation program (*eleventh operative paragraph of the Judgment*);
 - (f) Adoption of the legislative, administrative or other measures necessary to establish a mechanism to claim restitution of the ancestral lands of the members of indigenous communities, that would guarantee their rights over their traditional lands, and
 - (g) Publication of the Judgment in a national newspaper and broadcast of the Judgment by radio (*thirteenth operative paragraph of the Judgment*).

AND DECIDES:

1. To require the State to adopt all necessary measures to comply promptly and effectively with the pending aspects of the judgment, pursuant to the provisions of Article 68(1) of the American Convention on Human Rights.
2. To request the State of Paraguay to present to the Inter-American Court of Human Rights, by May 12, 2008, at the latest, a report indicating all the measures adopted to comply with the reparations ordered by the Court that are pending. This report should have the format indicated by the Court in its Order of February 2, 2007.
3. To request the representatives of the victims and the Inter-American Commission on Human Rights to submit any observations they deem pertinent on the State's report mentioned in the preceding operative paragraph within two and four weeks, respectively, of receiving it.
4. To continue monitoring the pending aspects of the Judgment on merits, reparations and costs.

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

Cecilia Medina Quiroga
President

Diego García-Sayán

Sergio García Ramírez

Leonardo A. Franco

Margarette May Macaulay

Rhadys Abreu Blondet

Pablo Saavedra Alessandri
Secretary

So ordered,

Cecilia Medina Quiroga
President

Pablo Saavedra Alessandri
Secretary