

**Order of the
Inter-American Court of Human Rights*
of February 8, 2008
Case of the Yakye Axa Indigenous Community v. Paraguay
(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" or "the Inter-American Court") on June 17, 2005, in which it decided that:

6. The State must identify the traditional territory of the members of the Yakye Axa Indigenous Community and grant it to them free of cost within a maximum of three years from the date of notification of th[e] Judgment [...].

7. As long as the members of the Yakye Axa Indigenous Community remain landless, the State must provide them with the basic services and goods required for their subsistence [...].

8. The State must set up a fund exclusively for the purchase of land to be granted to the members of the Yakye Axa Indigenous Community, within a maximum period of one year from the date of notification of th[e] Judgment [...].

9. The State must implement a community development fund and program [...].

10. The State must take such domestic legislative, administrative and other steps as may be necessary, within a reasonable term, to guarantee the effective exercise of the right to property of the members of the indigenous peoples [...].

11. The State must conduct a public act of acknowledgment of its responsibility, within one year of the date of notification of th[e] Judgment [...].

12. The State must publish, within one year of the date of notification of the [...] Judgment, at least once, in the Official Gazette and in another nationally-distributed daily, the section on Proven Facts and first to fourteenth operative paragraphs of [...] Judgment. The State must also fund the radio broadcast of th[e] Judgment [...].

13. The State must make the payments for pecuniary damages and costs and expenses within one year of the date of notification of the [...] ruling [...].

2. The judgment on interpretation of the judgment on merits, reparations and costs, delivered by the Court on February 6, 2006.

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

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

the seat of the Court on February 4, 2008, from 3 p.m. to 4.30 p.m. for the Court to obtain information from the State regarding compliance with the Judgment delivered in this case and to hear the observations of the Commission and the representatives in this regard.

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 compulsory 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

¹ In accordance with 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 this 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 before 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 Welfare; Sonia Chávez Galeano, Head of Compliance with 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, and Liliana Tojo, of the Center for International Justice and Law (CEJIL).

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 July 10, 2007, second considering paragraph.

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

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 Yakye Axa Indigenous Community (hereinafter "the Community") (*sixth operative paragraph of the Judgment*), the State advised, *inter alia*, that the Paraguayan Institute for Indigenous People (hereinafter "INDI"), "by Resolution No. 1,178/2007 of September 10, 2007, [decided] to request the expropriation of the property identified as Lots 15,179, 15,180 and 15,181 with a total surface area of 15,963 hectares, 1,531 square meters [...]." It also indicated that the Ninth Civil and Commercial Court of First Instance of Asuncion had granted preventive measures prohibiting any work *de facto* and *de jure* to be done on the property claimed by the Community, "in order to prevent [...] possible alterations of the Community's traditional or ancestral habitat."

9. That the representatives indicated that "the State's decision to initiate an expropriation procedure could resolve the most important aspect of this case [...]. Nevertheless, there is no draft expropriation law [...] before Congress, even though only five months remain of the time established by the Court [...] to comply with this point. [...] Not even a preliminary draft of the law has been drawn up." The INDI Resolution mentioned by the State "is merely of a declaratory nature." In addition, they indicated that "the area of 15,963 hectares mentioned in INDI Resolution No. 1,1[7]8/2007 does not correspond to the area of the lands claimed by the Community," and that it remained to be seen "whether the State had registered" the measures of protection preventing any work to be done on the land claimed.

10. That the Commission stated that it hoped that, within the "more than reasonable [period] of three years granted by the Court," the State would comply with the granting of the land to the members of the Community. Also, since "the life

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 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.

of the members of the Community continues to be at risk[,] and their children continue to die and to suffer from malnutrition, and have no future owing to this malnutrition, the Commission [...] requested the State, and asked the Court to require the State to comply by granting the land [within the time allotted by the Court].”

11. That the Court notes that the time granted to the State to comply with the order of the Court to deliver their ancestral lands to the members of the Community would soon expire and that, according to the information provided by the parties, little progress had been made. That the State itself had acknowledged during the private hearing that the delivery of the lands was a “fundamental issue on which the satisfactory implementation of and compliance with the other aspects of the Judgment depended.” The State also acknowledged that the establishment of health centers and the construction of a water supply system and sewers could not be carried out in the Community’s actual settlement beside a public road, but rather on the lands to be delivered to the Community. Consequently, the State should be requested to adopt the necessary measures to comply with this obligation within the allotted time.

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12. That, as regards the provision of the basic goods and services required for the subsistence of the members of the Community (*seventh operative paragraph of the Judgment*), in notes from the Secretariat of the Court (hereinafter “the Secretariat”) dated September 18, 2006, and April 25 and August 23, 2007, the State was informed, *inter alia*, that:

(a) [...] It should present specific information that would allow the Court to distinguish the goods and services delivered to the members of the Yakye Axa Community from those delivered to other communities. [The] Secretariat stressed that the reports presented by the State concerning this operative paragraph had not been either systematic or detailed; it had merely attached some official letters and communications between national authorities, without providing a comprehensive description of each action taken, which made it difficult for the Court to monitor each of the State’s obligations. In this regard, the Secretariat repeated to the State that [...] it should provide information:

- i) On the delivery of potable water: (1) the schedule of deliveries; (2) the method used to make the deliveries and to ensure that the water remains potable; (3) the amount delivered per person and/or per family, and (4) the method used by the State to determine the amount to be delivered;
- ii) Regarding the regular medical care and the delivery of medicine: (1) the number of people attended and, if applicable, whether anyone was hospitalized; (2) progress in the deparasitation process, and (3) progress in the vaccination process;
- iii) Regarding the delivery of food: (1) the delivery schedule; (2) the amount of food delivered per person and/or per family, and (3) the criteria used by the State to determine the type and amount of food to be delivered, and the delivery schedule;
- iv) Regarding the effective and safe management of biological waste: the type of latrines to be delivered and the quantity;
- v) Regarding the bilingual material to be delivered to the Community’s school: the type and amount of material for each student [...].

13. That the information provided by the State on this point has not been fully in keeping with the terms set out in the Secretariat's notes mentioned in the preceding considering paragraph.

14. That the State reported, *inter alia*, that the National Environmental Health Service (hereinafter "SENASA") delivered two 5,000-liter fiberglass tanks for the Community's water supply, and that this institution coordinated with other public institutions "to ensure that the Community was regularly supplied with drinking water." That, regarding the health care of the members of the Community, they "receive every month: medical and dental care, vaccinations and, if necessary, [...] hospitalization." It also indicated that the National Emergency Secretariat (hereinafter "SEN") delivered "monthly the different types of food for the families of the Community." In addition, it indicated that SENASA had "provided 10 latrines and conducted promotional and training activities concerning hygiene." Lastly, the State indicated that the Ministry of Education and Culture had provided the Community with bilingual material and conducted a "training course [...] in Concepción with the teachers of the indigenous schools to enable them to make the best use of the bilingual educational material."

15. That the representatives indicated that "[t]he scant amount of water that has been delivered to the Community was insufficient and not suitable for human consumption; in addition, delivery was irregular and sporadic." That the quantity of water delivered was only enough "for one day." That, during 2007, "less than ten deliveries were made, and these with significant delays of up to several months." In addition, regarding general health issues they indicated that the Community "requires preventive, palliative and curative care" and that "the State merely provides palliative care on an irregular basis." That "28.9% of the boys and girls aged from 2 to 18 years have a tendency towards atrophy in their growth and 34.2% of them have moderate to severe atrophy," that the morbidity rate is 13%. That "8% of boys and girls [...] do not have a vaccination record, and none of the pregnant women receive adequate pre-natal care." They also reported that "several medicines with altered labels" had been delivered. They said that the deliveries of food "were irregular and the food was of an insufficient variety and quantity to be considered a nutritional substitute for their traditional types of food or to avoid the malnutrition of the members of the Community." They added that, on several occasions, the food delivered "were insufficient to keep a family for 30 days."⁵ Regarding the management of toxic waste, they indicated that the 10 outdoor latrines supplied "were of little use," because the holes were "shallow [and] the biological matter accumulated."⁶ Lastly, they indicated that, although the State had provided school materials, these "were not [...] in their language; the quality of the available education [...] has suffered several setbacks owing to lack of resources, [...] lack of infrastructure and lack of a school lunch."

⁵ The representatives presented a report dated January 18, 2008, prepared by Dr. Iván Allende Criscioni, stating that the members of the Community "do not have access to regular, balanced food provisions so that it can be expected that they will not achieve the growth and development indicators appropriate to their age; also that their health is affected by chronic anemia, due to parasites and malnutrition, with a lack of essential nutrients for the adequate development of the immunological system and the maintenance of homeostasis."

⁶ Dr. Allende Criscioni's report (*supra* note 5) indicates that the members of the Community "do not have access to an adequate way of disposing of faeces,] so that they are exposed to the risk of infection from agents transmitted through the mouth or the faeces, which are the principal causes of acute and chronic diarrhea and hepatitis A, which are the most prevalent ailments."

16. That the representatives reported that owing to the “situation of absence of land for the Community and because the State has not complied with its obligation to return the land and to provide the required assistance as regards the water, health care and food necessary to sustain a decent life, eight members of the Community have died since notification of the Judgment. Most of these victims were the elderly, pregnant women or very young children.”⁷

17. That the Commission indicated that “in its Judgment, the Court ordered certain obligations, and failure to comply with them has endangered the lives of the members of the Community [...] on a daily basis and, in fact, has led to the death of its members. [...] The daily existence of the Community is jeopardized; the life of its members. For example, the inadequate or insufficient compliance with the provision of potable water means that, on the days the State does not deliver adequate potable water, the members of the Community drink contaminated water, and their children are becoming ill. In other words, if the month has 30 days and the State only delivers potable water for 29 days, this is insufficient, because it should deliver enough for 30 days. In only takes one day without water for a child to fall ill and drinking contaminated water from the ponds where the animals come to drink can kill a person.” The Commission concluded that, although it recognized the efforts made by the State, they were insufficient in view of “the results, the deaths, and the state of the health of those who are alive.” “The Community’s right to life continues to be jeopardized.”

18. That in the Judgment delivered in this case, the Court indicated:

167. The special detriment to the right to health, and closely tied to this, the detriment to the right to food and access to clean water, have a major impact on the right to a decent existence and the basic conditions to exercise other human rights, such as the right to education or the right to cultural identity. In the case of indigenous peoples, access to their ancestral lands and to the use and enjoyment of the natural resources found on them is closely linked to obtaining food and access to clean water. In this regard, the abovementioned Committee on Economic, Social and Cultural Rights has highlighted the special vulnerability of many groups of indigenous peoples whose access to ancestral lands has been threatened and, therefore, their possibility of access to means of obtaining food and clean water.
[...]

172. The Court must highlight the special gravity of the situation of the children and the elderly members of the Yakye Axa Community. The Court has established, in previous cases, that, regarding the right to life of children, the State has, in addition to the obligations regarding all persons, the additional obligation of fostering the protection measures mentioned in Article 19 of the American Convention. It must play the role of guarantor with greater care and responsibility, and it must take special measures based on the principle of the best interests of the child. In the instant case, the State has the obligation, *inter alia*, to provide the children of the Community with the basic conditions to ensure that their Community’s situation of vulnerability due to its lack of territory will not limit their development or destroy their life projects.
[...]

176. Based on the above, the Court finds that the State violated Article 4(1) of the American Convention, in relation to Article 1(1) of the Convention, to the detriment of the members of the Yakye Axa Community, by not taking measures regarding the conditions that affected their possibility of having a decent life.

19. That, based on the foregoing, the Court ordered the State to adopt a series of

⁷ The people who died between 2005 and 2007, and their respective age at death, are as follows: Eulogio Sosa, Pedro García, Ignacio Torales Severo, Hilda Flores, Dominga Fernández Gómez (42 years), Catalina Galeano (75 years), Elías Chico Avalos (64 years) and Silvana Soledad Gómez (1 year).

measures designed to end this violation; the most important of these was the seventh operative paragraph (*supra* Having seen paragraph 1), which orders the State to provide the members of the Community with the basic goods and services necessary for their survival. This obligation was immediate; to be complied with as soon as the State was notified of the Judgment.

20. That, according to the information presented by the representatives and by the State itself, it is clear that Paraguay has failed to comply with this aspect of the Judgment delivered in the instant case, and this has contributed to creating a situation that endangers the life and health of the victims.

21. That this Court finds that the State's failure to comply with this aspect has resulted in the loss of life of several members of the Yakye Axa Community and, by not adopting sufficient preventive measures to avoid this, it maintains them in a high-risk situation.

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22. That, regarding the fund destined exclusively for the acquisition of the lands to be handed over to the members of the Community (*eighth operative paragraph of the Judgment*), the State reported that INDI Resolution No. 655/06 of June 30, 2006, created this fund.

23. That this Resolution decided "[t]o allocate the sum of Gs.600,000,000 (six hundred million Guaranis) from the 2006 Budget to open an account in the Central Bank of Paraguay" and also, "[t]o budget the sum of Gs.10,000,000,000 (ten billion Guaranis) during the 2007 exercise to increase the said fund."⁸

24. That the representatives indicated that they contacted the Central Bank of Paraguay and INDI and confirmed "the inexistence of an account with funds for the acquisition of the lands of the Yakye Axa." They also stated that they "do not know where the six hundred million Guaranis are, or whether they even exist."

25. That the Commission has expressed "concern [...], because it considers that the contribution of funds for the acquisition of the lands is essential to resolve the basic problem that has given rise to this case before the inter-American system."

26. That the Court does not have sufficient information on this point; consequently, it must request the State to provide more detailed information.

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27. That, regarding the implementation of a community development fund and program and the committee to manage the fund (*ninth operative paragraph of the Judgment*), the State indicated that the committee had been created and that the said fund had been established by INDI Resolution No. 660/06 of July 3, 2006. The State added that the sum of US\$100,000.00 (one hundred thousand United States dollars) had been requested to set up the fund and it had been requested that the sum of US\$350,000.00 (three hundred and fifty thousand United States dollars) be included in the national budget to increase this fund.

⁸ Cf. Resolution No. 655/06 of the President of the Paraguayan Institute for Indigenous People (IPI) of June 30, 2006 (file of compliance with judgment, Tome I, folios 146 and 147).

28. That the representatives maintained that “[a]lthough the management committee [...] has already been formed and held a few meetings to discuss possible development projects, the State continues to condition compliance with this operative paragraph to obtaining land.” In addition, they indicated that “there is no evidence to confirm the opening of an account[...]; this account does not appear in the records of the Central Bank[, nor] is there any evidence whether the amounts indicated in the decree [...] have really been separated and destined to the purpose indicated.”

29. That the Commission indicated that the State has not submitted sufficient information on this aspect.

30. That the Court considers that it does not have sufficient evidence to establish whether this aspect has been complied with; consequently it requires more information from the State.

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31. That, regarding the adoption of such domestic legislative, administrative and other steps as may be necessary to guarantee effective exercise of the right to property of the members of the indigenous peoples (*tenth operative paragraph of the Judgment*), the State has not presented any information to the Court.

32. That the representatives indicated that “[n]o measures have been taken to obtain approval for the appropriate legislation [...] and, to date, the State has not promoted a draft law designed to comply with this aspect of the Judgment”.

33. That the Commission expressed its “concern owing to the lack of pertinent information.”

34. That the State must submit information on this aspect which is pending compliance.

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35. That, regarding the public act acknowledging the State’s responsibility (*eleventh operative paragraph of the Judgment*), the State reported that this was carried out on August 10, 2006, in the place where the Community resides.

36. That the representatives stated that “the act complied with its purpose of providing symbolic reparation, because the Community accepted the State’s declaration and played an important role in the act, according to its customs.” Nevertheless, they indicated that “senior State authorities did not attend the act.” However, they “considered that this point had been complied with.”

37. That the Commission considered that “the State has complied with this obligation.”

38. That, from the information provided, the Court considers that the State has complied fully with this aspect of the Judgment.

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39. That, regarding the publication and radio broadcast of the Judgment (*twelfth operative paragraph of the Judgment*), the State reported that it had published the

Judgment in the official gazette and made the radio broadcast on the Paraguayan *Radio Nacional*, in 2006.

40. That the representatives indicated that the State had not forwarded a copy of the publication that it alleged it had made and that “[n]o evidence” of the radio broadcast had been forwarded.

41. That the Commission indicated that the State had failed to present detailed information on this aspect.

42. That, according to the notes of the Secretariat of September 18, 2006, April 25 and August 23, 2007, the State should forward a legible copy of the publications it alleges it has made and, with regard to the radio broadcasts, the respective written record of the radio station used, the time of the broadcasts, the number of broadcasts, and the language used. Likewise, the State should forward a recording of one of the broadcasts, a transcription of this and, if it is in a language other than Spanish, a translation of the transcription.

43. That the State has not provided the information indicated in the preceding paragraph, so that it is pertinent to request it to present this information.

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44. That, regarding the payment of the compensation established by the Court for pecuniary damage and the reimbursement of costs and expenses (*thirteenth operative paragraph of the Judgment*), the State advised that, on May 10, 2007, it had delivered the sum of Gs.13,000,000 (thirteen million guaranis) and, on June 1, 2007, it had delivered the sums of Gs.180,000,000 (one hundred and eighty million guaranis) and Gs.90,000,000 (ninety million guaranis).

45. That the representatives confirmed the payments of US\$15,000.00 (fifteen thousand United States dollars) for pecuniary damage and US\$45,000.00 (forty-five thousand United States dollars) for costs and expenses. However, they indicated that “these payments were made after the time allotted in the Judgment,” so that “the interest on arrears of 3% established by the Central Bank of Paraguay” was applicable. Consequently, according to the representatives, the State continued to owe the sum of US\$592.00 (five hundred and ninety-two United States dollars) for pecuniary damage and US\$16,642.00 (sixteen thousand six hundred and forty-two United States dollars) for costs and expenses.

46. That the Commission had taken into account the payments made by the State.

47. That the Court finds that the State has paid the amounts established in the Judgment for pecuniary damage and costs and expenses and considers that the State should comment on the alleged late payment and the supposed interest on arrears that is applicable.

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48. That the representatives asserted that “the lack of a spokesperson for the State is one of the obstacles to compliance with the Judgment [...]. There is no single body that is in charge of this case and which executes and coordinates measures designed to comply with the Judgment [...]. In many communications, [they had noted] that the State continually referred to the Legislature as a separate entity,

although it is part of the State and has the same or greater responsibility than the other bodies that are contributing in one way or another to compliance with the Judgment.”

49. That the Court recalls that the treaty obligation of the States Parties to comply promptly with the Court’s decisions is binding on all the State’s powers and organs.⁹

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 decided in Considering paragraphs 35 to 38 of this Order, the State has complied fully with the eleventh operative paragraph of the Judgment on merits, reparations and costs, regarding the organization of a public act acknowledging its responsibility.

2. That, as indicated in Considering paragraphs 44 to 47 of this Order, the State has complied partially with the thirteenth operative paragraph of the Judgment on merits, reparations and costs, regarding the payment of the compensation and the reimbursement of costs and expenses.

3. That it will keep open the procedure to monitor compliance with the following pending points:

(a) The granting of the traditional territory to the members of the Yakye Axa Indigenous Community (*sixth operative paragraph of the Judgment*);

(b) The provision of the basic goods and services required for the subsistence of the members of the Community (*seventh operative paragraph of the Judgment*);

(c) The establishment of a fund exclusively for the purchase of the lands to be granted to the members of the Community (*eighth operative paragraph of the Judgment*);

(d) The implementation of a community development fund and program (*ninth operative paragraph of the Judgment*);

(e) The adoption of such domestic legislative, administrative and other measures as may be necessary to guarantee the effective exercise of the right to property of the members of the indigenous peoples (*tenth operative paragraph of the Judgment*), and

⁹ 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.

f) Publication and radio broadcast of the Judgment (*twelfth operative paragraph of the Judgment*).

AND DECIDES:

1. To require the State of Paraguay to adopt any necessary measures to comply promptly and effectively with the aspects pending compliance, pursuant to the provisions of Article 68(1) of the American Convention on Human Rights.
2. To request the State of Paraguay to submit 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 compliance and to comment on the alleged late payment and the supposed applicability of interest on arrears, as indicated in the forty-seventh Considering paragraph. The State's report should be presented in the format indicated by the Court in its notes of September 18, 2006, and April 25 and August 23, 2007.
3. To request the representatives of the victims and the Inter-American Commission on Human Rights to present any observations they consider pertinent on the State's report mentioned in the preceding operative paragraph, within two and four weeks, respectively, of receiving the report.
4. To continue monitoring the points pending compliance 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