

**ORDER OF THE  
INTER-AMERICAN COURT OF HUMAN RIGHTS\*  
OF NOVEMBER 27, 2003**

**CANTORAL BENAVIDES CASE**

**COMPLIANCE WITH JUDGMENT**

**HAVING SEEN:**

1. The judgment on merits in *Cantoral Benavides v. Peru* delivered by the Inter-American Court of Human Rights (hereinafter "the Court" or "the Inter-American Court") on August 18, 2000, in the twelfth and thirteenth operative paragraphs of which, it:

12. Decides that the State should order an investigation to determine the persons responsible to the violations of human rights referred to in this judgment, and punish them.

[...]

13. Decides that the State should make reparations for the injury caused by the violations.

2. The judgment on reparations delivered by the Court in the instant case on December 3, 2001, in which it decided as follows:

[...]

1. That the State shall pay the following in pecuniary damages:

a) To Luis Alberto Cantoral Benavides, in the form and under the conditions stipulated in paragraphs 49, 50, 51 a) and b) and 52 of this judgment, the sum of US\$35,000.00 (thirty-five thousand United States dollars) or the equivalent in Peruvian currency.

b) To Gladys Benavides López, in the form and under the conditions stipulated in paragraphs 51 c) and d) and 52 of this judgment, the sum of US\$ 2,000.00 (two thousand United States dollars) or the equivalent in Peruvian currency.

c) To Luis Fernando Cantoral Benavides, in the form and under the conditions stipulated in paragraphs 51 f) and 52 of this judgment, the sum of US\$ 3,000.00 (three thousand United States dollars) or the equivalent in Peruvian currency.

2. That the State shall pay the following in non-pecuniary damages:

a) To Luis Alberto Cantoral Benavides, in the form and under the conditions stipulated in paragraph 62 of this judgment, the sum of US\$60,000.00 (sixty thousand United States dollars) or the equivalent in Peruvian currency.

b) To Gladys Benavides López, in the form and under the conditions stipulated in paragraph 62 of this judgment, the sum of US\$40,000.00 (forty thousand United States dollars) or the equivalent in Peruvian currency.

c) To Luis Fernando Cantoral Benavides, in the form and under the conditions stipulated in paragraph 62 of this judgment, the sum of US\$20,000.00 (twenty thousand United States dollars) or the equivalent in Peruvian currency.

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\* Judge Hernán Salgado Pesantes advised the Court that, owing to circumstances beyond his control, he would be unable to take part in the deliberation and signature of this Order.

d) To Isaac Alonso Cantoral Benavides, in the form and under the conditions stipulated in paragraph 62 of this judgment, the sum of US\$ 5,000.00 (five thousand United States dollars) or the equivalent in Peruvian currency.

e) To José Antonio Cantoral Benavides, in the form and under the conditions stipulated in paragraph 62 of this judgment, the sum of US\$3,000.00 (three thousand United States dollars) or the equivalent in Peruvian currency.

3. That the State shall pay the victim's representatives the sum of US\$ 8,000.00 (eight thousand United States dollars) or the equivalent in Peruvian currency in costs and expenses, in the form and under the conditions stipulated in paragraph 87 of this judgment.

4. That through the procedures dictated by its domestic laws, the State shall reverse the verdict of conviction that the Peruvian Supreme Court delivered against Luis Alberto Cantoral Benavides, pursuant to the provisions of paragraph 77 of this judgment.

5. That the State shall nullify any court, government, criminal or police proceedings there may be against Luis Alberto Cantoral Benavides in connection with the events in this case and shall expunge the corresponding records, pursuant to the provisions of paragraph 78 of this Judgment.

6. That the State shall provide Luis Alberto Cantoral Benavides with a grant to pursue advanced or university studies, in order to defray the costs of the professional degree that the victim elects to pursue, as well as his living expenses for the duration of the victim's studies, at a center of recognized academic excellence selected by mutual agreement between the victim or his representatives and the State, in furtherance of paragraph 80 of this judgment.

7. That the State must publish, at least one time, in the Official Gazette and another newspaper with nationwide circulation, the operative part of the judgment the Court delivered on the merits on August 18, 2000, and make a public apology acknowledging its responsibility in this case, in order to prevent a repetition of these events, in furtherance of paragraphs 79 and 81 of the present judgment.

8. That the State is to provide medical treatment and psychotherapy to Gladys Benavides López, in Peru, in furtherance of paragraph 51 e) of the present judgment.

9. That the State is to investigate the facts of the present case and identify and punish the responsible parties, in furtherance of paragraph 70 of the present judgment.

[...]

3. Paragraph 97 of the judgment on reparations delivered by the Court, which establishes that "[s]hould the State default on its obligation, it will pay interest on the balance owed, at the banking interest rate in effect in Peru for overdue payments."

4. The note of the State of Peru (hereinafter "the State" or "Peru") of February 6, 2002, in which it advised that on January 31, 2002, it had carried out a public act to redress the damage caused to Luis Alberto Cantoral Benavides, "in compliance [...with the] seventh operative paragraph of the judgment on reparations delivered by the Court [...]"

5. The brief of the State of February 25, 2002, in which it advised that it had initiated administrative measures to provide the funds required to pay the agreed compensation and that the Government had met with the victim "to examine jointly the support for [his] further education." It indicated that it "is very difficult to comply with [what Luis Alberto Cantoral has proposed], because the Peruvian State does not finance studies abroad and, particularly, in private universities for individuals," but that "it would make all possible efforts to comply with the victim's

wish." The State also advised that the seventh operative paragraph of the judgment "had been complied with fully" because the operative paragraphs of the judgment of the Inter-American Court of August 18, 2000, had been published, as ordered, in the official gazette "*El Peruano*" on February 3, 2002, and a resolution had been issued that ordered inserting those operative paragraphs in another newspaper with national circulation. The State reiterated that on January 31, 2002, a public act of redress had been carried out during which the State "acknowledged [its] responsibility [...] in this case and apologized to the victim and his next of kin for affecting their fundamental rights." Peru also referred to the measures it had taken to begin complying with its obligation to provide medical care to Gladys Benavides López, the victim's mother, and to begin investigating the facts and identifying those responsible. Lastly, it advised that it had taken different steps to comply with its obligation to annul the verdict of the Supreme Court of Justice of Peru convicting Luis Alberto Cantoral Benavides, and to initiate an exhaustive investigation, and to prosecute and punish those responsible for the arbitrary detention and torture to which the victim was subjected.

6. The note of the victim's representatives of April 18, 2002, in which they indicated that "in the eighth point of the communication of the State of Peru, concerning the publication of the operative paragraphs of the judgment of the Court [...] of August 18, 2000, the Government's deputy agent informed the Court, inexactly, that this point had been 'complied with fully,' [...] however, the State of Peru [...] ha[d] only complied with the publication of the operative paragraphs in the official gazette [*"El Peruano"*], but not with their publication in another newspaper with national circulation."

7. The brief of Luis Alberto Cantoral Benavides, the victim in the instant case, of May 15, 2002, in which he stated, concerning the status of compliance with the judgment on reparations that, although a public act of redress in his favor had been carried out, this had not had the desired repercussions; that the State had not published the operative paragraphs of the judgment in a national newspaper; that, as discussed with the Government, his mother will receive medical care, but the costs of only some of her medicines will be covered; that the State has prevented his siblings, who have sought refuge in Bolivia, from receiving the amount of the compensation corresponding to them; and that the Peruvian State has not granted him the agreed grant for his studies.

8. The brief of the State of June 26, 2002, advising that on April 25, 2002, "at the seat of the Ministry of Justice, a "Commitment" had been signed by the Executive Secretariat of the National Human Rights Council of the Ministry of Justice, the representatives of the Ministry of Foreign Affairs, the Ministry of Health, the Judiciary, and the Office of the Attorney General (*Ministerio Público*) [and the representatives of the victim]" in which the State assumed several commitments related to compliance with the judgment. Peru requested the Court to "consider granting the Peruvian State more time in which to comply with all aspects of the judgment."

9. The brief of the victim's representatives of July 22, 2002, in which they indicated that "the time limit established by the Court [...], for the State to comply with the measures of reparations ordered [...] had expired, and the Peruvian State had not complied fully with them." In this respect, the representatives advised that the State "has not complied with any payment"; that "it had not complied with annulling the verdict of the Supreme Court of Justice convicting the victim, or

provided information on the steps taken in this respect"; that, by a resolution of the National Chamber on Terrorism, Criminal Organizations and Bands of March 27, 2002, the arrest warrants had been suspended and the victim's police, criminal and judicial records had been annulled; that the State had not awarded "the grant for university studies with the conditions laid down by Luis Alberto Cantoral Benavides (for studying law in a university in Brazil), and had not suggested any alternative for the joint selection of a center where he could carry out his higher education"; that Peru had only published the operative paragraphs of the judgment of August 18, 2000, in the official gazette, but not in another newspaper with national circulation; that the State had complied by organizing a public act of redress acknowledging its responsibility in the case; that Gladys Benavides López was receiving psychological care in the Mental Health Institute and has a credential issued by the Ministry of Health that accredits her as a person authorized to receive free medical care and obtain medicines related to her care and visits to her doctors; and that a preliminary investigation has been initiated for the crime of torture in the Office of the 13<sup>th</sup> Criminal Provincial Prosecutor of Lima, which is still open.

Lastly, the representatives of the victim requested the Court to order the State "forthwith": a) to pay fully to Luis Alberto Cantoral, his mother and his siblings, the monetary reparations ordered by the Court for pecuniary and non-pecuniary damage, and the accrued interest; b) to pay the representatives of the victims the amount ordered by the Court for expenses and costs, and the accrued interest; c) to publish the judgment on merits delivered by the Court in a national newspaper; d) to grant Luis Alberto Cantoral the study grant on the conditions previously agreed with him; e) to annul the conviction against Luis Alberto Cantoral Benavides; and f) to expedite a genuine and decided investigation aimed at identifying and punishing those responsible for the acts against Luis Alberto.

10. The note of the Secretariat of the Court (hereinafter "the Secretariat") of October 9, 2002, requesting the parties to submit a report on the status of compliance with the judgment on reparations and granting them until November 8, 2002.

11. The communication of the victim's representatives of October 11, 2002, reiterating the contents of their brief of July 22, 2002, stating that the State "had not adopted the pending measures" to comply with the Court's judgment in the instant case.

12. The note of the State of November 8, 2002, in which it advised that the following actions were pending implementation in order to comply effectively with the Court's rulings: payment of compensation to the beneficiaries; the promised grant for the victim's studies; publication of the judgment on merits in a national newspaper; and investigation of the facts and punishment of those responsible for the human rights violations suffered by Luis Alberto Cantoral Benavides. In this respect, Peru indicated some of the measures taken to comply with the judgment on reparations of December 3, 2001.

13. The brief of the victim's representatives of November 7, 2002, in which they reiterated the contents of their previous brief and stated that the State had not made the payments corresponding to compensation or to costs and expenses; that Peru had not complied with annulling the verdict of the Supreme Court of Justice that convicted the victim; that, on March 27, 2002, the Judiciary decided to suspend the arrest warrants and to annul the victim's police, criminal and judicial records; that

the State "had not complied by awarding the grant for university studies with the conditions laid down by Luis Alberto Cantoral Benavides [...,] and had not suggested any alternative for the joint selection of an academic center where he could carry out his higher education in Peru"; and that Gladys Benavides López was receiving partial healthcare. The representatives requested the Court to convene a "public hearing on monitoring the judgment on reparations," as a useful mechanism to make progress in complying with the Court's decisions.

14. The brief of the Inter-American Commission on Human Rights (hereinafter "the Commission" or "the Inter-American Commission") of November 8, 2002, in which it presented information on the status of compliance with the judgment on reparations of December 3, 2001. In this brief, the Commission indicated that the State had not complied with the payment of the pecuniary compensation or with the annulment of the verdict of the Supreme Court of Justice convicting Luis Alberto Cantoral; that it had not awarded the grant for the victim's university studies; that the State had been complying with the medical and psychological treatment of Gladys Benavides and that it acknowledged as a positive factor that the State had made a public act of redress and published the judgment on merits in the official gazette, but it had not published the operative paragraphs of the judgment in a national newspaper. Lastly, it indicated that the State had not complied fully and within the stipulated time limit with the measures ordered. It therefore requested the Court to order compliance with the obligations imposed as soon as possible, pursuant to Article 68 of the Convention.

15. The brief of the State of November 29, 2002, submitting general information on the status of compliance with the Court's judgments against Peru. With regard to the judgment on reparations of December 3, 2001, in the instant case, the State advised that by Supreme Resolution No. 021-2002-JUS, the operative paragraphs of the Court's judgment in the case were published in the official gazette "*El Peruano*" of February 3, 2002. It indicated that the payments of compensation ordered by the Court were pending, and also the grant for university studies to be awarded to Luis Alberto Cantoral Benavides. It advised that the Office of the Attorney General had initiated the pertinent measures to investigate, prosecute and punish those responsible for the violations of the victim's human rights. Lastly, it indicated that the Ministry of Health had granted a credential to Gladys Benavides de Cantoral enabling her to receive care in Peruvian health centers and the medicines that were in stock in those centers.

16. The note of the Secretariat of December 13, 2002, on the instructions of the whole Court, requesting the State to submit a detailed report on the status of compliance in this case and granting it until June 16, 2003, to do so.

17. The note of the victim of March 3, 2003, advising that the State had not complied with the decisions in the judgment on reparations delivered by the Court in this case and requesting that the Court intervene before the pertinent Peruvian authorities.

18. The note of the State of April 14, 2003, advising that on March 25, 2003, it had made the payment of US\$176,000.00 (one hundred and seventy-six thousand United States dollars) corresponding to the amount of the compensation ordered in this case.

19. The brief of the State of May 30, 2003, in which it indicated that it had made the payment corresponding to compensation for pecuniary and non-pecuniary damage ordered by the Court, but that it had not yet made the payment for expenses and costs, because it did not have the documentation accrediting the representatives of the victim as such. The State also indicated that it had taken various measures in order to be able to award or obtain a grant for the victim to study in Brazil, but this had not been possible; therefore, the State was taking the pertinent steps to enable the victim to study law at the Universidad Nacional Mayor de San Marcos in Lima, as he had proposed. The State also affirmed that Gladys Benavides, the victim's mother, was receiving free medical and psychiatric treatment, as the Court had ordered; that the Ministry of Justice had requested the President of the Supreme Court of Justice (in official letter No. 283-2003-JUS-DM) to take all pertinent measures to annul the verdict of the Supreme Court of Justice of Peru convicting Luis Alberto Cantoral Benavides, and that it had taken a series of measures in order to identify those responsible for the violations of the victim's human rights.

20. The brief of the Inter-American Commission of August 4, 2003, in which it submitted its comments on compliance with the judgment on reparations in the instant case and stated that "from the information provided [by the State], it can be inferred that payment of the compensation was made [nine] months after the time limit indicated in the judgment, and that it was not made with the respective adjustments for the delay incurred by the State." With regard to the fourth operative paragraph of the judgment concerning the obligation to annul the verdict of the Supreme Court of Justice of Peru convicting Luis Alberto Cantoral Benavides, the Commission indicated that the State had not officially informed the Court about compliance and, regarding the fifth operative paragraph, concerning the obligation to annul any judicial or administrative, criminal or police records against Luis Alberto Cantoral Benavides, the Commission considered that, if the victim's representatives were satisfied that this had been carried out, it should be considered complied with. It also indicated that, to date, the State had not awarded the grant that would allow the victim to carry out university studies. As for the eighth operative paragraph regarding the State's obligation to provide medical and psychological treatment to Gladys Benavides in relation to the health problems resulting from the facts of the case, the Commission stated that, from the information submitted by the State and the victim's representatives it could not be inferred "whether the medicines that are not provided, because they are not in stock in the health centers where Mrs. Benavides receives care, form part of the treatment needed to rehabilitate her from the health problems caused by the facts of the case and diagnosed by the doctor." Lastly, the Commission indicated that it had no information "about any significant progress in the identification of those who were probably responsible and the possible initiation of the subsequent procedural stage in recent months."

21. The brief of the victim's representatives of August 5, 2003, in which they stated that "[t]he Peruvian State ha[d] paid the amounts indicated in the judgment of the Court for reparations in favor of Luis Alberto Cantoral Benavides and the other beneficiaries [and] ha[d] paid the amount indicated for expenses and costs in favor of the victim's representatives[,] however, since it had not done so within the stipulated time limit [...], the State should pay interest on the amount owed, corresponding to the bank interest rate on payments in arrears in force in Peru at the time the payment was made." They advised that "according to the provisions of Legislative Decree No. 926, published on February 20, 2003, [...] the Peruvian State, through the Judiciary's National Corporative Chamber for terrorism cases has been

taking steps to annul the judgments delivered by the secret courts [but] neither the victim nor his representatives [have] been notified of the judicial decision ordering the annulment of the conviction and the consequent filing of the legal proceedings against Luis Alberto Cantoral Benavides." They reiterated that the resolution of the National Chamber on Terrorism, Criminal Organizations and Bands of March 27, 2002, decided to suspend the arrest warrants and to annul the victim's police, criminal and judicial records, so that "[in practice,] this resolution would comply with the corresponding operative paragraph." They also reiterated that the Peruvian State had not complied with the award of a grant for university studies under the conditions proposed by Luis Alberto Cantoral Benavides and had not suggested an alternative; that the State had complied with the publication of the operative paragraphs of the judgment of August 18, 2000, in the official gazette, on February 3, 2002, but not with their publication in another national newspaper; and that the State had complied with conducting a public act of redress, acknowledging its responsibility in this case. The victim's representatives also expressed their concern about the length of the investigation being conducted by the Office of the Attorney General without any concrete results being reached, thereby allowing those responsible for the human rights violations against Luis Alberto Cantoral Benavides to continue unpunished and "carry out acts of intimidation against the victim." Lastly, they expressed their concern about the Peruvian State's negligence in complying with the measures of reparation ordered by the Court in its judgment and requested the Court to order the State: "1) To publish the judgment on merits delivered by the Court in the instant case in a national newspaper. 2) To award Luis Alberto Cantoral the grant for his studies, under the conditions previously agreed with him. 3) To proceed to annul or provide information on the annulment of the verdict convicting Luis Alberto Cantoral Benavides. 4) To foster a genuine and decided investigation to identify and punish those responsible for the facts that had occurred to the detriment of Luis Alberto Cantoral Benavides."

22. The note of the victim of August 22, 2003, in which he advised that the State had not awarded the study grant ordered by the Court, so that he had had to postpone his university studies. Consequently, the victim requested the Court to adopt "stronger measures" and suggested "that all the expenses arising from the studies as well as maintenance and the expenses occasioned by these studies should be evaluated (by my lawyers and by the Court) in order to put a monetary value on them," because he considered that this was the "only way in which the Government will truly comply fully with this point."

23. The note of the victim's representatives of November 18, 2003, advising that, on November 7, 2003, the Office of the 3<sup>rd</sup> Criminal Provincial Prosecutor of Lima had declared that "the investigation against those allegedly responsible for the violations of the human rights of Luis Alberto Cantoral Benavides committed by agents of the Peruvian State had been filed definitively."

24. The note of the victim's representatives of November 25, 2003, advising that on November 20, 2003, they had filed a remedy of complaint against the decision issued on November 7, 2003, by the Office of the 3<sup>rd</sup> Criminal Provincial Prosecutor of Lima, which declared that "the investigation against those allegedly responsible for the violations of the human rights of Luis Alberto Cantoral Benavides committed by agents of the Peruvian State had been filed definitively," and submitted a copy of page nine of the November 25 edition of the newspaper "PERU 21" in which the decision of the Prosecutor to reject the objection filed by the representatives was reported.

**CONSIDERING:**

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

2. That Peru has been a State Party to the American Convention since July 28, 1978, and accepted the obligatory jurisdiction of the Court on January 21, 1981.

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." The treaty obligations of the States Parties are binding for all the powers and functions of the State.

4. That, in view of the final and non-appealable character 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 rulings 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 domestic law as justification for its failure to perform a treaty<sup>1</sup>.

6. That, from monitoring compliance with the judgments on merits and reparations delivered in this case, and having examined the information provided by the State the Inter-American Commission and the victim's representatives, the Court has verified that the State has complied with:

a) Payment of the amounts corresponding to the compensation for pecuniary damage ordered in favor of Luis Alberto Cantoral Benavides, Gladys Benavides López and Luis Fernando Cantoral Benavides (*first operative paragraph of the judgment on reparations of December 3, 2001*);

b) Payment of the amounts corresponding to the compensation for non-pecuniary damage ordered in favor of Luis Alberto Cantoral Benavides, Gladys Benavides López, Luis Fernando Cantoral Benavides, Isaac Alonso Cantoral Benavides and José Antonio Cantoral Benavides (*second operative paragraph of the judgment on reparations of December 3, 2001*);

c) Payment of the amounts corresponding to the reimbursement ordered of the costs and expenses ordered in favor of the representatives of the victim

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<sup>1</sup> Cf. *Benavides Cevallos case. Compliance with judgment*. Order of the Inter-American Court of Human Rights of September 9, 2003, third considering paragraph; *Baena Ricardo et al. case. Compliance with judgment*. Order of the Inter-American Court of Human Rights of June 6, 2003, fourth considering paragraph; "*The Last Temptation of Christ*" case (*Olmedo Bustos et al.*). *Compliance with judgment*. Order of the Inter-American Court of Human Rights of November 28, 2002, third considering paragraph; *El Amparo case. Compliance with judgment*. Order of the Inter-American Court of Human Rights of November 28, 2002, third considering clause; and *International Responsibility for the Promulgation and Enforcement of Laws in Violation of the Convention* (Arts. 1 and 2 of the American Convention on Human Rights). Advisory Opinion OC-14/94 of December 9, 1994. Series A No. 14, para. 35.



- (third operative paragraph of the judgment on reparations of December 3, 2001);*
- d) Publication in the official gazette of the operative paragraphs of the judgment on merits of August 18, 2000, *(seventh operative paragraph of the judgment on reparations of December 3, 2001);*
- e) Organization of an act of public apology acknowledging the State's responsibility for the violations of the human right of Luis Alberto Cantoral Benavides *(seventh operative paragraph of the judgment on reparations of December 3, 2001);* and
- f) Annulment of any judicial or administrative, criminal or police record against Luis Alberto Cantoral Benavides, in relation to the fact of this case and cancellation of the corresponding records *(fifth operative paragraph of the judgment on reparations of December 3, 2001).*
7. That, having examined the information provided by the State, the Commission and the victim's representatives in their briefs on compliance with the judgment on reparations, the Court considers it essential that the State of Peru provide the Court with information on:
- a) Payment of the interest accrued owing to the delays in the original payments *(paragraph 97 of the judgment on reparations of December 3, 2001);*
- b) Publication in a national newspaper of the operative paragraphs of the judgment on merits of August 18, 2000, *(seventh operative paragraph of the judgment on reparations of December 3, 2001);*
- c) The medical and psychological treatment being provided to Gladys Benavides López *(eighth operative paragraph of the judgment on reparations of December 3, 2001);*
- d) The measures needed to annul the verdict convicting Luis Alberto Cantoral Benavides delivered by the Supreme Court of Justice of Peru *(fourth operative paragraph of the judgment on reparations of December 3, 2001);* and
- e) The measures it has taken to award Luis Alberto Cantoral Benavides a grant for university studies in an establishment of acknowledged academic quality, chosen by mutual agreement between the State and the victim, which covers the costs of the university career of the latter's election, and also maintenance expenses during the period of these studies *(sixth operative paragraph of the judgment on reparations of December 3, 2001).*
8. That in the judgment of August 18, 2000, the Court decided:
12. [...]that the State should order an investigation to determine the persons responsible for the human rights violations referred to in this judgment, and punish them.
9. That in the judgment on reparations of December 3, 2001, the Court decided:

9. That the State is to investigate the facts of the present case and identify and punish the responsible parties.

10. That, after examining the documentation submitted by the parties, the Court has verified that, to date, those responsible for the violations of the human rights of Luis Alberto Cantoral Benavides have not been identified. In this respect, the victim's representatives advised that the Office of the 3<sup>rd</sup> Criminal Provincial Prosecutor of Lima had declared the criminal proceedings statute-barred and the definitive filing of the complaint lodged against those allegedly responsible for the violations of the victim's human rights (*supra* twenty-third and twenty-fourth having seen paragraphs).

11. That, as it has established in its constant case law, the Court considers that, pursuant to the treaty obligations assumed by the States, no provision or institute of domestic law, including the statute of limitations, can be opposed to compliance with the decisions of the Court concerning the investigation and punishment of those responsible for human rights violations. Otherwise, the rights embodied in the American Convention would lack effective protection. This understanding of the Court is in accordance with the letter and spirit of the Convention, and also the general principles of law; one of these principles is that of *pacta sunt servanda*, which requires that the provisions of a treaty must be effective (the principle of *effet utile*) in the domestic law of the States Parties.<sup>2</sup>

12. Based on the above, this Court considers that the State may not invoke the statute of limitations in its domestic law to fail to comply with the obligation established in the twelfth and ninth operative paragraphs of the judgments of August 18, 2000, and December 3, 2001, respectively. Moreover, the State must provide information on the different measures taken by the Office of the Attorney General or by the pertinent authorities in this respect.

13. That the Court shall consider the general status of compliance with the judgments on merits (*supra* eighth considering paragraph) and on reparations (*supra* ninth considering paragraph) when it has received the State's report and the respective comments of the parties.

**THEREFORE:**

**THE INTER-AMERICAN COURT OF HUMAN RIGHTS,**

in exercise of its authority to monitor compliance with its rulings and in accordance with Articles 67 and 68(1) of the American Convention on Human Rights, Article 25(1) of its Statute and Article 29(2) of its Rules of Procedure,

**DECIDES:**

1. To urge the State to adopt all necessary measures to comply promptly and effectively with the judgments on merits and reparations of August 18, 2000, and December 3, 2001, respectively, delivered by the Inter-American Court of Human Rights in the *Cantoral Benavides case*, pursuant to the provisions of Article 68(1) of the American Convention on Human Rights.

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<sup>2</sup> Cf. *Bulacio case*. Judgment of September 18, 2003. Series C No. 100, para. 117; the "Five Pensioners" case. Judgment of February 28, 2003. Series C No. 98, para. 164; and *Hilaire, Constantine and Benjamin et al. case*. Judgment of June 21, 2002. Series C No. 94, para. 112.

2. To call upon the State to present to the Inter-American Court of Human Rights, by April 1, 2004, at the latest, a detailed report indicating all the measures adopted to comply with the decisions of the Court in the judgment on reparations of November 27, 1998, as stipulated in the seventh and twelfth considering paragraphs of this Order on compliance.

3. To call upon the representatives of the victims and their next of kin and the Inter-American Commission on Human Rights to submit their comments on the State's report mentioned in the preceding operative paragraph within two months of receiving it.

4. To notify this Order to the State, the Inter-American Commission on Human Rights and the representatives of the victim.

Antônio A. Cançado Trindade  
President

Sergio García-Ramírez

Máximo Pacheco-Gómez

Oliver Jackman

Alirio Abreu-Burelli

Carlos Vicente de Roux-Rengifo

Manuel E. Ventura-Robles  
Secretary

So ordered,

Antônio A. Cançado Trindade  
President

Manuel E. Ventura-Robles  
Secretary