

Castillo Páez v. Peru

ABSTRACT¹

This case is about the forced disappearance by the National Police of a student wrongly suspected of being a member of Shining Path. The Court found violation of several articles of the American Convention and, after the Court's ruling, the State eventually did prosecute and try those officers responsible for the forced disappearance.

I. FACTS

A. Chronology of Events

October 21, 1990: Members of *Sendero Luminoso* (“Shining Path”) detonate explosives near a monument in the Villa El Salvador district of Lima, Peru.² State security forces respond by launching an operation to capture persons assumed to be responsible for the explosion.³

Mr. Ernesto Rafael Castillo Páez leaves his home.⁴ The twenty-two-year-old university student and part-time mathematics teacher lives with his father, Mr. Cronwell Pierre Castillo Castillo, his mother, Ms. Carmen Rosa Páez Warton, and his sister, Ms. Mónica Inés Castillo Páez.⁵ He walks in the Villa El Salvador district, where several bystanders see him wearing a white shirt with dark pants and carrying a beige jacket.⁶

A white police vehicle approaches Mr. Castillo Páez.⁷ Two officers in green uniforms and red berets exit the vehicle.⁸ One officer arrests Mr. Castillo Páez, who does not resist, and places him in the trunk of the white police vehicle.⁹ Within several minutes, another police vehicle

1. Zach Tripodes, Author; Sean Lask, Editor; Hayley Garscia, Chief IACHR Editor; Cesare Romano, Faculty Advisor.

2. Castillo Páez v. Peru, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 34, ¶ 43(b) (Nov. 3, 1997).

3. *Id.* ¶ 43(c).

4. *Id.* ¶ 43(a).

5. Castillo Páez v. Peru, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 34, ¶¶ 55, 68(A)(a)–68(A)(d) (Nov. 27, 1998).

6. Castillo Páez v. Peru, Merits, ¶¶ 43(a), 43(c).

7. *Id.*

8. *Id.* ¶ 43(d).

9. *Id.*

arrives at the scene.¹⁰ A police officer from the second vehicle converses with an officer from the first.¹¹ The second vehicle leaves and it is followed by the first one, which carries Mr. Castillo Páez in the trunk to an unknown destination.¹²

October 25, 1990: Mr. Castillo Páez's family members, who are unable to locate him at different police stations, file a petition of habeas corpus on his behalf with the Twenty-Fourth Examining Court of Lima ("Examining Court").¹³

October 25–31, 1990: Ms. Elba Minaya Calle, the magistrate of the Examining Court, conducts an investigation into the arrest and finds that the police deny arresting Mr. Castillo Páez and that the arrest logs have been altered to remove his name.¹⁴

October 31, 1990: The Examining Court rules that the habeas corpus petition is well founded.¹⁵

November 16, 1990: The petitioners file a complaint with Inter-American Commission on Human Rights ("Commission").¹⁶

November 27, 1990: After the Public Prosecutor for Terrorism appeals the Examining Court's ruling, the Eighth Correctional Court of Lima rules that the petition is out of order, but upholds the Examining Court's ruling.¹⁷ It further orders that the case be referred to a criminal court.¹⁸

February 7, 1991: The Supreme Court of Justice nullifies the judgment of the Examining Court regarding the habeas corpus petition.¹⁹

August 19, 1991: Following the conclusion of a trial against several police officers allegedly involved in the disappearance of Mr. Castillo Páez on the charge of abuse of authority, the Fourteenth Criminal Court of the Judicial District of Lima ("Criminal Court") finds that on October

10. *Id.* ¶ 43(e).

11. *Id.*

12. *Id.*

13. *Id.* ¶¶ 43(f)–(g).

14. *Id.* ¶ 58.

15. *Id.* ¶ 43(g).

16. *Id.* ¶ 3.

17. *Id.* ¶ 43(g).

18. *Id.*

19. *Id.* ¶ 81.

21, 1990 the Peruvian National Police detained Mr. Castillo Páez and that since that time his whereabouts remain unknown.²⁰ However, the Criminal Court rules that there is no evidence to find the officers culpable for the crime of abuse of authority and therefore orders the case closed.²¹

October 3, 1991: The Peruvian government replies to the Commission's requests for information concerning Mr. Castillo Páez, stating that there is no evidence indicating that the Peruvian National Police detained Mr. Castillo Páez.²²

December 27, 1993: The First Criminal Chamber of the Superior Court of Justice of Lima upholds the judgment of the Criminal Court.²³

June 14, 1995: Peru adopts Law No. 26.479, which grants a general amnesty to members of the military and police.²⁴

B. Other Relevant Facts

In the early 1990s, there is a documented practice by security forces in Peru of forced disappearances of persons, such as students, who are suspected to be members of anti-government groups, such as *Sendero Luminoso*.²⁵ The practice of placing a detained person in the trunk of a police car is also a common practice in Peru at the time.²⁶

II. PROCEDURAL HISTORY

A. Before the Commission

November 16, 1990: The petitioners file a complaint with the Inter-American Commission on Human Rights.²⁷

November 19, 1990: The Commission makes its first request seeking information on the whereabouts of Mr. Castillo Páez.²⁸

20. *Id.* ¶ 43(h).

21. *Id.*

22. *Id.* ¶ 4.

23. *Id.* ¶ 43(h).

24. Castillo Páez v. Peru, Reparations and Costs, ¶ 68(C)(e).

25. Castillo Páez v. Peru, Merits, ¶ 42.

26. *Id.*

27. *Id.* ¶ 3.

28. *Id.*

May 28 and 29, 1991: The petitioners request that the Commission adopt measures to protect the safety of eyewitnesses of the October 21, 1990 incident as well as the safety of Mr. Castillo Castillo.²⁹

October 3, 1991: The State makes its first reply to the Commission stating there is no evidence that the national police arrested Mr. Castillo Páez.³⁰

January 6, 1992: In response to the petitioners' request for provisional measures, the State replies that the national police will guarantee their safety.³¹

September 26, 1994: The Commission approves Report 19/94, finding the State responsible for violating Mr. Castillo Páez's rights under the American Convention.³² Further, it recommends that Peru reopen the investigation into the disappearance of Mr. Castillo Páez, punish those responsible, determine his whereabouts, and compensate his family.³³

B. Before the Court

January 13, 1995: The Commission submits the case to the Court, after the State failed to adopt its recommendations.³⁴

1. Violations Alleged by Commission³⁵

Article 4 (Right to Life)

Article 5 (Right to Humane Treatment)

Article 7 (Right to Personal Liberty)

Article 8 (Right to a Fair Trial)

Article 25 (Right to Judicial Protection)

all in relation to:

Article 1(1) (Obligation to Respect Rights) of the American Convention.

29. *Id.*

30. *Id.*

31. *Id.* ¶ 4.

32. *Id.* ¶ 9.

33. *Id.*

34. *Id.* ¶ 12.

35. *Id.* ¶ 1.

2. Violations Alleged by Representatives of the Victim³⁶

Same Violations Alleged by the Commission.

March 24, 1995: The State submits its preliminary objections claiming that the petitioner had not exhausted domestic remedies and that the petition was inadmissible.³⁷

January 30, 1996: The Court unanimously dismisses the preliminary objections.³⁸ The Court considers the objections jointly because both involve the question of whether the petitioner exhausted domestic remedies.³⁹ The Court finds that the objection was not timely because the State failed to raise it until after the Commission adopted Report 19/94.⁴⁰ By not objecting in a timely manner, the Court finds that the State effectively waived the objection.⁴¹ Judge Antônio Augusto Cançado Trindade appends a Separate Opinion, asserting that the proper forum for the State to raise the objection of non-exhaustion of remedies is *in limine litis* before the Commission, as it is the organ charged with decisions on admissibility.⁴²

III. MERITS

A. Composition of the Court⁴³

Hernán Salgado Pesantes, President
 Antônio Augusto Cançado Trindade, Vice-President
 Héctor Fix-Zamudio, Judge
 Alejandro Montiel Argüello, Judge
 Máximo Pacheco Gómez, Judge
 Alirio Abreu Burelli, Judge

36. *See generally id.* The Court's Judgment on the Merits did not identify the victim's representatives or separate violations alleged by the representatives.

37. Castillo Páez v. Peru, Preliminary Objections, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 24, ¶ 6 (Jan. 30, 1996).

38. *Id.* ¶ 46.

39. *Id.* ¶ 39.

40. *Id.* ¶¶ 40–43.

41. *Id.* ¶ 43.

42. Castillo Páez v. Peru, Preliminary Objections, Separate Opinion of Judge Antônio Augusto Cançado Trindade, Inter-Am. Ct. H.R. (ser. C) No. 24, ¶ 46 (Jan. 30, 1996).

43. Judge Oliver H. Jackman recused himself because he was a member of the Commission when it was considering the petition. Castillo Páez v. Peru, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 34, n.* (Nov. 3, 1997).

Manuel E. Ventura Robles, Secretary
V́ctor M. Rodŕguez Rescia, Interim Deputy Secretary

B. Decision on the Merits

November 3, 1997: The Court issues its Judgment on Merits.⁴⁴

The Court found unanimously that Peru had violated:

Article 7 (Right to Personal Liberty), in relation to Article 1(1) of the Convention, to the detriment of Mr. Castillo Páez,⁴⁵ because:

The State denied any violation and argued that simply because a person is missing does not mean he was deprived of freedom.⁴⁶ It goes on to say that such a presumption of abduction or detention should not be legally admissible.⁴⁷ The Court, however, did not find such arguments persuasive and held that the police did not arrest Mr. Castillo Páez in accordance with the national constitution.⁴⁸ Specifically, he was not arrested pursuant to a written judicial order, while he was committing a criminal act, or while a state of emergency was in force.⁴⁹ Furthermore, the State failed to follow the constitutionally proscribed procedure that required the production of Mr. Castillo Páez before a competent court within twenty-four hours of his arrest or within fifteen days if he was a suspected terrorist.⁵⁰

Article 5 (Right to Humane Treatment), in relation to Article 1(1) of the Convention, to the detriment of Mr. Castillo Páez,⁵¹ because:

Peru doubted the credibility of the witnesses to the disappearance as they could not be corroborated and no other evidence of mistreatment existed.⁵² The State claimed that none of the witnesses knew Mr. Castillo Páez and the Twenty Fourth Criminal Court of Lima should not have admitted the statements.⁵³ Yet the Court found that the police placed Mr.

44. Castillo Páez v. Peru, Merits.

45. *Id.* ¶ 56.

46. *Id.* ¶ 54.

47. *Id.*

48. *Id.* ¶ 56.

49. *Id.*

50. *Id.* ¶ 57.

51. *Id.* ¶ 66.

52. *Id.* ¶ 65.

53. *Id.*

*Castillo Páez in the trunk of a car following his arrest, an act that constituted a disregard for human dignity.*⁵⁴

Article 4 (Right to Life), in relation to Article 1(1) of the Convention, to the detriment of Mr. Castillo Páez,⁵⁵ because:

*The State's arbitrary detention of Mr. Castillo Páez, denial of his detention, and act of hiding him so that he could not be located amounted to a violation of his right to life.*⁵⁶ *The Court determined Mr. Castillo Páez's whereabouts had not been established several years after his detention, and in previous cases the Court established a precedent that such circumstances violated the right to life.*⁵⁷ *The State insisted, to no avail, that disappearance does not necessarily imply death.*⁵⁸

Article 25 (Right to Judicial Protection), in relation to Article 1(1) of the Convention, to the detriment of Mr. Castillo Páez⁵⁹ and his next of kin⁶⁰ because:

*Although the family of Mr. Castillo Páez filed a habeas corpus petition, the State frustrated the investigation initiated by the petition by providing false information and the Supreme Court of Justice ultimately nullified the favorable rulings of lower courts.*⁶¹ *Therefore, although the family initiated a habeas corpus proceeding, the mechanism was ineffective as it did not lead to the release of Mr. Castillo Páez.*⁶²

The Court found unanimously that Peru had not violated:

Article 8 (Right to a Fair Trial), in relation to Article 1(1) of the Convention, to the detriment of Mr. Castillo Páez,⁶³ because:

Although an attempt was made on the life of an attorney representing Mr. Castillo Páez's family, it was not proven that the aim of the attack was to deny the family of legal representation nor was it proven that the

54. *Id.* ¶ 66.

55. *Id.* ¶ 71.

56. *Id.*

57. *Id.* ¶ 72.

58. *Id.* ¶ 70.

59. *Id.* ¶ 84.

60. *Id.* "Operative Paragraphs" ¶ 4.

61. *Id.* ¶ 81.

62. *Id.* ¶ 82.

63. *Id.* ¶¶ 78–79.

attack was related to this case in particular.⁶⁴ Furthermore, although this event caused difficulties for the family, they were able to acquire alternate legal assistance.⁶⁵

C. Dissenting and Concurring Opinions

[None]

IV. REPARATIONS⁶⁶

The Court ruled unanimously that the State had the following obligations:

A. Specific Performance (Measures of Satisfaction and Non-Repetition Guarantee)

1. Investigate, Identify, and Punish Those Responsible

The Court reaffirmed its ruling in the Judgment on the Merits⁶⁷ in which it held that the State must investigate the disappearance of Mr. Castillo Páez in order to determine what happened to him, and, if possible, locate his remains.⁶⁸ Additionally, the Court ordered that the State must identify and punish the individuals responsible for Mr. Castillo Páez's disappearance.⁶⁹

2. Reform Legislation

The Court considered Peru's amnesty law to be an obstacle to an investigation.⁷⁰ It therefore ordered Peru to "adopt the necessary domestic legal measures" to ensure that the amnesty law does not interfere with the investigation or the identification and punishment of individuals responsible for Mr. Castillo Páez's disappearance.⁷¹

64. *Id.* ¶ 78.

65. *Id.* ¶ 79.

66. Judges Héctor Fix-Zamudio and Alejandro Montiel Argüello were replaced by Judges Sergio García Ramírez and Carlos Vicente de Roux Rengifo. *Castillo Páez v. Peru, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 43, 1 (Nov. 27, 1998).*

67. *Id.* ¶ 105.

68. *Castillo Páez v. Peru, Merits*, ¶ 90.

69. *Castillo Páez v. Peru, Reparations and Costs, "Decides"* ¶ 2.

70. *Id.* ¶ 105.

71. *Id.* "Decides" ¶ 3.

3. Guarantees of Non-Repetition

The Court reaffirmed its ruling in the Judgment on the Merits,⁷² in which it held that the State must “prevent the commission of forced disappearances and . . . sanction those responsible for them.”⁷³

B. Compensation

The Court awarded the following amounts:

1. Pecuniary Damages

The Court awarded \$35,021.80 for the lost earnings of Mr. Castillo Páez.⁷⁴ The Court calculated his earning by considering the minimum monthly wage at the time, exchange rate to the dollar, requirement for bonuses under Peruvian law, average life expectancy, and dedication of personal expenses.⁷⁵

The Court awarded \$25,000 for the loss of financial support from Mr. Castillo Páez to his family.⁷⁶ Although the Court noted the difficulty in establishing a causal relationship between Mr. Castillo Páez’s disappearance and his family’s subsequent financial troubles, the Court found that the family suffered “a general patrimonial injury” due to his disappearance.⁷⁷

The Court awarded \$25,000 for the losses incurred by the family in searching for Mr. Castillo Páez, seeking treatment for medical conditions caused by his disappearance, and seeking political asylum abroad.⁷⁸ The Court relied on principles of equity to determine this award.⁷⁹

2. Non-Pecuniary Damages

The Court awarded \$30,000 to Mr. Castillo Páez’s family on his behalf to compensate for moral damages that he suffered.⁸⁰ The Court also awarded \$50,000 to each of Mr. Castillo Páez’s parents, Mr. Castillo

72. *Id.* ¶ 105.

73. Castillo Páez v. Peru, Merits, ¶ 90.

74. Castillo Páez v. Peru, Reparations and Costs, ¶ 75.

75. *Id.*

76. *Id.* ¶ 76.

77. *Id.*

78. *Id.* ¶ 77.

79. *Id.*

80. *Id.* ¶ 90.

Castillo and Ms. Páez Warton, and \$30,000 to his sister, Ms. Castillo Páez to compensate for non-pecuniary damages.⁸¹ The award for damages suffered by Mr. Castillo Páez was equally divided between his parents and his sister, in accordance with the family's request.⁸²

3. Costs and Expenses

The Court awarded \$2,000 to Mr. Castillo Páez's family for the expenses associated with domestic judicial proceedings.⁸³

4. Total Compensation (including Costs and Expenses ordered):

\$247,021.80

*C. Deadlines*⁸⁴

The Court required the State to pay the family members of Mr. Castillo Páez within six months of the notification of the Judgment in either United States dollars or the equivalent in Peruvian currency as determined by the exchange rate on the New York market the day before the payment is made.⁸⁵ If the State is unable to compensate the family members within six months, it must place the money in accounts in the beneficiaries' names and allow for ten years for the family members to claim the compensation.⁸⁶ The Court ruled that all compensation shall be exempt from taxation by the State,⁸⁷ and that the State must pay interest at the rate in effect at the time in Peru if it is in arrears.⁸⁸

D. Dissenting and Concurring Opinions

1. Joint Concurring Opinion of Judges Antônio Augusto Cançado Trindade and Alirio Abreu Burelli

Judges Cançado Trindade and Abreu Burelli appended a concurring

81. *Id.*

82. *Id.*

83. *Id.* ¶ 113.

84. The Court did not provide specific deadlines for its obligations of Specific Performance, but indicated that the obligations will remain in force until they have been fully performed. *Castillo Páez v. Peru, Merits, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 34, ¶ 90 (Nov. 3, 1997).*

85. *Castillo Páez v. Peru, Reparations and Costs, ¶ 114.*

86. *Id.* ¶ 115.

87. *Id.* ¶ 116.

88. *Id.* ¶ 117.

opinion to record their objection to amnesty laws, which they believe are incompatible with a state's obligation to respect and protect human rights and the victims' right to reparation, truth, and justice.⁸⁹

2. Concurring Opinion of Judge Sergio García Ramírez

Judge García Ramírez included a concurrence in which he explained his view that amnesty laws can be compatible with a state's obligation to respect human rights so long as the amnesty is the result of a democratic peace process and is reasonable in scope such that perpetrators of serious violations of human rights are not granted impunity.⁹⁰

V. INTERPRETATION AND REVISION OF JUDGMENT

[None]

VI. COMPLIANCE AND FOLLOW-UP

January 1, 2001: The First Transitory Corporate Court Specialized in Public Law of Peru, pursuant to domestic law on the execution of judgments by international courts, forwards the Court's Judgment on Reparations and Costs to the public prosecutor's office.⁹¹

June 1, 2001: The Court acknowledged that the State has provided information for this case, along with four others,⁹² that implies progress with the Court's judgments in those cases.⁹³

August 29, 2001: The public prosecutor in Lima initiated criminal proceedings against sixteen police officers in connection with Mr. Castillo Páez's disappearance for the crime of kidnapping.⁹⁴ The prosecution did

89. Castillo Páez v. Peru, Reparations and Costs, Joint Concurring Opinion of Judge Antônio Augusto Cançado Trindade and Judge Alirio Abreu Burelli, Inter-Am. Ct. H.R. (ser. C) No. 43 ¶ 1, 3 (Nov. 27, 1998).

90. Castillo Páez v. Peru, Reparations and Costs, Concurring Opinion of Judge Sergio García Ramírez, Inter-Am. Ct. H.R. (ser. C) No. 43 ¶¶ 9, 10, 12 (Nov. 27, 1998).

91. Castillo Páez v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Considering" ¶ 7 (Apr. 3, 2009).

92. The four other cases discussed in the Monitoring Compliance with Judgment of July 1, 2001 are Loayza Tamayo v. Peru, Castillo Petruzzi et al. v. Peru, Ivcher Bronstein v. Peru, and the Constitutional Court v. Peru. Castillo Páez v. Peru, Loayza Tamayo v. Peru, Castillo Petruzzi et al. v. Peru, Ivcher Bronstein v. Peru, and the Constitutional Court v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. (June 1, 2001).

93. *Id.* "Considering" ¶ 4, "Decides" ¶ 1.

94. Castillo Páez v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-

not allege the crime of forced disappearance because no statute criminalized it at the time.⁹⁵

January 7, 2002: The representatives of Mr. Castillo Páez's family submitted a brief in which they confirmed that the State had paid the full amount of compensation owed plus interest due.⁹⁶

November 27, 2002: The Court found that the State paid compensation with interest to the family members of Mr. Castillo Páez⁹⁷ and that it informed the Court of its progress in prosecuting the sixteen police officers.⁹⁸

September 11, 2003: The public prosecutor brings the case against the police officers before the Third Criminal Chamber of Lima.⁹⁹

November 27, 2003: The State fully complied with its obligation for payment of non-pecuniary damages, pecuniary damages, and legal expenses and costs.¹⁰⁰ The Court demanded that the State submit a detailed report indicating all actions taken towards its obligation to investigate what happened to Mr. Castillo Páez and punish those responsible, and to return his remains to his next of kin.¹⁰¹

September 30, 2004: Peru established the National Criminal Chamber and granted it jurisdiction over crimes against humanity.¹⁰²

October 11, 2004: The Third Criminal Chamber of Lima forwarded the case file to the National Criminal Chamber.¹⁰³

November 17, 2004: The Court noted that the State has not reported its

Am. Ct. H.R. "Considering" ¶ 8(a) (Apr. 3, 2009).

95. *Id.*

96. Castillo Páez v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. "Having Seen" ¶ 12 (Nov. 27, 2003).

97. Castillo Páez v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., "Considerando" ¶ 6 (Nov. 27, 2002).

98. *Id.* "Considerando" ¶ 9.

99. Castillo Páez v. Peru, Monitoring Compliance with Judgment, Order of the Court, "Considering" ¶ 8(b) (Apr. 3, 2009).

100. Castillo Páez v. Peru, Monitoring Compliance with Judgment, Order of the Court, "Considering" ¶ 7 (Nov. 27, 2003).

101. Castillo Páez v. Peru, Monitoring Compliance with Judgment, Order of the Court, "Considering" ¶¶ 8(a)-(b) (Nov. 27, 2003).

102. Castillo Páez v. Peru, Monitoring Compliance with Judgment, Order of the Court, "Considering" ¶ 8(c) (Apr. 3, 2009).

103. *Id.*

progress in compliance and reiterated that the State must submit a detailed report regarding its obligation to investigate what happened to Mr. Castillo Páez, punish those responsible, and return his remains to his next of kin.¹⁰⁴

June 2, 2005: The National Criminal Chamber initiated the case against the accused.¹⁰⁵

March 16, 2006: The National Criminal Chamber acquitted twelve of the accused and found four individuals (Mr. Juan Carlos Mejía León, Mr. Manuel Santiago Arotuma Valdivia, Mr. Carlos Manuel Depaz Briones, and Mr. Juan Fernando Aragón Guibovich) guilty of committing a forced disappearance as a crime against humanity.¹⁰⁶ The tribunal determined that although the law did not criminalize forced disappearances in 1990, the crime is ongoing because Mr. Castillo Páez's whereabouts had still not been determined.¹⁰⁷ The tribunal sentenced Mr. Juan Carlos Mejía León to sixteen years imprisonment and each of the three other convicted defendants to fifteen years imprisonment.¹⁰⁸ The tribunal also required the four convicted defendants to pay Mr. Castillo Páez's family reparations of 30,000 nuevos soles¹⁰⁹ (about \$9,000 USD at the exchange rate of the time).¹¹⁰

April 3, 2009: The Court found that the State fully complied with its obligation to investigate the disappearance of Mr. Castillo Páez and punish those responsible.¹¹¹ The Court requested that the State report on its progress in determining the whereabouts of Mr. Castillo Páez.¹¹²

May 19, 2011: The Court noted that the State had not reported on any

104. Castillo Páez v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., "Considering" ¶¶ 6(a)–(b) (Nov. 17, 2004).

105. *Id.* "Considering" ¶ 8(d).

106. *Id.* "Considering" ¶ 8(f).

107. *Id.*

108. Sentencia en Audiencia Pública el Proceso seguido contra Guido Felipe Jiménez Del Carpio . . . por el delito contra la Libertad -Secuestro- en agravio de Ernesto Rafael Castillo Páez, Sala Penal Nacional. "Condenando" ¶¶ 13–16 (Mar. 16, 2006), http://idehpucp.pucp.edu.pe/images/documentos/jurisprudencia/sentencia_castillo_paez-sala_penal_nacional1.pdf.

109. *Id.* "Condenando" ¶ 18.

110. Based on an exchange rate of one nuevo sol to 0.30 U.S. Dollars, *see* FXTOP: CONVERTER IN THE PAST, <http://fxtop.com/en/currency-converter-past.php> (last visited Feb. 21, 2015).

111. Castillo Páez v. Peru, Monitoring Compliance with Judgment, Order of the Court, "Considering" ¶ 21, "Decides" ¶ 1 (Apr. 3, 2009).

112. *Id.* "Considering" ¶ 22, "Decides" ¶ 2 (Apr. 3, 2009).

measures, judicial or others, to determine what happened to Mr. Castillo Páez.¹¹³ The Court reiterated its request for information from the State in this regard.¹¹⁴

November 26, 2013: The Court again noted that the State has not reported on measures adopted to determine the whereabouts of Mr. Castillo Páez¹¹⁵ and requested information from the State regarding the steps it has taken to comply with this obligation.¹¹⁶

VII. LIST OF DOCUMENTS

A. *Inter-American Court*

1. Preliminary Objections

[Castillo Páez v. Peru, Preliminary Objections, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 24 \(Jan. 30, 1996\).](#)

[Castillo Páez v. Peru, Judgment, Separate Opinion of Judge Antônio Augusto Cançado Trindade, Inter-Am. Ct. H.R. \(ser. C\) No. 24 \(Jan. 30, 1996\).](#)

2. Decisions on Merits, Reparations and Costs

[Castillo Páez v. Peru, Merits, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 34 \(Nov. 3, 1997\).](#)

[Castillo Páez v. Peru, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. \(ser. C\) No. 43 \(Nov. 27, 1998\).](#)

[Castillo Páez v. Peru, Reparations and Costs, Joint Concurring Opinion of Judge Cançado Trindade and Judge Alirio Abreu Burelli, Inter-Am. Ct. H.R. \(ser. C\) No. 43 \(Nov. 27, 1998\).](#)

[Castillo Páez v. Peru, Reparations and Costs, Concurring Opinion of Judge García Ramírez, Inter-Am. Ct. H.R. \(ser. C\) No. 43 \(Nov. 27,](#)

113. Castillo Páez v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., “Considering That” ¶ 9 (May 19, 2011).

114. *Id.* “And Decides” ¶ 3.

115. Castillo Páez v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R., “Considering That” ¶ 12 (Nov. 26, 2013).

116. *Id.* “Decides That” ¶ 5.

[1998](#)).

3. Provisional Measures

[None]

4. Compliance Monitoring

[Castillo Páez v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Nov. 26, 2013\)](#).

[Castillo Páez v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(May 19, 2011\)](#).

[Castillo Páez v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Apr. 3, 2009\)](#).

[Castillo Páez v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Nov. 17, 2004\)](#).

[Castillo Páez v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Nov. 27, 2003\)](#).

[Castillo Páez v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(Nov. 27, 2002\) \(Available only in Spanish\)](#).

[Castillo Páez, Loayza Tamayo, Castillo Petruzzi et al., Ivcher Bronstein, and the Constitutional Court v. Peru, Monitoring Compliance with Judgment, Order of the Court, Inter-Am. Ct. H.R. \(June 1, 2001\)](#).

5. Review and Interpretation of Judgment

[None]

B. Inter-American Commission

1. Petition to the Commission

Castillo Páez v. Peru, Petition No. 10.733, Inter-Am. Comm'n H.R. (Nov. 16, 1990).

2. Report on Admissibility

[None]

3. Provisional Measures

[None]

4. Report on Merits

Castillo Páez v. Peru, Report on Merits, Report No. 19/94, Inter-Am. Comm'n H.R., Case No. 10.733 (Sept. 26, 1994).

5. Application to the Court

Castillo Páez v. Peru, Petition to the Court, Inter-Am. Comm'n H.R., Case No. 10.733 (Jan. 13, 1995).

VIII. BIBLIOGRAPHY

A. A. Cançado Trindade, *Thoughts on Recent Developments in the Case-Law of the Inter-American Court of Human Rights: Selected Aspects*, 92 AM. SOCIETY INT'L L. PROCEEDINGS 192 (Apr. 1998).