

**JOINT CONCURRING OPINION OF JUDGES
A.A. CANÇADO TRINDADE AND A. ABREU BURELLI**

1. In voting in favour of the present Judgment on reparations delivered by the Inter-American Court of Human Rights in the *Castillo Páez versus Peru* case, we see it fit to refer to our considerations in our Joint Concurring Opinion (paragraphs 1-4) in the Judgment on reparations in the *Loayza Tamayo versus Peru* case, of this same date. We expressed therein our understanding, of equal incidence in the present case¹, that contemporary doctrine on the matter of reparations for violations of human rights has established the relationship between the right to reparation, the right to truth and the right to justice (which starts with the access to justice), - rights the realization of which is hindered by measures of domestic law (such as the so-called self-proclaimed amnesties pertaining to violations of human rights) which lead to a situation of impunity.

2. That doctrinal evolution allows us to sustain that such measures are incompatible with the duty of States to investigate those violations, rendering it impossible the vindication of the rights to truth and to the realization of justice, as well as, consequently, of the right to obtain reparation. One cannot thereby deny the close link between the persistence of impunity and the hindering of the very duties of investigation and of reparation, as well as of the guarantee of non-repetition of the harmful facts.

3. The aforementioned measures are, moreover, incompatible with the general obligation of States to respect and to secure respect for the protected human rights, guaranteeing the free and full exercise of these latter². States are under the duty to eliminate those measures (which

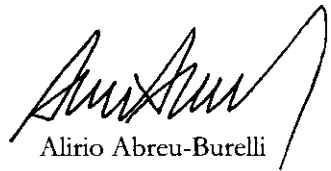
1. As to the duty of the State to take action in the domestic ambit, in the investigation of the facts and in the sanction of those responsible for the delicts committed to the detriment of Mr. Ernesto Rafael Castillo Páez; cf. paragraphs 99-104 of this Judgment.

2. In the terms of Article 1(1) of the American Convention on Human Rights.

constitute obstacles to the realization of human rights), in conformity with the other general obligation to harmonize their domestic law with the international norms of protection³, - such as warned, half a decade ago, by the II World Conference of Human Rights⁴. There is pressing need that those doctrinal advances become duly reflected in the development of the international case-law on the matter.



Antônio A. Cançado Trindade
Judge



Alirio Abreu-Burelli
Judge



Martuel E. Ventura-Robles
Secretary

3. In the terms of Article 2 of the American Convention on Human Rights.
4. Cf. paragraph 60 (of part II) of the Vienna Declaration and Programme of Action (1993), the main document adopted by the aforementioned World Conference.