

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF NOVEMBER 19, 1999**

**PROVISIONAL MEASURES
ORDERED BY THE COURT IN THE CESTI HURTADO CASE**

HAVING SEEN:

1. The September 11, 1997 Order of the Inter-American Court of Human Rights (hereinafter "the Court"), in which it required, within the framework of the Cesti Hurtado Case which was before this Tribunal, that the State of Peru (hereinafter "the State") adopt provisional measures on behalf of Mr. Gustavo Adolfo Cesti Hurtado to ensure his physical, psychological and moral integrity.
2. The January 21, 1998 Order of the Court, in which it required that the State maintain the provisional measures adopted to assure the personal integrity of Mr. Cesti Hurtado and allow him to receive the medical treatment of his choice.
3. The June 3, 1999 Order of the Court, by means of which it ordered the State to extend the provisional measures to ensure the physical and psychological integrity of Mrs. Carmen Judith Cardó Guarderas, Mrs. Margarita del Carmen Cesti Cardó, and Mr. Gustavo Cesti Cardó, family members of Mr. Cesti Hurtado.
4. The November 12, 1999 writing of Mr. Cesti Hurtado, in which he communicated to the Court that, despite having been released on November 11, 1999, by the military court, that court still had not fully complied with the September 29, 1999 Judgment of the Inter-American Court, as it had not ordered the lifting of his ban on going abroad nor the orders freezing his property. He also state that his attorney had been denied access to the records of the case processed before that court in order to learn the terms of his release.

CONSIDERING:

1. That Article 63(2) of the Convention provides that:

[i]n cases of extreme gravity or urgency, and when necessary to avoid irreparable damage to persons, the Court, shall adopt such provisional measures as it deems pertinent in matters it has under consideration.
2. That in relation to this subject, Article 25(1) of the Rules of Procedure provides, in relevant part, that:

[a]t any stage of the proceedings involving cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court may, at the request

of a party or on its own motion, order such provisional measures as it deems pertinent, pursuant to Article 63(2) of the Convention.

3. That the State has not informed the Court of the scope of the military court decision under which Mr. Cesti Hurtado was released on November 11, 1999, and, in particular, of compliance with the February 12, 1997 Order rendered by the Special Public Law Court of Lima in reference to the writ of habeas corpus interposed for Mr. Cesti Hurtado, as was ordered by the Court in its September 29, 1999 Judgment, and this causes uncertainty with respect to the current situation of Mr. Cesti Hurtado and his family.

4. That the Cesti Hurtado Case continues under the consideration of the Court and that it is the Court's obligation to avoid irreparable damage to persons, which means, in the present instance, to protect the complete security of Mr. Cesti Hurtado and his family members. (*Cfr. Order of the Inter-American Court of Human Rights of September 22, 1995; Provisional Measures Requested by the Inter-American Commission on Human Rights in the Matter of the Republic of Guatemala in the Blake Case; I.A. Court H.R. Provisional Measures - Compendium: 1987-1996, Series C No. 1, p. 140, fifth consideration*).

5. That, for all of the reasons above, it is necessary to order the State to maintain the measures of protection in favor of Mr. Cesti Hurtado, his wife and children, and to continue periodically to inform this Court about such measures, so that it may decide if they are effective and adequate.

NOW, THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in the exercise of the powers conferred on it by Article 63(2) of the American Convention on Human Rights and Article 25 of its Rules of Procedure.

RESOLVES:

1. To require the Peruvian State to maintain the measures necessary to protect the lives and physical and psychological integrity of Mr. Gustavo Adolfo Cesti Hurtado, and his family members Mrs. Carmen Judith Cardó Guarderas, Mrs. Margarita del Carmen Cesti Cardó, and Mr. Gustavo Cesti Cardó.

2. To require the Peruvian State to continue to submit its reports every two months on the provisional measures taken and the Inter-American Commission on Human Rights to present its observations to those reports within a period of six weeks of their receipt.

Antônio A. Cançado Trindade
President

Máximo Pacheco-Gómez

Hernán Salgado-Pesantes

Oliver Jackman

Alirio Abreu-Burelli

Carlos Vicente de Roux-Rengifo

Manuel E. Ventura-Robles
Secretary

So ordered,

Antônio A. Caçado Trindade
President

Manuel E. Ventura-Robles
Secretary