

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS*
OF JULY 4, 2006**

PROVISIONAL MEASURES

MATTER OF RAMÍREZ-HINOSTROZA ET AL.

HAVING SEEN:

1. The Order of the Inter-American Court of Human Rights (hereinafter "the Court" or "the Tribunal") of September 21, 2005 on provisional measures, wherein it decided, *inter alia*, to ratify, in its entirety, the Order of the President of the Court (hereinafter "the President") of July 22, 2005, and, therefore, to call upon the State of Peru (hereinafter "the State" or "Peru") to maintain whatever measures it may have adopted and to adopt, forthwith, such measures as may be necessary to comply with the decisions of said Order regarding the protection of the life and personal integrity of Mr. Luis Alberto Ramírez-Hinostroza, his wife Susana Silvia Rivera-Prado, his three daughters: Yolanda Susana Ramírez-Rivera, Karen Rose Ramírez-Rivera and Lucero Consuelo Ramírez-Rivera, and his attorney Carlos Rivera-Paz, taking into account the gravity of the situation and the special risk conditions.

2. The Order of the Court of February 7, 2006, wherein it decided, *inter alia*, to call upon the State of Peru (hereinafter "the State" or "Peru") to maintain, for three months as of the notification of the Order, whatever measures may be necessary to protect the life and personal integrity of Mr. Carlos Rivera-Paz, awarded by its Order of September 21, 2005. Likewise, the Tribunal established that, upon lapse of said period of time, it would timely assess the need for said measures to remain in force, depending on the situation of Mr. Carlos Rivera-Paz, and would take a decision thereon.

3. The brief of February 21, 2006, wherein Mr. Carlos Rivera-Paz, beneficiary of provisional measures, informed the Court that the security measures ordered in his favor "have been regularly fulfilled by 2 officers of the *Dirección de Seguridad del estado de la Policía Nacional del Perú* (State Security Board of the National Peruvian Police) [...], as was agreed in the meetings with the *Secretaría Permanente de la Comisión Nacional de Derechos Humanos del Ministerio del Interior* (Permanent Secretary of the National Human Rights Commission of the Home Office)".

* Judge Oliver Jackman did not take part in the deliberations and signing of this Order, since he informed that, by reason of *force majeure*, he was unable to attend the LXXI Regular Session of the Tribunal.

Additionally, Mr. Rivera-Paz reiterated that, at present, neither himself nor the *Instituto de Defensa Legal* (Legal Defense Institute), represent Mr. Ramírez-Hinostroza, and stated that the measures were granted in his favor "in his capacity as defense counsel for Mr. Ramírez-Hinostroza", by reason of which "the continuation of said measures is subject to the decision of the Inter-American Court".

4. The e-mail of March 9, 2006, wherein Mr. Luis Alberto Ramírez-Hinostroza requested the Court to have communications forwarded to him through Messrs. Raúl Ramos de la Torre and Cesar Saldaña- Ramírez, his new attorneys, and included their telephone numbers and e-mail addresses.

5. The brief of April 6, 2006, wherein the Commission submitted its comments on the first bimonthly report of the State about compliance with provisional measures. Regarding the measures ordered in favor of Mr. Rivera-Paz, the Commission stated, *inter alia*, that "it is evident from [...the] communication [submitted by Mr. Rivera-Paz] to the Court on February 21, 2006, that they have been regularly fulfilled by two officers of the *Dirección de Seguridad del estado de la Policía Nacional del Perú* (State Security Board of the National Peruvian Police), who perform their duties on a one-man basis".

6. The communications of April 25 and 27, 2006, wherein Mr. Raúl Ramos de la Torre informed that Mr. Ramírez-Hinostroza had "appointed him as his representative before the Inter-American Court of Human Rights", and included a telephone number, fax number and physical address to which communications pertaining to these provisional measures may be forwarded.

7. The brief of May 9, 2006, wherein Mr. Ramírez-Hinostroza included a copy of the duly signed power-of-attorney granted in favor of Messrs. Raúl Ángel Ramos de la Torre and Cesar Manuel Saldaña-Ramírez to act before the Court as his attorneys.

8. The brief of June 12, 2006, wherein the State submitted the second bimonthly report about compliance with provisional measures. In relation to the measures ordered in favor of Mr. Carlos Rivera-Paz, the State remarked that "it is awaiting the assessment and final decision [...] regarding [their] effectiveness". In this respect, Peru pointed out that "in order to assess the pertinence of the continuation of [said measures, the Court must consider] that, to date, [Mr. Rivera-Paz] is no longer legal counsel for nor representative of Mr. Luis Alberto Ramírez-Hinostroza in the instant case [...], which implies that his personal situation in this respect has changed and that no link whatsoever remains with Mr. Luis Alberto Ramírez-Hinostroza".

CONSIDERING:

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

2. That Article 63(2) of the Convention provides that, in cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons, the Court may, in cases not yet submitted to its consideration, adopt such provisional measures as it deems pertinent, at the request of the Commission.

3. That, in relation to this matter, Article 25 of the Rules of Procedure of the Court provides that:

1. At 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.

2. With respect to matters not yet submitted to it, the Court may act at the request of the Commission.

[...]

4. That provisional measures are of an exceptional nature, that they are granted on the basis of the needs of protection and that, once ordered, they must be maintained so long as the Court considers that there continue to exist the basic requirements of extreme gravity and urgency and prevention of irreparable damage to the rights of the persons protected by said measures.

5. That the Court, in its Order of February 7, 2006, decided, *inter alia*, to call upon the State to maintain, for three months as of the notification of the Order, such measures as might be necessary to protect the life and personal integrity of Mr. Carlos Rivera-Paz and that, upon lapse of said period of time, it would assess the need for said measures to remain in force (*supra* Having Seen clause No. 2). To adopt this decision the Tribunal took into account the ground that the request for provisional measures submitted by the Commission on July 22, 2005, with respect to the risk faced by Mr. Rivera-Paz, was based on his "decisive participation" as counsel for Mr. Luis Alberto Ramírez-Hinostróza in the criminal proceedings pending before the Huancayo Court of Justice, as well as on "the fact that they were both in daily and permanent contact".

6. That the aforementioned three-month term lapsed on May 22, 2006 and, to this day, no evidence has been tendered before the Tribunal regarding the need to maintain the protection ordered by the Court in favor of Mr. Carlos Rivera-Paz. Quite to the contrary, on May 9, 2006, Mr. Luis Alberto Ramírez-Hinostróza forwarded a copy of a duly signed power-of-attorney granted in favor of Messrs. Raúl Ángel Ramos de la Torre and Cesar Manuel Saldaña-Ramírez to act as his attorneys before the Court (*supra* Having Seen clause No. 7). Likewise, Mr. Carlos Rivera-Paz informed the Court that he was no longer counsel for Mr. Ramírez-Hinostróza and pointed out that the measures were granted in his favor "in his capacity as defense counsel for Mr. Ramírez-Hinostróza", by reason of which "the continuation of said measures is subject to the decision of the Inter-American Court". On the other hand, the State asserted that "it is awaiting the assessment and final decision [...] regarding [their] effectiveness" and that "to date, [Mr. Rivera-Paz] is no longer legal counsel for nor representative of Mr. Luis Alberto Ramírez-Hinostróza" (*supra* Having Seen clause No. 8).

7. That it is evident from the information submitted by the Commission, Mr. Alberto Ramírez-Hinostróza, Mr. Carlos Rivera-Paz and the State that Mr. Rivera-Paz is not in a situation of extreme gravity and urgency, nor is he at risk of suffering irreparable damage to his rights, so that this Tribunal need not continue to order measures of protection in his favor.

8. That, due to the fact that the periods of time for the representatives of Mr. Ramírez-Hinostrroza and his family and the Inter-American Commission to submit comments on the second bimonthly report of the State about compliance with the measures have not yet lapsed (*supra* Having Seen clause No. 8), the Court will not assess on this occasion the measures related to Mr. Ramírez-Hinostrroza, his wife and daughters.

NOW THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS

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

DECIDES:

1. To rescind and put an end to the provisional measures adopted by the Court, in favor of Mr. Carlos Rivera-Paz, in its Order of September 21, 2005,.

2. To call upon the State to maintain the measures it may have adopted and to adopt, forthwith, such measures as may be necessary to protect the life and personal integrity of Mr. Luis Alberto Ramírez-Hinostrroza, his wife Susana Silvia Rivera-Prado, and his three daughters: Yolanda Susana Ramírez-Rivera, Karen Rose Ramírez-Rivera and Lucero Consuelo Ramírez-Rivera, granted by its Order of September 21, 2005.

3. To request the Secretary to give notice of this Order to the Inter-American Commission of Human Rights, Mr. Carlos Rivera-Paz, the beneficiaries' representatives and the State.

Sergio García-Ramírez
President

Alirio Abreu-Burelli

Antônio A. Cançado Trindade

Cecilia Medina-Quiroga

Manuel E. Ventura-Robles

Diego García-Sayán

Pablo Saavedra-Alessandri
Secretary

So ordered,

Sergio García-Ramírez
President

Pablo Saavedra-Alessandri
Secretary