

**ORDER OF THE  
INTER-AMERICAN COURT OF HUMAN RIGHTS  
OF NOVEMBER 11, 1997**

**PROVISIONAL MEASURES ADOPTED BY THE  
INTER-AMERICAN COURT OF HUMAN RIGHTS  
IN THE MATTER OF THE REPUBLIC OF PERU**

**LOAYZA TAMAYO CASE**

**HAVING SEEN:**

1. The May 30, 1996 brief presented by the Inter-American Commission on Human Rights (hereinafter "the Commission"), in which it submitted to the Inter-American Court of Human Rights (hereinafter "the Court"), in accordance with Articles 63(2) of the American Convention on Human Rights (hereinafter "the Convention") and 24(1) of the rules of Procedure of the Court, at that time in force, a request for provisional measures in the Loayza Tamayo Case pending before the Court. In this brief, the Commission requested the Court to order the State of Peru (hereinafter "Peru") to *"remove the solitary imposed on María Elena Loayza Tamayo on April 9, 1996, and to return her to Pavilion 'A' of the Maximum Security Women's Penitentiary of Chorrillos, to the same conditions she had prior to her transfer."*

2. The Order of the President of the Court of June 12, 1996, in which it:

Request[ed] that the Government of the Republic of Peru adopt forthwith such measures as [were] necessary to effectively ensure the physical, psychological and moral integrity of Ms. María Elena Loayza-Tamayo, so that any provisional measures that the Inter-American Court may take [could] have the requisite effect.

3. The Order of the Court of July 2, 1996, in which it ordered:

1. To ratify the Order of the President of the Inter-American Court of June 12, 1996.

2. To call once more upon the Government of the Republic of Peru to take, on behalf of Ms. María Elena Loayza-Tamayo, all provisional measures necessary for the effective safeguard of her physical psychological and moral integrity.

...

4. The observations presented by the Commission on September 12, 1996 which reiterated its request to the Court to require Peru to remove the solitary confinement imposed on Ms. María Elena Loayza Tamayo since her health has deteriorated as a result of the fact that she

was submitted to a degrading and inhuman regime of living, caused by her being in solitary confinement and by being locked up during 23 and a half hours a day in a humid and cold cell measuring approximately 2 meters by 3 meters with not direct ventilation, where the beds are made of cement, a latrine and a sink....The cell did not have direct light; the only light came in dimly and indirectly by fluorescent bulbs from the hallways.

She was not permitted a radio, or newspapers or magazines. She was only authorized to take sun during 20 or 30 minutes each day.

5. The Order of the Court of September 13, 1996 in which it:

1. [called] upon the Government of Peru to modify the conditions in which Ms. María Elena Loayza Tamayo [was] being held, particularly in regard to her solitary confinement, so as to bring the situation in line with Article 5 of the American Convention on Human Rights and the Order of the Court of July 2, 1996.

2. [called] upon the Government of Peru to provide Mrs. (sic) María Elena Loayza-Tamayo with medical treatment –both physical and psychiatric- without delay.

6. The September 17, 1997 judgment of the Court on this case, in which it order Peru to “*free María Elena Loayza Tamayo within a reasonable time period, in accordance with the terms of paragraph 84 of [said] judgment.*”

7. The brief presented by Peru on October 20, 1997 in which it informed the Court that “*the person, MARIA ELENA LOAYZA TAMAYO, was released on October 16, 1997.*”

**CONSIDERING:**

That Peru informed the Court that Ms. María Elena Loayza Tamayo was released on October 16, 1997, and therefore the reasons that caused the adoption of provisional measures in this case no longer exist.

**NOW THEREFORE:**

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

in exercise of the powers conferred on it by Articles 63(2) of the American Convention on Human Rights and 25 of the Rules of Procedure of the Court,

**DECIDES:**

1. To lift and give as completed the provisional measures ordered by the Inter-American Court of Human Rights in its Order of September 13, 1996.

2. To communicate the present order to the State of Peru and to the Inter-American Commission on Human Rights.

3. To close the file relative to the provisional measures in this case.

Hernán Salgado Pesantes  
President

Antônio A. Cançado Trindade  
Zamudio

Héctor Fix-

Alejandro Montiel-Argüello

Máximo Pacheco-Gómez

Oliver Jackman

Alirio Abreu-Burelli

Manuel E. Ventura-Robles  
Secretary

So ordered,

Hernán Salgado-Pesantes  
President

Manuel E. Ventura-Robles  
Secretary