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Institution: Inter-American Court of Human Rights
Title/Style of Cause: Constitutional Court v. Peru
Doc. Type: Order
Decided by: President: Antonio A. Cancado Trindade;
Judges: Maximo Pacheco Gomez; Hernan Salgado Pesantes; Alirio Abreu Burelli; Sergio Garcia Ramirez; Carlos V. de Roux Rengifo
Dated: 14 March 2000
Citation: Constitutional Court v. Peru, Order (IACtHR, 14 Mar. 2000)

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HAVING SEEN:

1. The communication of April 3, 2000, and its attachments in which, under Article 63.2 of the American Convention on Human Rights (hereinafter “the Convention” or “the American Convention”) and Article 25 of the Rules of Procedure of the Court (hereinafter “the Rules of Procedure”), Delia Revoredo Marsano (hereinafter “Mrs. Revoredo”) filed before the Inter-American Court of Human Rights (hereinafter “the Court” or “the Inter-American Court”), a request for provisional measures for both herself and her husband, Jaime Mur Campoverde, in connection with the Constitutional Court case against Peru (hereinafter “the State”), that is before the Court. In this communication, Mrs. Revoredo requested the Court:

- a. That, while the proceeding on the reinstatement of the Constitutional Court justices is being heard, the State of Peru abstain from harassing [her] directly or harassing [her] husband, by exercising the control and manipulation of judges and courts.
- b. That, specifically, the judicial proceedings filed against [her] before the Fifteenth Court for Crimes included in Administrative Resolution No. 744-CME-PJ-Exp. No. 1607-2000, for the alleged crimes of misappropriation, fraud and crime against the authority to attest documents, be suspended until the action to reinstate [her] in her functions as a constitutional justice has been decided.
- c. That, Delia Revoredo de Mur and her husband, Jaime Mur Campoverde be guaranteed their right to the judicial protection of their proprietary interests, allowing their company, Corporación de Productos Alimenticios Nacionales PYC S.A., the legal recourse of appealing against an adverse arbitration award.

2. The order of the President of April 7, 2000, the operative paragraphs of which decided:

1. To call upon the State to adopt immediately all necessary measures to ensure effectively the physical, psychological and moral integrity of Delia Revoredo Marsano de Mur, petitioner in the Constitutional Court case under consideration by the Court, in order that any provisional

measures that the Inter-American Court of Human Rights may decide to order shall have the pertinent effects.

2. To call upon the State and the Inter-American Commission on Human Rights to provide detailed information on the situation of Delia Revoredo Marsano de Mur, at the latest by April 25, 2000, so that the Inter-American Court of Human Rights may take a decision in this respect in due course.

3. To call upon the State to present to the Court a report on the measures taken pursuant to operative paragraph 1 of the present order, at the latest by April 25, 2000, so that it may inform the members of the Court during the next session, and to continue providing information on these once every six weeks.

4. To call upon the Inter-American Commission on Human Rights to present its observations on the reports submitted by the State within 30 days of having been notified that these have been received.

3. The order of the Court of August 14, 2000, in which it decided:

1. To ratify the order of the President of the Inter-American Court of Human Rights of April 7, 2000, in all of its aspects and, therefore, to request that the State adopt the necessary measures to protect the physical, psychological and moral integrity of Delia Revoredo Marsano de Mur, in order to prevent her from suffering irreparable damage.

2. To request that the State and the Inter-American Commission on Human Rights provide detailed information no later than September 14, 2000, on the situation of Delia Revoredo Marsano de Mur and, as regards the State, that it also provide information on the measures adopted for her protection, as it should have done on April 25, 2000, in conformity with the order of the President of the Inter-American Court of Human Rights of April 7, 2000.

3. To request that the State investigate the facts that gave rise to the adoption of the current provisional measures and that it punish the persons responsible.

[...]

4. The judgment in this case delivered by the Court on January 31, 2001.

5. The communication of the Inter-American Commission on Human Rights (hereinafter "the Commission") of February 2, 2001, in which it stated that "although [...] there has been a political change in the country, the precautionary measures corresponding to the legal proceedings filed against Dr. Delia Revoredo de Mur, have still not been executed and, for this reason, it is important that these measures should continue to be maintained".

6. The State's communication of February 27, 2001, in which it indicated that it had executed the necessary actions to comply with the judgment of January 31, 2001, and with the provisional measures adopted by the Court on August 14, 2000. It also stated that it had taken steps to eliminate the political manipulation of the Judiciary and this had created "favorable conditions for deciding the cases that are being processed" before the said organ. Furthermore, it stated that on November 17, 2000, the Congress of Peru had reinstated Manuel Aguirre Roca, Guillermo Rey Terry and Delia Revoredo Marsano in their functions as justices of the Constitutional Court and on February 26, 2001, a meeting had been held with the latter in order to coordinate compliance with the judgment on merits. In view of the foregoing, and considering

that the presumption of extreme gravity and urgency no longer exists, it concluded that “there is currently no threat against the safety of Mrs. Revoredo” and requested that the provisional measures should be suspended in the instant case.

CONSIDERING:

1. That Peru has been a State Party to the American Convention since July 28, 1978, and recognized the jurisdiction of the Court on January 21, 1981, in accordance with Article 62 of the Convention.
2. That Article 63.2 of the American Convention provides that, in cases of “extreme gravity and urgency, and when necessary to avoid irreparable damage to persons”, the Court may adopt such provisional measures as it deems pertinent in matters it has under consideration.
3. That provisional measures have an exceptional nature and are therefore ordered having regard to the needs for protection and, once ordered, they must be maintained while the basic requirements mentioned in the previous considering paragraph exist.
4. That the changes that have occurred in Peru and the developments in the Constitutional Court case, in particular, Mrs. Revoredo’s reinstatement as a Constitutional Court justice, lead this Court to conclude that the circumstances of “extreme gravity and urgency” and the probability of irreparable damage required by Article 63.2 of the Convention do not exist and, therefore, the reasons that caused this Court to order provisional measures in the instant case have terminated. The declarations of the Inter-American Commission (supra Having seen 5) that legal proceedings are still pending do not bear any relation to the purpose of the provisional measures adopted by the Court on August 14, 2000, in its first operative paragraph; moreover, they do not constitute circumstances of extreme gravity and urgency that would warrant maintaining the actual provisional measures.

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS

in exercise of the powers conferred upon it by Article 63.2 of the American Convention on Human Rights and Article 25 of its Rules of Procedure,

DECIDES:

1. To lift the provisional measures ordered by the Inter-American Court of Human Rights in its order of August 14, 2000, in favor of Delia Revoredo Marsano.
2. To communicate this order to the State of Peru and to the Inter-American Commission on Human Rights.
3. To close the file.

Antônio A. Cançado Trindade
President

Máximo Pacheco Gómez
Hernán Salgado Pesantes

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Alirio Abreu Burelli
Sergio García Ramírez
Carlos V. de Roux Rengifo

Manuel E. Ventura Robles
Secretary

So ordered,

Antônio A. Cançado Trindade
President

Manuel E. Ventura Robles
Secretary