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Institution: Inter-American Court of Human Rights
Title/Style of Cause: Gustavo Adolfo Cesti Hurtado v. Peru
Doc. Type: Order
Decided by: President: Antonio A. Cancado Trindade;
Judges: Maximo Pacheco-Gomez; Hernan Salgado-Pesantes; Oliver Jackman;
Alirio Abreu-Burelli; Sergio Garcia-Ramirez; Carlos Vicente de Roux-
Rengifo
Dated: 14 August 2000
Citation: Cesti Hurtado v. Peru, Order (IACtHR, 14 Aug. 2000)
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HAVING SEEN:

1. The Order of the Inter-American Court of Human Rights (hereinafter the “Court”) of September 11, 1997, whereby it required that the State of Peru (hereinafter the “State” or “Peru”) adopt provisional measures on behalf of Mr. Gustavo Adolfo Cesti-Hurtado, to ensure his physical, pshycological and moral integrity, within the framework of the Cesti-Hurtado Case currently before this Tribunal.
2. The Order of the Court of January 21, 1998, whereby it required that the state maintain the provisional measures adopted to ensure the personal integrity of Mr. Cesti-Hurtado, and permit him to receive the medical treatment of his choice.
3. The Order of the Court of June 3, 1999, whereby it ordered the State to expand the provisional measures to ensure the physical and psychological integrity of Ms. Carmen Judith Cardó-Guarderas, Ms. Margarita del Carmen Cesti-Cardó, and Mr. Gustavo Cesti-Cardó, members of the family of Mr. Cesti-Hurtado.
4. The judgment on the merits rendered by the Court on September 29, 1999 in the instant case.
5. The brief of Mr. Cesti-Hurtado of November 12, 1999, whereby he informed the Court that he had been released on November 11, 1999, although he had no knowledge about the terms on which his release had been made.
6. The Order of the Court of November 19, 1999, whereby it required the State to maintain the measures necessary to protect the lives and physical and psychological integrity of Mr. Cesti-Hurtado and his family members.

7. The report of the State of January 19, 2000, in which it indicated the actions taken through the pertinent bodies of the internal jurisdiction, in order to guarantee the personal integrity of the beneficiaries of the measures, and where, in like manner, it expressed that the “extreme gravity and urgency” circumstances that gave rise to the adoption of the provisional measures no longer existed.

8. The report of the State of April 17, 2000, whereby it stated that the actions adopted to guarantee the personal integrity of the beneficiaries had been maintained unchanged since its last report (supra 7), and that no claim by the beneficiaries themselves had been recorded. It added that the personal integrity of Mr. Cesti-Hurtado and that of his family were appropriately guaranteed, and it lastly required the Court to consider the proceeding of provisional measures adopted on behalf of Mr. Cesti-Hurtado and the members of his family at an end.

9. The brief of the Inter-American Commission on Human Rights (hereinafter the “Commission”) of April 28, 2000, whereby it expressed its acquiescence to the request of the State for the lifting of the provisional measures (supra 7 and 8). The Commission added that it was in agreement with the lifting of the measures, since Mr. Cesti-Hurtado had already been released, and the Commission had included into its application for reparations a chapter on the deterioration of Mr. Cesti’s health because of his imprisonment and the medical care that had been offered him.

CONSIDERING:

1. That Peru is a State Party to the American Convention, whose Article 1(1) establishes the obligation of the States Parties to the Convention to respect the rights and freedoms therein recognized, and to ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, and that on January 21, 1981 it recognized the jurisdiction of this Court, pursuant to Article 62 of the Convention.

2. That in the instant case both, the State, and the Commission, expressed to the Court that the circumstances of extreme gravity and urgency that gave rise to the adoption of provisional measures no longer existed, a fact proven by the release of Mr. Gustavo Adolfo Cesti-Hurtado, and that the safety of Mr. Cesti-Hurtado and that of the members of his family seemed not be currently at risk.

3. That the reasons that led this Court to render provisional measures in the instant case are considered at an end.

NOW, THEREFORE,

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

In exercise of the powers conferred upon it by Article 63(2) of the American Convention, and Article 25 of its Rules of Procedure,

DECIDES:

1. To lift and consider at an end the provisional measures rendered by the Inter-American Court of Human Rights in its orders of September 11, 1997 and June 3, 1999 on behalf of Mr. Gustavo Adolfo Cesti-Hurtado and the members of his family, Ms. Carmen Judith Cardó-Guarderas, Margarita del Carmen Cesti-Cardó, and Mr. Gustavo Cesti-Cardó.
2. To transmit this Order both, to the State, and to the Inter-American Commission on Human Rights.
3. To close the file relative to the provisional measures in the instant case.

Antônio A. Cançado Trindade
President

Máximo Pacheco-Gómez
Hernán Salgado-Pesantes
Oliver Jackman
Alirio Abreu-Burelli
Sergio García-Ramírez
Carlos Vicente de Roux-Rengifo

Manuel E. Ventura-Robles
Secretary

So ordered,

Antônio A. Cançado Trindade
President

Manuel E. Ventura-Robles
Secretary