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Institution:	Inter-American Court of Human Rights
Title/Style of Cause:	María Elena Loayza-Tamayo v. Peru
Doc. Type:	Order (Provisional Measures)
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:	28 August 2001
Citation:	Loayza-Tamayo v. Peru, Order (IACtHR, 28 Aug. 2001)
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HAVING SEEN:

1. The December 13, 2000 Order of the President of the Inter-American Court of Human Rights (hereinafter “the President”) wherein he resolved:

1. To require the State the State to adopt, forthwith, the necessary measures to effectively guarantee Ms. María Elena Loayza-Tamayo’s safe return to her country, as well as her physical, psychological and emotional integrity, so that the provisional measures that the Inter-American Court of Human Rights may order in her case have relevant effects.

2. To require the State and the Inter-American Commission on Human Rights to report in detail, by January 12, 2001, on the situation of Ms. María Elena Loayza- Tamayo, so that the Inter-American Court of Human Rights might make a timely decision.

3. To require the State to submit to the Court, by January 12, 2001, a report on the measures taken pursuant to operative paragraph 1 of this Order, so that the Court might take up the report at its next regular session, and to continue to file reports on those measures every six weeks.

4. To require the Inter.-American Commission on Human Rights to submit its observations on the reports filed by the State within thirty days of their notification.

2. The February 3, 2001 Order of the Inter-American Court of Human Rights (hereinafter “the Court”) wherein it resolved:

1. To ratify all the terms of the order of the President of the Inter-American Court of Human Rights of December 13, 2000.

2. To order the State of Peru to maintain any measures necessary to effectively ensure the return to the country of María Elena Loayza Tamayo and her physical safety, mental health and moral integrity.

3. To order the State of Peru to inform the Inter-American Court of Human Rights every two months from the notification of this order about the provisional measures that it has adopted in order to comply with it.

4. To order the Inter-American Commission on Human Rights to submit its comments on the reports of the Peruvian State to the Inter-American Court of Human Rights within six weeks of receiving them.

3. The April 6, 2001 report presented by the State of Peru (hereinafter “the State”) which states the following in paragraph 11:

[...] under Article 63(2) of the American Convention on Human Rights, provisional measures are to be adopted only in cases of extreme gravity and urgency. These measures are called for only when the premise of extreme gravity and urgency obtains, which is not so in this case.

4. The State’s June 1, 2001 report wherein it asked the Court to “order that the provisional measures adopted by the President on December 13, 2000 and confirmed by the Court on February 3, 2001, be lifted.”

5. The Commission’s August 17, 2001 comments wherein it stated that it concurred with the State’s request to the Court that the provisional measures ordered in the instant case be lifted.

CONSIDERING:

1. That Peru has been a State party to the American Convention on Human Rights (hereinafter the “American Convention”) since July 28, 1978, and accepted the Court’s binding jurisdiction on January 21, 1981;

2. That Article 63(2) of the American Convention provides that “[i]n cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons,” the Court may, in matters it has under consideration, adopt such provisional measures as it deems pertinent;

3. That provisional measures are exceptional in nature, ordered as a function of the need for protection and, once ordered, are to be maintained so long as the basic conditions mentioned in the preceding paragraph are present,

NOW, THEREFORE,

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

pursuant to the authority conferred by Article 63(2) of the American Convention on Human Rights and Articles 25 and 29 of the Court’s Rules of Procedure,

RESOLVES:

1. To lift and terminate the provisional measures that the Inter-American Court of Human Rights ordered for María Elena Loayza Tamayo in the Court’s February 3, 2001 Order.

2. To forward this Order to the State of Peru and to the Inter-American Commission on Human Rights.
3. To close the file on the provisional measures in this 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