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Institution:	Inter-American Court of Human Rights
Title/Style of Cause:	Digna Ochoa and Placido, Edgar Cortez Morales, Mario Patron Sanchez and Jorge Fernandez Mendiburu v. Mexico
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:	Ochoa v. Mexico, Order (IACtHR, 28 Aug. 2001)
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HAVING SEEN:

1. The November 17, 1999 Order of the Inter-American Court of Human Rights (hereinafter “the Court”) wherein it decided:

1. To require that the State adopt, without delay, whatever measures are necessary to protect the life and integrity of Digna Ochoa y Plácido, Edgar Cortéz Morales, Mario Patrón Sánchez and Jorge Fernández Mendiburu, members of the Miguel Agustín Pro Juárez Human Rights Center.
2. To require that the State adopt, without delay, whatever measures are necessary to assure that the persons who work at or visit the offices of the Miguel Agustín Pro Juárez Human Rights Center can do their work or transactions without danger to the lives or physical integrity.
3. To require that the State investigate the acts denounced that gave rise to the present measures for the purpose of discovering those responsible and punishing them.
4. To require that the State, within fifteen days alter the notification of the present Order, inform the Inter.-American Court of Human Rights as to the measures that it has adopted in compliance with it.
5. To require that the State continue informing the Inter-American Court of Human Rights, every two months, about the provisional measures adopted, and to require the Inter-American Commission on Human Rights to present its observations to those reports within a period of six weeks after their receipt.

2. The May 31, 2001 report of the United Mexican States (hereinafter “the State” or “Mexico”) wherein it pointed out that:

in keeping with the Court’s Order, the measures that the Government adopted were, first, to guarantee the life and integrity of [...Digna] Ochoa and guard the facilities of the [Miguel

Agustín Pro Juárez Human Rights] Center, so as to provide protection to the persons who work there; and second, to investigate the threats, harassment and assaults that they claim to have suffered.

The State also reported that:

[...] since the purpose of provisional measures is to avoid irreparable damage to rights such as life and the integrity of persons, and inasmuch as the harassment and threats have not recurred, the Government of Mexico is requesting the following of this [...] Inter-American Court:

That it order that the provisional measures called for Digna Ochoa et al. be lifted, which shall not prevent national human rights organizations from taking action should the acts of harassment and threat recur, or the investigations from continuing to uncover additional evidence.

3. The State's August 13, 2001 report, wherein it repeated what it had asked in its previous report, which is that the provisional measures be lifted. It also stated the following:

4.- The Government of Mexico notes to this [...] Court that the purpose of provisional measures is to avoid irreparable harm to persons. They are temporary in nature as they are intended to deal with situations of extreme urgency. In the case before us, the measures taken by the national institutions have fulfilled the primary objective of the Court-ordered measures.

In other words, it is an abuse of provisional measures to use them as a de facto substitute for prosecuting a case that should have sufficient merit to be heard before the Inter-American Court of Human Rights.

4. The August 22, 2001 comments from the Inter-American Commission on Human Rights (hereinafter "the Commission"), wherein it stated that:

it considers that the provisional measures ordered [...] have accomplished their purpose, which was to protect the life and personal integrity of Digna Ochoa y Plácido and the others named in the Order of November 17, 1999.

In its note the Commission added the following:

[b]ased on available information, particularly the petitioners' note of August 21, 2001, the Inter-American Commission on Human Rights] has no objection to the lifting of the present provisional measures. The foregoing notwithstanding, the Inter.-American Commission will continue to process the respective petition in accordance with the American Convention, its Regulations and applicable provisions and, if necessary, will again turn to this [...] Court seeking provisional measures.

CONSIDERING:

1. That Mexico became a State Party to the American Convention on Human Rights (hereinafter “the American Convention”) on April 3, 1982, and accepted the Court’s binding jurisdiction on December 16, 1998;
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 shall, in matters the Court already has under consideration, order such provisional measures as it deems pertinent;
3. That provisional measures are exceptional in nature, ordered because of the need to protect; once ordered, they 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 and Articles 25 and 29 of its Rules of Procedure,

RESOLVES:

1. To lift and terminate the provisional measures that the Inter-American Court of Human Rights called for in its November 17, 1999 Order, on behalf of Digna Ochoa y Plácido, Edgar Cortéz Morales, Mario Patrón Sánchez and Jorge Fernández Mendiburu, members of the Miguel Agustín Pro Juárez Human Rights Center.
2. To lift and terminate the provisional measures that the Inter-American Court of Human Rights called for in that same Order on behalf of those persons who work at or visit the offices of the Miguel Agustín Pro Juárez Human Rights Center.
3. To forward this Order to the State and to the Inter-American Commission on Human Rights.
4. To file 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,

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Antônio A. Cançado Trindade
President

Manuel E. Ventura-Robles
Secretary