

**ORDER OF THE  
INTER-AMERICAN COURT OF HUMAN RIGHTS\*  
OF NOVEMBER 22, 2011**

**PROVISIONAL MEASURES  
REGARDING THE REPUBLIC OF PERU**

**MATTER OF RAMÍREZ HINOSTROZA ET AL.**

**HAVING SEEN:**

1. The order issued by the President of the Inter-American Court of Human Rights (hereinafter "the Inter-American Court" or "the Court") on July 22, 2005, as well as the orders issued by the Inter-American Court on September 21, 2005, February 7 and July 4, 2006, May 17, 2007, and February 3, 2010. In the latter, the Court decided, *inter alia*:

1. To require the State of Peru to maintain the measures it had adopted and to adopt, forthwith, the measures that are necessary to protect the life and physical integrity of Luis Alberto Ramirez Hinostroza, his wife Susana Silvia Rivera Prado and his three daughters, Yolanda Susana Ramirez Rivera, Karen Rose Ramirez Rivera and Lucero Consuelo Ramirez Rivera, as well as of Raúl Angel Ramos De la Torre and César Manuel Saldaña Ramírez.

2. To require the representatives to submit to the Inter-American Court of Human Rights the information indicated in considering paragraphs 31 and 33 of this Order, no later than March 17, 2010.

2. The briefs submitted between February 5, 2010, and August 20, 2011, and their appendices in which the representatives of the beneficiaries of the provisional measures (hereinafter "the representatives"): a) addressed the situation of Mr. Ramírez Hinostroza "as a witness in several proceedings [regarding crimes] against humanity" and the measures of protection adopted by the Republic of Peru (hereinafter "the State" or "Peru") in relation to the beneficiaries; b) submitted information in compliance with the Court's request in the second operative paragraph of the order of February 3, 2010, and concerning alleged new facts that had occurred with regard to Mr. Ramírez Hinostroza; and c) reported on certain criminal proceedings opened against Mr. Ramírez Hinostroza and against two of his brothers; d) addressed the need to adopt measures providing the child Yolanda Susana Ramirez Rivera, daughter of Mr. Ramírez Hinostroza, with urgent psychological care;

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\* Judge Diego García-Sayán, of Peruvian nationality, recused himself from this matter, pursuant to Article 19 of the Statute and Article 21 of the Rules of Procedure of the Court, passed in the LXXXV Ordinary Period of Sessions held on November 16-28, 2009, and accepted by the Court. For this reason, Judge García-Sayán ceded the Presidency under the terms of Article 4(2) of the Rules of Procedure to the Vice President of the Court, Judge Leonardo A. Franco, who is the acting President in this matter.

and e) reported on the appointment of Cesar Manuel Saldaña Ramírez, Mr. Ramírez Hinostrroza's lawyer, as provisional judge of the Provincial Court of Chupaca-Junín.

3. The briefs submitted between January 22, 2010, and July 8, 2011, and their attachments, in which the State addressed: a) the measures of protection adopted with regard to the beneficiaries; b) the information submitted by the representatives in compliance with the Tribunal's request in its last order, and regarding alleged new facts suffered by Mr. Ramírez Hinostrroza; (c) the investigation into the facts that led to the adoption of the provisional measures; (d) the investigations against Mr. Ramírez Hinostrroza, and (e) alleged illegal acts committed by Mr. Ramírez Hinostrroza. Peru asked that the provisional measures be lifted.

4. The briefs submitted between May 7, 2010, and August 8, 2011, in which the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission" or "the Commission") forwarded its observations on the information provided by the representatives and by the State.

#### **CONSIDERING THAT:**

1. Peru ratified the American Convention on Human Rights (hereinafter "the American Convention" or "the Convention") on July 28, 1978, and pursuant to Article 62 of the Convention, recognized the compulsory jurisdiction of the Court on January 21, 1981.

2. Article 63(2) of the Convention establishes that, in "cases of extreme gravity and urgency, and when necessary to avoid irreparable damage to persons," the Court may, in matters not yet submitted for its consideration, and at the request of the Commission, order the provisional measures that it deems pertinent. This provision is, in turn, regulated in Article 27 of the Court's Rules of Procedure.<sup>1</sup>

3. The provisions of Article 63(2) of the Convention confer an obligatory nature on the State's adoption of the provisional measures that this Court orders it to take, as the basic principle of international law, supported by international case law, indicates that States must comply with their treaty obligations in good faith (*pacta sunt servanda*).<sup>2</sup>

4. Under international human rights law, provisional measures are not merely preventive in that they preserve a juridical situation, but rather they are essentially protective, since they protect human rights, inasmuch as they seek to avoid irreparable harm to persons. The measures are applicable provided that the basic requirements of extreme gravity and urgency and the prevention of irreparable harm to persons are met. In this way, provisional measures become a real jurisdictional guarantee of a preventive nature.<sup>3</sup>

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<sup>1</sup> Rules of Procedure passed in the LXXXV Ordinary Period of Sessions held on November 16-28, 2009.

<sup>2</sup> Cf. *Matter of James et al.* Provisional Measures regarding Trinidad and Tobago. Order of the Inter-American Court of Human Rights of June 14, 1998, 19, Considering six, and *Matter of Haitians and Dominicans of Haitian Origin in the Dominican Republic*. Provisional Measures regarding the Dominican Republic. Order of the Inter-American Court of Human Rights of December 1, 2011, Considering 3.

<sup>3</sup> Cf. *Case of the Newspaper "La Nación."* Provisional Measures regarding Costa Rica. Order of the Inter-American Court of Human Rights of September 7, 2001, 19, Considering 4, and *Matter of Haitians*

5. Based on its jurisdiction, in the context of provisional measures, the Court must consider only arguments that are strictly and directly related to extreme gravity, urgency and need to avoid irreparable harm to persons. Thus, in order to decide whether the provisional measures should be kept in force, the Tribunal must analyze whether the situation of extreme gravity and urgency on which their adoption was based persists, or whether new, equally grave and urgent circumstances warrant keeping them in place. Any other matter may be brought before the Court by means of a contentious case.<sup>4</sup>

6. Given the amount of time that these provisional measures have been in force and the fact that Peru has repeatedly asked that they be lifted, the Court must examine the information submitted before ruling on the need to maintain the provisional measures.

7. In the last order of the Court in this matter (*supra* Having Seen 1), the ruling that extreme gravity and urgency of avoiding irreparable harm to the life and personal integrity of the beneficiaries persisted was made conditional to the submission of detailed and updated information by the representatives regarding:

(a) the progress made in the proceeding instituted before the Second Criminal Chamber of Lima, case file No. 733-08, in which Luis Alberto Ramírez Hinojosa was a witness, and the time limits established for the main procedural stages; (b) the documentation proving the connection of Mr. Ramírez Hinojosa in his capacity as witness to the said proceeding, and (c) the circumstances of risk to the life and physical integrity of the said beneficiary and his next of kin in relation to this proceeding. In particular, the representatives must forward detailed information, if possible, with evidence of the new threats that Mr. Ramírez Hinojosa has suffered.

[Also, they must send information allowing the Court] to evaluate whether the situation of extreme gravity and urgency that could cause irreparable harm to [the beneficiaries' lawyers] persists.<sup>5</sup>

8. Consequently, in this order, the Tribunal will first proceed to examine the measures of protection in favor of the beneficiaries and to evaluate whether a situation of extreme gravity and urgency that could give rise to irreparable harm to the beneficiaries of these provisional measures persists, along with the need to retain them, only in relation to the information concerning case file No. 733-08 and alleged new situations of risk. With regard to the report provided concerning the points that were decided in the Order of February 3, 2010, the Court defers to the contents of that order.

*a) Implementation of the measures of protection*

9. The representatives stated that on January 28, 2010, the vehicle that the beneficiary had been using for transportation was arbitrarily taken away, placing his "personal and physical integrity in great danger." They added that owing to a lack of

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*and Dominicans of Haitian Origin in the Dominican Republic*. Provisional Measures regarding the Dominican Republic. Order of the Inter-American Court of Human Rights of December 1, 2011, Considering 4.

<sup>4</sup> *Matter of James et al.* Provisional Measures regarding Trinidad and Tobago. Order of the Inter-American Court of Human Rights of June 29, 1998, 19, Considering six, and *Matter of Haitians and Dominicans of Haitian Origin in the Dominican Republic*. Provisional Measures regarding the Dominican Republic. Order of the Inter-American Court of Human Rights of December 1, 2011, Considering 6.

<sup>5</sup> *Matter of Ramírez Hinojosa et al.* Provisional Measures regarding Peru. Order of the Inter-American Court of Human Rights dated February 3, 2010, Considering 31 and 33.

logistical provisions for the person responsible for protecting him, he has had to lodge the guard in his own house, which has led to problems that have affected the harmony between the two. In addition, Mr. Hinostrroza stated on December 23, 2010, that, "after the last acquittal, the comprehensive health insurance was taken away from [them] without taking into account all the attacks and resulting psychological problems faced by him and his daughters, who were receiving psychological and psychiatric treatment." He also noted that the State had falsified several documents, which made it seem that he and his family had declined personal security.

10. The State indicated that "it had not issued any order for the [security measures] to be lifted," and that it continues to "provide police services to the petitioner" consisting of "immediate [and] permanent personal security for 24 hours a day, with 12 [...] police officers" benefiting Mr. Hinostrroza and his relatives, along with "two [...] agents of the [...] Peruvian National Police" for the protection of Mr. Saldaña Ramírez, his attorney. Regarding the police vehicle designated for the beneficiary's security service, it indicated that it had been temporarily replaced because it was not in the proper condition to remain in service. The State said the vehicle had been re-assigned on January 4, 2011. In addition, the State "flatly" denied that it had withdrawn the comprehensive health insurance from the beneficiary, his wife and his daughters following the handing down of an acquittal, stating that the beneficiaries "continue to enjoy comprehensive health insurance." Lastly, Peru advised that "Mr. Ramírez Hinostrroza's assertions [...] regarding [...] the drafting of false documents by the State [...] allegedly indicating that [Mr. Ramírez Hinostrroza and his family] had waived the personal measures of security" were false.

11. The Commission argued that "from the information available, it appears that the State is complying with the measures of protection." However, given the lack of precise information from the State, it indicated that "the way in which the protection benefiting the beneficiaries is being implemented is unclear."

12. The Court observes that for more than five years, the State has adopted measures to protect the life and personal integrity of the beneficiaries, in particular by providing permanent personal security guards and other elements, such as assigning a security vehicle. The Court appreciates these measures taken by the State and reiterates that when ordering Peru to adopt the necessary measures to protect the life and personal integrity of the beneficiaries, the Court did not determine the specific means of protection required. Nevertheless, it ordered that the measures of protection should be implemented such that they be effective and, in particular, using mechanisms to allow the beneficiaries or their representatives to coordinate with the State authorities responsible for planning and implementing them. The Tribunal notes that in this case, mechanisms of participation or coordination between the State and the representatives of the beneficiaries have not been established.

13. The Court observes that since January 4, 2011, the beneficiaries have again have a vehicle - which had been replaced by other vehicles intermittently since January 28, 2010 - assigned permanently for security purposes. Despite this, it notes discrepancies between the parties as regards the time period during which the beneficiaries did not have the vehicle. In relation to Mr. Ramírez Hinostrroza's alleged verbal rejection of the protection that he had been receiving, the Court notes that although the case file contains several documents from the Head of the State Security Division reporting this verbal waiver, in fact this agency indicated that "police personnel of [the] PNP Unit continue to provide security services [...]"

awaiting the orders of the Commander of the VIII-DIRTEPOL-HYO regarding security service for [Mr. Ramírez Hinostróza] and family.”<sup>6</sup> In this regard, the Court has no evidence that the State has withdrawn the protection service enjoyed by the beneficiaries. The Court will not rule with regard to the alleged lack of psychological medical assistance, because this point is not related to the objectives of these provisional measures.

14. Despite the discrepancies between the parties and the problems that have occurred in relation to the implementation of certain measures of protection in favor of the beneficiaries, the Court has verified that the State has provided protection in the context of these provisional measures.

b) *Information on the situation of risk to the beneficiaries*

15. Regarding the information requested by the representatives in the last order (*supra* Having Seen 1 and Considering 7), they indicated: (a) regarding the progress of case file No. 733-08, that on February 17, 2010, “the oral proceeding continued with the questioning of the medical expert witnesses, [and] in a subsequent oral session, [the beneficiary] was questioned in his capacity as a witness to the facts.” Currently, the case is in the stage of an appeal for annulment; b) regarding the connection of the beneficiary to this proceeding, that he was “summoned by the [...] prosecutor of the Third Criminal Prosecutor’s Office of Huancayo, as a witness, [...] to describe the incidents that he was able to observe during his arbitrary detention in the December 9 barracks;” and (c) regarding the circumstances of risk to the life and integrity of the beneficiaries, that “at the hearing of August 31, 2009, before the national second criminal chamber [...] he was able to identify two individuals [who are] legally in a situation of forced disappearance.” For this reason, since the beneficiary is an “exceptional witness” of the proceedings and has been summoned to testify by the Public Prosecutor in order to identify disappeared students, and given that “an unidentified group that perpetrates attacks against the beneficiary” exists, that group could carry out attacks and cause irreparable harm.

16. Subsequently, the representatives reported that on February 25, 2011, Mr. Ramírez Hinostróza had suffered an “arbitrary detention [...] at the hands of members of the Peruvian army from the base in Concepción[,] while he was working cutting down trees.” They noted that “the detention lasted for three hours [...] [In addition,] an official who did not identify himself used his official weapon to intimidate [the beneficiary, and also,] inside the facilities, he allegedly suffered physical and psychological ill-treatment.” They stated that the actions of the Prosecutor’s Office following the complaint about what happened reveal that “this act is not being considered [...] a crime against humanity.” In addition, Mr. Ramírez Hinostróza advised that “since then, [he has been] receiving telephone and other threats.”

17. The State reiterated its request to lift the provisional measures “because currently there are no reasons of extreme gravity or urgency, and neither is a need to avoid irreparable harm to the beneficiaries alleged; consequently, since the reasons for granting the provisional measures have disappeared, they should cease.”

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<sup>6</sup> Official Letters No. 2412, 2415 and 2418-2010-VIII-DIRTERPOLJRPJ-DIVSEEST-HYO, of December 1, 2010. Appendices to the State report of February 21, 2011 (case file of the provisional measures, volume VII, pages 3108 to 3110).

Moreover, “there have been no attacks on or threats against the life of Mr. Ramírez Hinostroza or his family, or that of his lawyers.” It added that the provisional measures have been maintained for more than five years “which runs contrary to their temporary nature.” It advised that, during the processing of the criminal proceeding (case file No. 733-08), beneficiary’s liberty was not restricted and there were no criminal charges filed against him; rather, he merely took part in the proceedings as a witness; “there is no risk to Mr. Ramírez Hinostroza’s life and personal integrity;” his participation in the proceeding concluded with his testimony and, since August 31, 2009, “to date, there have been no attempts on his life.” In addition, the State indicated that the proceeding “is currently at the appeal for annulment stage before the Supreme Court, making Mr. Ramírez Hinostroza’s participation in it unnecessary.” Lastly, the State addressed alleged “perpetration of illegal acts” by the beneficiary, including “material damages and [...] abuse of the right to police protection” based on events that took place on June 20, 2011, in a casino that Mr. Ramírez Hinostroza visited.

18. Regarding the alleged detention of Mr. Ramírez Hinostroza, which supposedly took place on February 25, 2011, the State indicated that the beneficiary “remained for a brief period of time in the facilities of the Peruvian Army’s Concepción Military Base merely in order to communicate with the competent authority to clarify the cutting the tree-cutting incident, and because the individual in question refused to identify himself, [...] ruling out the possibility that this was an arbitrary detention.” The State affirmed that “the investigations [into the incident] have been conducted by personnel of the National Police of Peru from the Concepción Precinct Police Headquarters, headed by the [...] Concepción Provincial Prosecutor, who, according to [...] the Peruvian Constitution, ensures compliance with the law and leads any criminal action. It is his responsibility to conduct the criminal investigation.”

19. The Commission observed that although no new attacks on Mr. Ramírez Hinostroza’s life and personal integrity had taken place, the risk to his life arises from his active role in judicial investigations. This is particularly true with regard to the proceedings in case file No. 733-08, in which he took part as a witness, and because it can be anticipated that he will continue to play an active part in them. Consequently, the Commission found it “reasonable to infer that the source of risk continues and that, for a prudent amount of time, the provisional measures should be maintained for of all the beneficiaries.” It argued that the risk is not exhausted immediately after a witness testifies. Rather it is important to know the results of the proceeding, if it has resulted in convictions and sentences, and whether those sentences are being executed. Regarding the alleged detention of Mr. Ramírez Hinostroza on February 25, 2011, the Commission was “concerned that the information provided did not include a clear explanation of the beneficiary’s alleged injuries on February 26, 2011.” Since the injuries were recorded on the day after the detention, the State should “provide an explanation for the situation.”

20. The Court recalls that when it orders protective measures, the standard for the assessment of the Court or agent assessing these requirements is *prima facie*, and at times, when addressing a need for protection, it is necessary to make assumptions.<sup>7</sup>

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<sup>7</sup> Cf. *Case of Raxcacó Reyes et al.* Provisional Measures regarding Guatemala. Judgment of the Inter-American Court of Human Rights of August 30, 2004, Considering 10, and *Case of González Medina and Relatives*. Provisional Measures regarding the Dominican Republic. Judgment of the Inter-American Court of Human Rights of August 30, 2011. Considering 13.

Notwithstanding the foregoing, the maintenance of protective measures requires the Court to make a more rigorous assessment concerning the persistence of the situation which gave rise to the measures.<sup>8</sup> If a State requests that the provisional measures ordered be lifted or modified, it must present sufficient evidence and arguments to allow the Court to understand that the risk or threat no longer fulfills the requirements of extreme gravity and urgency to avoid irreparable harm. In addition, the burden borne by the beneficiaries and the Commission to furnish evidence and arguments increases as time passes and no new threats arise. Obviously the fact that there are no new threats may be due precisely to the effectiveness of the protection provided or to the deterrence effect of the Court's order. Nevertheless, the Tribunal has found that the passage of a reasonable period of time without threats or intimidation, plus the absence of imminent danger, can lead to the lifting of the provisional measures.<sup>9</sup>

21. In addition, the Court must take into account that according to the Preamble of the American Convention, the international protection in the form of a convention "reinforc[es] or complement[s] the protection provided by the domestic law of the American States." Therefore, upon verifying that the State in question has developed effective protective mechanisms or actions for the beneficiaries of the provisional measures, the Court may decide to lift the provisional measures, placing the obligation to protect on the entity with primary responsibility, that is, the State.<sup>10</sup> If the Court lifts the provisional measures on this basis, it falls to the State - in keeping with its obligation to guarantee human rights - to maintain the protective measures that it has adopted and that the Tribunal found effective, and to do so for as long as circumstances warrant.

22. The Court observes, first, that the information in the case file reveals that on August 31, 2009, Mr. Ramírez Hinostrroza participated as a witness in proceeding number 733-08. From several photographs that he was shown, he recognized two individuals who had disappeared. The information provided by the parties also reveals that following his testimony of almost two years ago, the beneficiary has not played any further role in the proceeding, and there is no indication that he will participate in the future. In addition, although the State and the representatives informed the Court that the proceeding is at the stage of an appeal for annulment, the representatives did not inform the Court how this stage of the proceeding would maintain the situation of risk for the beneficiaries of the measures.

23. Moreover, even though the representatives were asked to describe specific facts that would allow the Court to examine the need to maintain the provisional measures, and even though the beneficiary had mentioned during his testimony in proceeding 733-08 that he had received a threat prior to the date of his testimony to

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<sup>8</sup> Cf. *Matter of the Indígena Kankuamo Indigenous People*. Provisional Measures regarding Colombia. Order of the Inter-American Court of Human Rights of April 3, 2009, Considering 7, *Matter of the Mendoza Penitentiaries*. Provisional Measures regarding the Republic of Argentina. Order of the Inter-American Court of Human Rights of July 1, 2011. Considering 30.

<sup>9</sup> Cf. *Matter of Gallardo Rodríguez*. Provisional Measures regarding Mexico. Order of the Inter-American Court of Human Rights of July 11, 2007, Considering 11, and *Case of Caballero Delgado et al.* Provisional Measures regarding Colombia. Order of the Court of February 2011, 2011, Considering 25.

<sup>10</sup> Cf. *Matter of Luis Uzcátegui*. Provisional Measures regarding Venezuela. Order of the Inter-American Court of Human Rights of February 20, 2003, Considering 13, and *Case of Mack Chang et al.* Provisional Measures regarding Guatemala. Order of the Inter-American Court of Human Rights of November 16, 2009, Considering 6.

make him desist from participating in it,<sup>11</sup> the representatives did not inform the Court of this fact, or provide supporting documentation, beyond mentioning the existence of “an unidentified group that perpetrates attacks against the beneficiary” that could result in irreparable harm. In addition, there is no evidence in the case file that any complaints or requests for protection have been filed in relation to this alleged fact supposedly related to the testimony of Mr. Hinostroza in the proceeding in question, or any reference to consequences arising from his participation in it as a witness.

24. Furthermore, regarding the alleged detention that supposedly occurred on February 25, 2011, the information provided by the parties reveals that the detention of Mr. Ramírez Hinostroza took place because the beneficiary was cutting down trees near or on land owned by the Military Base of Concepción. This notwithstanding, the Court notes that these facts are unconnected with any circumstance relating to the situation of risk that led to the adoption of these provisional measures, but are confined to an isolated incident related to Mr. Ramírez Hinostroza’s private activities. Similarly, the facts alleged by the State concerning the alleged illegal action of the beneficiary involving the security personnel of a casino - during which he supposedly caused some material damage - are facts that are entirely beyond the purpose of these provisional measures, and the Court will not assess them. In this regard, the Court considers it to be the responsibility of domestic authorities to investigate what happened in both circumstances and to reach the appropriate conclusions, as it is not up to the Court to consider either of these events in the context of provisional measures. Instead, this responsibility corresponds to domestic judicial and administrative proceedings.

25. In addition, regarding Mr. Ramírez Hinostroza’s report about alleged “telephone and other threats,” which he says he received following the events of February 2011, the Court has no specific information on these acts, and the representatives have not provided any supporting documentation that would allow the Court to weigh their existence.

26. Based on this, the Court observes that no information has been provided on specific situations of risk faced by the beneficiaries, and it finds that Mr. Ramírez Hinostroza’s participation as a witness in a proceeding more than two years ago is not enough to conclude that a situation of extreme gravity and urgency persists that could give rise to irreparable harm to him or his wife, their three daughters or their lawyers.

27. Lastly, the Court notes that the representatives provided information on the appointment of beneficiary Cesar Manuel Saldaña Ramírez - Mr. Ramírez Hinostroza’s lawyer - as a provisional judge of the Provincial Court of Chupaca-Junín. The attorney had “communicated that he would remove himself from the defense in [Mr. Ramírez Hinostroza’s] cases for a time.” In this regard, the Court recalls that it granted provisional measures in his favor as a result of the risk arising from his status as Mr. Ramírez Hinostroza’s lawyer in the context of the domestic proceedings in which Mr. Ramírez Hinostroza participates, and that this situation is therefore no longer in effect.

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<sup>11</sup> Cf. Minutes of the 11th session of August 31, 2009, case file No. 733-08 (case file of provisional measures, volume VI, page 2768).



28. Consequently, taking into account the State's request to lift the provisional measures along with the information presented by the representatives and the Commission, the Inter-American Court finds that the requirements of extreme gravity, urgency and need to prevent irreparable harm to the integrity and life of the beneficiaries has ceased to exist. It therefore moves to lift these provisional measures.

29. Without prejudice to this, the Court recalls that Article 1(1) of the Convention establishes the general obligations of the States Parties to respect the rights and freedoms enshrined therein and to ensure their free and full exercise to all persons subject to their jurisdiction. Consequently, regardless of the existence of specific provisional measures, the State is especially obliged to ensure the rights of persons in a situation of risk and must promote the necessary investigations to clarify the facts and, as appropriate, punish those responsible.<sup>12</sup>

**THEREFORE:**

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

in exercise of the authority conferred by Article 63(2) of the American Convention on Human Rights and Articles 27 and 31 of its Rules of Procedure,<sup>13</sup>

**DECIDES TO:**

1. Lift the provisional measures ordered by the Inter-American Court on September 21, 2005, February 7 and July 4, 2006, May 17, 2007, and February 3, 2010, to the benefit of Luis Alberto Ramírez Hinojosa, his wife Susana Silvia Rivera Prado, and his three daughters - Yolanda Susana Ramírez Rivera, Karen Rose Ramírez Rivera and Lucero Consuelo Ramírez Rivera - as well as of Raúl Ángel Ramos De la Torre and César Manuel Saldaña Ramírez.
2. Clarify that under Article 1(1) of the American Convention, the lifting of the provisional measures does not imply that the State is relieved of its obligations under the Convention to protect.
3. Ask the Secretariat of the Court to notify the Inter-American Commission on Human Rights, the representatives of the beneficiaries, and the State of Peru of this Order.
4. Close the case file.

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<sup>12</sup> Cf. *Case of Velásquez Rodríguez*. Provisional Measures regarding Honduras. Order of the Inter-American Court of Human Rights of January 15, 1988, Considering 3, and *Case of Rosendo Cantú et al.* Provisional Measures regarding Mexico. Order of the Court of July 1, 2011, Considering 32.

<sup>13</sup> Rules of Procedure approved by the Court in the LXXXV Regular Session held from November 16-28, 2009.

Leonardo A. Franco  
Acting President

Manuel Ventura Robles

Margarette May Macaulay

Rhadys Abreu Blondet

Alberto Pérez Pérez

Eduardo Vio Grossi

Pablo Saavedra Alessandri  
Secretary

So ordered,

Leonardo A. Franco  
Acting president

Pablo Saavedra Alessandri  
Secretary