

**ORDER OF THE
INTER-AMERICAN COURT OF HUMAN RIGHTS
OF AUGUST 21, 2013**

**PROVISIONAL MEASURES REGARDING HONDURAS
CASE OF PACHECO TERUEL *ET AL.***

HAVING SEEN:

1. The Order of the Inter-American Court of Human Rights (hereinafter "the Inter-American Court," "the Court," or "the Tribunal") issued on February 13, 2013, in which necessary and effective provisional measures were granted in order to avoid harm to the life and personal integrity of Sandra Lorena Ramos and her three minor children, in force until September 30, 2013.
2. The notes of the Secretariat of the Court (hereinafter "the Secretariat") of July 5, and August 1, 2013, wherein he communicated that the period established for the State of Honduras (hereinafter "the State" or "Honduras") to file its first brief on the implementation of the provisional measures lapsed on May 22, 2013. In light of this, the State was asked to present the report as soon as possible.
3. The brief of August 6, 2013, wherein the State forwarded information on these provisional measures.
4. The briefs of August 15 and 16, 2013, wherein the representatives of the beneficiaries (hereinafter "the representatives") and the Inter-American Commission on Human Rights (hereinafter "the Inter-American Commission" or "the Commission"), respectively, submitted their observations to the State's report.

CONSIDERING THAT:

1. In regard to the implementation of the ordered provisional measures, the Court notes that on February 15, 2013, the State communicated with the representatives so as to request information in order to contact Sandra Lorena Ramos to coordinate the respective provisional measures. That same day, the representatives informed the State that they had tried to communicate with Mrs. Ramos but her cell seemed to be deactivated and they did not know the address of her new residence, to which the State expressed that it was waiting for this information. Moreover, the State reported that the facts in this case establish the crime of threat to physical integrity and this type of crime falls under the same category as public criminal offenses which depend on prosecution and to date no complaint has been filed before the Public Ministry by the beneficiary.
2. In this regard, the representatives stated that "in [their] recent interview with Sandra Lorena Ramos, [she] said that threats to both her safety and physical integrity and that of their youngest daughters had ceased because she took measures into her own hands; specifically [the] change of address and cell phone number. [Mrs. Ramos] estimated that at the moment, she does not want to receive any support from the authorities, as this would lead to her being more easily identified in an unsafe environment."

3. Moreover, the Commission considered that “the electronic emails mentioned by the State were provided during the month of February of this year, without their being other communications or additional efforts to contact the beneficiary during the following months.”

4. The Court recalls that in its Order of February 13, 2013, it considered that “given the risk and urgency of the situation which Sandra Lorena Ramos and her three minor daughters face, this Court consider[ed] that their protection was necessary by way of the immediate adoption of provisional measures by the State, in light of that provided in the American Convention, in order that all measures be adopted that prevent, in an efficient manner, the occurrence of facts that may affect or place their life and personal integrity in danger.”

5. In this regard, the Court notes that the State only showed that it tried to contact Mrs. Sandra Lorena Ramos by way of the representatives on a date prior to the notification of the Order that was adopted by the Court and subsequently requested information from the Public Prosecutor’s Office on the filing of a complaint by Mrs. Ramos before this institution. As such, the Court considers that the information submitted by the State does not reflect specific actions implemented in order to carry out an analysis of the risk faced by Mrs. Ramos and her daughters and implement measures of protection that correspond to the particular conditions and risk faced by the beneficiaries.

6. Nevertheless, in light of that expressed by the beneficiary Sandra Lorena Ramos in regard to the discontinuation of the threats to her life and personal integrity as well as to those of her daughters, the Court considers that, currently, the situation that led to the adoption of the provisional measures no longer exists and there are no new circumstances that are equally serious or urgent enough to warrant that the measures be maintained.

7. As a consequence, it follows to lift the measures of protection that were ordered. Lifting the measures does not imply that the State, in any way, is relieved of its treaty obligations to protect those in its territory. Therefore, regardless of the existence of specific provisional measures, the State is especially obligated to guarantee the rights of persons at risk.¹

THEREFORE:

THE INTER-AMERICAN COURT OF HUMAN RIGHTS,

in exercise of the authority conferred by Articles 63(2) of the American Convention on Human Rights and 27 and 31(2) of the Court’s Rules of Procedure,

DECIDES TO:

¹ Cf. *Case of Carpio Nicolle et al.* Provisional Measures regarding Guatemala. Order of the Court of July 6, 2009, considering clause 24, and *Matter of Álvarez et al.* Provisional Measures regarding the Republic of Colombia. Order of the Court of May 22, 2013, considering clause 104.

1. Lift the provisional measures in favor of Sandra Lorena Ramos and her three minor daughters, without detriment to the maintenance of the State's general obligation, pursuant to the terms of Article 1(1) of the American Convention on Human Rights.
2. Provide that the Secretariat of the Court give legal notice of this Order to the Republic of Honduras, to the Inter-American Commission of the Human Rights, and the representatives of the beneficiaries.
3. Archive the case file of this matter.

Diego García-Sayán
President

Manuel E. Ventura Robles

Alberto Pérez Pérez

Eduardo Vio Grossi

Roberto F. Caldas

Humberto Antonio Sierra Porto

Eduardo Ferrer Mac-Gregor Poisot

Pablo Saavedra Alessandri
Secretary

So ordered,

Diego García-Sayán
President

Pablo Saavedra Alessandri
Secretary