

---

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 55/2021**

Precautionary Measure No. 576-21

José Domingo Pérez Gómez and his family nucleus regarding Peru<sup>1</sup>

July 25, 2021

**I. INTRODUCTION**

1. On June 23, 2021, the Inter-American Commission on Human Rights (“the Inter-American Commission,” “the Commission,” or “the IACHR”) received a request for precautionary measures filed by the Association for Human Rights (APRODEH), the Institute of Legal Defense (IDL) and the Center for Justice and International Law (CEJIL) (“the applicants”), urging the Commission to require the State of Peru (“Peru” or “the State”) to adopt the measures necessary to protect the rights of Mr. José Domingo Pérez Gómez, his wife Vanessa Aydee Medina Muñoz and their son JDPM (“the proposed beneficiaries”). According to the request, Mr. Pérez is in a situation of risk as a result of the work he has been carrying out as a prosecutor in the current context of the country.

2. Under the terms of Article 25 of the Rules of Procedure, the IACHR requested information from the State and the representation on June 29, 2021. Applicants submitted additional information on July 1 and 13, 2021. The State responded on July 7, 2021.

3. After analyzing the allegations of fact and law provided by the parties, the Commission considers, from the standard *prima facie* applicable, that Mr. José Domingo Pérez Gómez, his wife Vanessa Aydee Medina Muñoz and their son JDPM, are in a serious and urgent situation, since their rights face a risk of irreparable damage. Consequently, based on Article 25 of its Regulations, it requests Peru to: a) Adopt the necessary measures to guarantee the rights to life and personal integrity of the persons identified as beneficiaries; b) Adopt the necessary and culturally appropriate measures to guarantee that Mr. Pérez can continue to carry out his duties as a prosecutor without being subjected to threats, harassment or acts of violence in the exercise thereof; c) Agree on the measures to be implemented with the beneficiary and their representatives; and d) Report on the actions taken to investigate the alleged events that led to the adoption of this resolution, and thus avoid their repetition.

**II. SUMMARY OF FACTS AND ARGUMENTS PROVIDED BY THE PARTIES**

**1. Information provided by the applicant**

4. Mr. José Domingo Pérez has worked since 2017 as a prosecutor and member of the so-called “Lava Jato Special Team”, within the framework of which investigations of acts of corruption by the Odebrecht company and other construction companies, including Peruvians, are being promoted. The investigations of the aforementioned team would involve, among others, Mrs. Keiko Fujimori, presidential candidate during the 2021 electoral process, and her political party Fuerza Popular. After various legal actions against Mrs. Fujimori<sup>2</sup>, Mr. Pérez would have filed a prosecution in March 2021 against him for the crimes of money laundering, organized crime, obstruction of justice and false declaration in administrative proceedings. The applicants indicated that the proposed beneficiary in the following months would be

---

<sup>1</sup>In accordance with Article 17.2.a of the IACHR Rules of Procedure, Commissioner Julissa Mantilla, a Peruvian national, did not participate in the debate and deliberation of this matter.

<sup>2</sup>The applicants indicated that he would have been in preventive detention at various times until May 2020.

filing various prosecutorial requests in approximately 20 cases in which he investigates corruption crimes involving various “public figures of power” in the country.

5. As a context, the applicants highlighted that there is a long-standing process against corruption in Peru, which has involved sentences against former high-ranking public officials and businessmen in the country. In 2016, a process of investigation of “transnational megacorruption” was started known as the “Lava Jato Peru” Case. Such investigations would include, among others, former presidents of the country and people with high positions in the country. Subsequently, in 2018, a “new network of judicial and fiscal corruption” known as the “Lava Juez” or “CNMaudios” case became known, which, according to the applicants, created conditions to weaken the investigations of “Lava Jato Peru”, and the risk to free the agents of the State involved from responsibility.

6. In addition, after the second round of elections on June 6, 2021, given the tight result, the presidential candidates would have presented appeals for the results to be reviewed within the framework of the country’s Electoral System. According to the applicants, the candidate with the fewest votes would have publicly denounced that there was fraud. The applicants specified that such accusations would have generated uncertainty; increased social polarization in the country; and they would seek to affect the electoral institutionality of the country<sup>3</sup>. In turn, the applicants indicated that “terruqueo” campaigns have been presented, a qualification that would be used to identify someone as a “terrorist”, as “subversive members” and assigning a person criminal conduct<sup>4</sup>. The petitioners also indicated that “extremist groups” such as the one known as “La Resistencia” and another group identified as “Los Combatientes” had reappeared, inciting violence and participating in the protests.

7. Regarding the situation of Mr. Pérez, the applicants referred to the following alleged concrete events between 2017 and 2021:

- On December 7, 2017, while the raid on the premises of the Fuerza Popular Political Party was being carried out, a congresswoman from the party threatened him, stating: “(...) you are not messing with just anyone.”
- On February 28, 2018, the proposed beneficiary and his coordinator, Prosecutor Vela, were in Brazil taking statements in the framework of the Lava Jato case. It would have been known that they were being followed up as part of the procedure.
- On October 19, 2018, the proposed beneficiary formalized the preparatory investigation against Mrs. Fujimori and the request for preventive detention. That same day, the proposed beneficiary entered his home after 7 at night, and found the knob of the access door to the house dislodged from its base. This immediately informed the police personnel who provided protection, they interviewed the doorman, janitor and the president of the owners’ meeting, and indicated that according to his record there was no incidence. The investigation initiated by this fact would have been archived on September 16, 2019.
- Since mid-October 2018, the proposed beneficiary has been the object of a campaign that accuses him of being and supporting terrorists, as a result of the decontextualization of a presentation given in Mexico (October 12, 2018), where he referred to the terrorist group “Shining Path”. This would have caused political actors who question his performance (those he investigates or are witnesses) to summon him to the Congress of the Republic, along with a campaign of “terruqueo” on social networks, as well as other types of attacks and threats resulting

---

<sup>3</sup>In this context, the applicants referred to the existence of: (i) false or misinformation news campaigns that would have had to be denied by the National Organization of Electoral Processes (ONPE), the National Elections Jury (JNE) and groups of independent journalists, (ii) accusations of electoral bias and “terruqueo” against the electoral authorities of the ONPE and the JNE, (iii) incitement campaigns to hatred and violence against journalists, human rights activists and opinion leaders, who think different from the supporters of the Fuerza Popular party, and (iv) racism and discrimination against those who did not vote in his favor.

<sup>4</sup>According to the petitioners, in the 1980s those who were critical of Alberto Fujimori’s government were called “terruco”, and it would be used against those who criticize the implemented neoliberal economic model. The applicants indicated that “Terruqueo” - the action of saying “terruco” to someone, or of linking someone who does not share with violence, to the terrorism phenomenon of the 80s or 90s in Peru - is a political strategy that seeks to invalidate, delegitimize, disqualify and even control, turning the other into an enemy of society, a repudiated

from the instigation of violence against him, considering him a terrorist or ally of these for his fight against corruption.

- In addition to messages on networks, photos were allegedly manipulated to associate the prosecutor with the Shining Path terrorist leader, Abimael Guzmán. Likewise, the former president of the Republic Alan García and leader of the American Popular Revolutionary Alliance (APRA) political party - who was also being investigated by the proposed beneficiary - would have linked him to terrorism in his book. This message would have been shared by other leaders of that party, as well as by their supporters. The applicants indicated that the proposed beneficiary was held responsible for the suicide of former President García.
- On December 31, 2018, the former Attorney General, Pedro Chávvarry dismissed both prosecutors on December 31, 2018. This event would have occurred days before the Odebrecht company signed the collaboration agreement to deliver evidence to the Peruvian Prosecutor's Office in the framework of the Lava Jato investigation. Both prosecutors reportedly returned to their posts due to public pressure.
- On March 18, 2019, Prosecutor Pérez and Deputy Prosecutor Magally Minelly Ponce de León Ezcurra were attacked by a mob of alleged sympathizers of Mrs. Fujimori because they had banners with the signs of the Fuerza Popular party. This attack was carried out leaving a diligence in the Annex of the Chorrillos Women's Prison ("Santa Mónica") to take a statement from Mrs. Fujimori. The proposed beneficiary was physically assaulted - an object fell on the back of his neck, liquids, he was pulled, and harassed with shoves - leaving him very sore, as was the assistant prosecutor. In addition, the vehicle in which they were transported suffered damage to the rear. Prosecutors would have received two days of leave, and six days of legal incapacity for the proposed beneficiary. The police opened an investigation, which was shelved 4 months later.
- On September 3, 2019, the prosecutor José Domingo Pérez informed his coordinator that, based on a query he made to the Dignitaries Protection Division of the Ministry of the Interior, he had the information that two of the personnel who provided him personal security, had previously provided services to the former counselor of the former National Council of the Magistracy Guido Aguila Grados, and the former President of the Republic Alan García Pérez, both persons who were being investigated by the proposed beneficiary in the performance of their duties.
- During 2019, the proposed beneficiary would have faced an escalation of harassment, harassment, incitement to hatred and violence, and defamation by groups related to the Popular Force party, such as the group called "La Resistencia", which between 2019 at the beginning of 2020 they appeared in the offices of the Special Prosecutor's Team, uttering insults and intimidation. On November 13, 2019, said group would have been present outside the prosecutor's workplace, between 10 a.m. and noon. One of the members of that group would be registered in the Database of Complaints for the Crime of Qualified Homicide (for ferocity or profit), with an opinion before the competent prosecutor's office. On November 19, 2019, another act of intimidation, threat and defamation was presented against the prosecutor in front of his workplace, between 3 pm and 4 pm, after the proposed beneficiary appeared at "the judicial hearing to support the incorporation of the legal entity Popular Force to the process followed by money laundering by criminal organization".
- On February 6, 2020, a group of 30 people showed up at the work center of the proposed beneficiary's wife at approximately 10.20 a.m., shouting insults and intimidation. This event would have occurred days after Mrs. Fujimori entered jail (January 28, 2020) as the request for preventive detention for 15 months, which was requested by the prosecutor Pérez, was declared well founded. Similarly, the applicants indicated that the wife of the proposed beneficiary had been defamed and insulted on social networks for an alleged act of corruption in a public purchase in which she did not participate. Later, she resigned and would not get a job "due to the strong stigmatization campaign against her." According to the applicants, the defamation campaigns and incitement to violence in networks against her are reactivated each time an important event occurs in the tax investigation carried out by her husband.
- On September 8, 2020, Prosecutor Pérez requested that new acts of intimidation be investigated in front of his work office and the leak of a photo of his wife, which began to circulate on networks. According to the proposed beneficiary, said photo would have been obtained from the Public Ministry System. Previous days, on August 30, 2020, the proposed beneficiary would have requested that the company of Mrs. Fujimori's husband be included in the money laundering investigation that he is carrying out. According to the applicants, the hate speech and defamation campaign regarding the proposed beneficiary's wife did not cease even after she quit her job due to pressure, but continued throughout 2020. In 2021, as a result of the presentation of the prosecution against Mrs. Fujimori, the "attacks" against the wife of the proposed beneficiary were reactivated. The applicants referred to statements on Twitter from opinion leaders, including a former presidential candidate.
- On May 7, 2021, when the "nullity hearing of the conclusion of the preparatory investigation" was held, requested by the defense of the persons investigated in the "Lava Jato" process, the "terruqueo" campaign allegedly

intensified. According to the applicants, said request for annulment of those investigated was given as a result of the proposed beneficiary on March 11, 2021, requesting a prosecution against the presidential candidate of Fuerza Popular and 40 other people. At that time, according to the applicants, the presidential candidate accused him on Twitter of wanting to be a “political actor in the elections.” Subsequently, there were different “attacks” in social networks where the proposed beneficiary is identified as “the legal arm of the luminous path”, a “traitor to the homeland”, “communist”, or accused of “putting terrorists in the can”. Likewise, at that time, an opinion column in a journalistic outlet pointed out that the fulfillment of the tasks and the fight against corruption carried out by the proposed beneficiary “should concern all Peruvians as well as it is a real threat to the correct search for justice and application of the law ”and that“ Perez’s fixation, curiously, is with the two parties that are a wall for the violence of extreme communism ”.

8. The applicants indicated that the prosecutor Pérez filed complaints on various occasions with the Office of the Attorney General of the Nation. The vast majority have been sent to the Criminal Prosecutor’s Offices, which have not advanced the investigations. The proposed beneficiary pointed out that he knows that there are 4 open tax files, of which he knows that 2 are on risk events against him and 2 against his wife, but he has no further information on which risk events or dates of these are allegedly being investigated. Likewise, it was indicated that there are more than 94 complaints against the proposed beneficiary, according to information from the Supreme Internal Control Prosecutor’s Office. For the applicants, more than 60 percent are related to the “Lava Jato” case. In 2021, a set of 6 disciplinary inquiries were reactivated, or presented, between March 23 and May 28, 2021, after the prosecution against Ms. Fujimori was filed. All the complaints were admitted and based on allegations of alleged leakage of information on the prosecution against the people investigated in the Lava Jato case, or for having given interviews to the media. As of July 2021, the National Board of Justice would begin an evaluation and ratification process, where it will be defined whether or not he will be removed from the position.

9. On June 9, 2021, Mrs. Fujimori gave a press conference on the requests for annulment that she had presented against various electoral acts of the second presidential round. On that occasion, according to the petitioners, Mrs. Fujimori appeared with a person who would be a witness in the case in which she is involved. On June 10, 2021, the proposed beneficiary requested that the “restricted appearance” of Mrs. Fujimori that a judge previously dictated to her be revoked, and that she be issued preventive detention again. The proposed beneficiary alleged that the defendant failed to comply with the judicial restriction of not communicating with witnesses involved in the investigations.

10. According to the applicants, the tax order of June 10, 2021 reactivated the harassment in social networks inciting violence and hatred, “terruqueo” and defamation, against them. Thus, according to the applicants, they have been calling to attack his house; and would be classified as: “red puppet of communism”, “Prosecutor caviar”, “corrupt”, “part of the criminal organization”, “political operator of Peru Libre, Castillo and Cerrón”, “communist”, among others. In addition, it would have been called on social networks from June 10, 2021, to a face-to-face action or sit-in for June 11, 2021 in front of the prosecutor’s home. In this call, the photo of the prosecutor, his home address, and the message of being the “new enemy of Peru and Liberty” and “justice in Peru is rotten” were disseminated.

11. On June 11, 2021, the proposed beneficiary requested urgent measures, explaining that his personal protection has been reduced due to the electoral process. His superior and the Secretary General of the Attorney General’s Office followed up on his request. During the sit-in or protest, the proposed beneficiary would have temporarily had around 20 police officers inside and outside his home. In this regard, the proposed beneficiary stated that:

“I never imagined that a number of citizens would come to my house to insult me, call me an enemy of the state, telling me to leave. I can’t even go out to the corner without camouflaging myself, because I’m afraid that because of false statements anyone will attack me. “ “There is this fear that people may attack me because it has been

installed in their minds that those who are fulfilling their function are communists, terrorists and want to capture the State for extremist ideas ... they have been installed the wrong idea that I am the enemy of the Peru, as happened to the president of the National Elections Jury and the Head of the ONPE. The idea is being installed that here, especially in Lima, whoever does not think the same as the vast majority is a danger to society”.

12. Likewise, as a result of a variety of reports from the proposed beneficiary to his superiors in relation to his situation, that same day he was granted “guarantee measures”, which are an administrative order calling for a situation of risk. According to the applicants, they should have improved their protection scheme, so far no authority has communicated with the proposed beneficiaries or made adjustments to the measures they have. The day after the sit-in at his house, the prosecutor Pérez’s guard would have returned to the same as always, which only protects him, but not his family. This guard would consist of: i) 1 policeman on the first floor or outside (24 hours), there are two and they take turns; and ii) police personnel for personal protection in their work. There are 2 groups of 4 policemen, who take turns and are present since the Prosecutor leaves his home and accompany him to any place. But, for logistical reasons (vehicular, for example), 2 or 3 wait in the Prosecutor’s Office, or they are relieved in their turn, depending on the activity of the Prosecutor (if he has proceedings in the street or in court, all 4 are present ; but if he is in the office, they take turns being 1 or 2 on the floor of the office and 1 or 2 at the entrance to the Prosecutor’s Office)

13. On June 14, 2021, the proposed beneficiary sent a new report to the Attorney General’s Office in which he recounted the events of June 11, 2021 in front of his house, when “a plurality of people appeared who uttered insults, hate speech, with threats to my integrity and exercising verbal violence against my family”. Likewise, it was indicated that the proposed beneficiary accompanied photographs and messages that appeared on social networks where the incitement of people related to the so-called “La Resistencia” group would be appreciated. The proposed beneficiary would have asked the Attorney General’s Office that the facts be investigated by the specialized Prosecutor’s Offices against Organized Crime. On June 18, 2021, the proposed beneficiary was notified that investigations were opened in the Special Prosecutor for Organized Crime for the events of June 11, 2021.

14. On June 21, 2021, a face-to-face hearing was held and the prosecutor’s request of June 10, 2021, requiring the preventive detention of Mrs. Fujimori was rejected. The judge would have indicated that before being required and ordering preventive detention for breach of conduct orders, the accused must be warned about it. Following the judge’s decision, both Ms. Fujimori’s defense and prosecutor Pérez appealed the judge’s decision, which will be resolved in two to three weeks. The applicants indicated that the proposed beneficiary attended the hearing alone, leaving his family without police escort or other personal security measures at home. At the hearing, the applicants indicated that the defendant tried to directly involve the proposed beneficiary in the 2021 electoral contest and made a public call to ask why he is carrying out his fiscal tasks at this time. The judge would have interrupted him and it would have been denied by the proposed beneficiary.

15. The applicants indicated that the proposed beneficiary would not be able to request which police officers he would like to accompany him, those assigned by the Police Protection Division. Of his current security scheme, only 2 of them have accompanied him since 2018, the rest are constantly rotating. Over the past year, the protection scheme would have been reduced by the pandemic and the recent presidential elections. His wife would have had police escort until last year. At this time, neither she nor her son would have this or any other state protection measure (except that of the prosecutor Pérez’s house receipt). They themselves had determined “personal self-care measures”, such as restricting their circulation, not leaving the house, camouflaging themselves, among others.

16. Finally, with a view to reinforcing his scheme and learning about the origin of his risks, the proposed beneficiary would have sent a query about the security and personal protection service of his person and his family to the Intelligence Division of the State Security Directorate of the National Police of Peru. However, his request was rejected as it was “SECRET in accordance with the provisions of the Single Ordered Text of Law No. 27806, Law of Transparency and Access to Public Information.” The applicants indicated that the proposed beneficiary is unaware of the information that his own protection scheme shares about the movements of him and his family, since the authorities themselves denied him this information.

## 2. Response from the State

17. The State considered that the requirements of Article 25 of the Regulations were not met. The State specified that it has not been possible to obtain all the documented information on the situation of the proposed beneficiaries within the time limit granted. However, he indicated that a “complementary report” will be sent later. The State pointed out that there is no documented express agreement on the part of the potential beneficiaries under the terms of Article 25.6.c) of the IACHR Rules of Procedure.

18. The State indicated that the applicants recognize the protection measures in favor of the proposed beneficiary. The allegations presented by the applicants would fall mainly on speculations or assumptions that do not have a specific materiality, but that show the exposure to public opinion of the work of the proposed beneficiary as a representative of the Public Ministry. For the State, if new facts are presented that warrant the actions of the corresponding authorities, this would be handled within the framework of an eventual investigation, in accordance with the State’s internal obligations to respect Human Rights.

19. According to the Directorate of State Security of the National Police of Peru, as of October 16, 2017, it was ordered that the security and personal protection service be provisionally installed to the proposed beneficiary in the twenty-four (24) hour mode. Subsequently, on October 10, 2018, it was arranged to increase the number of police officers that cover security and personal protection services with four (4) PNP NCOs, two (2) police officers per day in the same modality. On October 19, 2018, the installation of the security and personal protection service was arranged for the spouse of the proposed beneficiary with one (1) PNP NCO per day in the 24x24 mode; and, home security with two (2) personnel per day. Such measures were informed to the proposed beneficiary. On December 26, 2018, the security and personal protection service coverage for the child was provided with one (1) police officer per day. Since December 8, 2018, a security and personal protection escort was arranged for the proposed beneficiary, and a police van. According to the State, said truck was returned at the request of the proposed beneficiary, noting that it had a vehicle provided by the Public Ministry and one that it owned.

20. On March 24, 2020, the National Police of Peru ordered the continuation of the security and police protection service to the proposed beneficiary in accordance with Directive No. 14-2016-IJN / PNP that regulates the provisions and procedures to provide security services. and protection of the President of the Republic and other officials and persons with the right to police protection in the modality of comprehensive, semi-comprehensive, personal and public facilities security, under the following scheme:

Proposed beneficiaries	No of assigned police officers	No police officers per day	Method
José Domingo Pérez	8 police officers	4 police officers	24 x 24
Vanessa Aydee Medina Muñoz	2 police officers	police officer	24 x 24
Child of the proposed beneficiary			

21. Thus, according to the State, it decided to continue granting home security with four (4) troops with two (2) police officers per day in the 24x24 mode, in both cases with anticipated effectiveness from January 1 to January 31, December 2020. At a later date, on June 15, 2020, the proposed beneficiary requested the suspension of the security and personal protection service that had been granted to his spouse and son. Said request was declared admissible and communicated on August 20, 2020. Additionally, on May 7, 2021, the proposed beneficiary was informed that the Resolution that provided for the granting of the security and personal protection service of the State Security Directorate expired on December 31, 2020, indicating that, in order to continue With the police service, he had to manage it through the Attorney General. According to the State, since the installation of the security and personal protection service, the proposed beneficiary has been receiving a greater number of police officers, not having decreased, even during the electoral process, except for the suspension of said service to his son and wife. your request. The State indicated that the General Secretariat of the Attorney General's Office, on May 12, 2021, sent the Minister of the Interior a communication from the proposed beneficiary through which he made known the situation of imminent risk in which he would find himself, requesting the necessary measures to guarantee his fiscal function and protection of his person and family.

22. Regarding the event of December 7, 2017, the State indicated that it does not report a complaint in this regard. Regarding the alleged fact of early 2018, when the proposed beneficiary was informed that he had been subject to follow-up in the framework of the "Lava Jato" case, the State continues to collect information in this regard. Regarding the allegation of the access door to the house being displaced at its base, it was reported that there was an investigation into the crime of Aggravated Theft. On September 16, 2019, it was realized that, despite the investigative acts carried out by the Miraflores Criminal Investigation Division, the perpetrators of the crime of attempted aggravated theft had not been identified. The State specified that the proposed beneficiary did not attend to render his statement, despite having been notified. No investigation was formalized, but the proposed beneficiary can file a new complaint if new evidence is found. After the proposed beneficiary of the file was informed on January 8, 2019, no appeals were presented, so the decision to file was consented on December 12, 2020. The State specified that, during the investigations, neither in the Police Act dated October 21, 2018, did the proposed beneficiary indicate the relationship between these events and his work as a prosecutor.

23. With regard to the alleged events of October 2018, the State indicated that any official may be subject to control for the work he performs before the competent entities, which does not inherently imply a sanction. In addition, the State specified that there is no complaint made regarding the "terruqueo" campaign on social networks. In relation to the events that occurred on March 18, 2019, the investigation was archived on September 3, 2019, and as of this date it was consented. The State indicated that it was not possible to fully identify those responsible for the attack, despite the intelligence work carried out by the Criminal Investigation Division of Chorrillos, such as interviews, viewing records, and expert reports. The proposed beneficiary did not object to the decision to file. On the other hand, the State indicated that the actions would constitute misconduct, for which reason it was decided to send certified copies to the Chorrillo Justice of the Peace Court so that it may decide according to its powers for Misconduct against the person - Injuries. The State indicated that the corresponding consultations would be carried out in order to know the corresponding pronouncement of the Chorrillos Justice of the Peace. Regarding the alleged facts of November 19, 2019, the State indicated that it did not file any complaint in this regard and they do not constitute a serious danger to the life and integrity of the proposed beneficiary. Similarly, it is not specified how the removal of the proposed beneficiary on December 31, 2018 constitutes a risk event.

24. In 2021, the applicants reported that, as a result of the prosecution, the attacks against the wife of the proposed beneficiary were reactivated on social networks. However, the State alleged that no complaints were filed in this regard. Regarding the allegations, in June 2021, the General Secretariat of the Office of the Prosecutor of the Nation requested the Dignitaries Protection Division of the Ministry of

the Interior, and the Ministry of the Interior to carry out urgent coordination so that security and police protection is provided in the address of the proposed beneficiary. The actions undertaken by the Dignitaries Protection Division and the Ministry of the Interior will be reported later, and that additional one by the National Police.

25. The Fourth Supranational Corporate Organized Crime Prosecutor's Office - 2nd Team, in turn, transferred the main pieces of Complaint No. 25-2021. Among the transferred documents is a report of June 14, 2021, prepared by the proposed beneficiary with which he reported to the Coordinating Superior Prosecutor's Office of the Special Prosecutor's Team, regarding the acts of harassment, harassment and violence that occurred in his domicile on June 11, 2021, in order that the necessary measures are adopted so that the denounced facts are duly investigated. Based on this, the National Coordination of Specialized Prosecutors Against Organized Crime decided to assign the Fiscal File No. 506015608-2021-25-0 to the denounced events, which was referred to the Fourth Supranational Corporate Prosecutor for Organized Crime - 2nd Team, in order for it to proceed with its attributions.

26. However, the Fourth Supranational Corporate Organized Crime Prosecutor's Office - 2nd Team observed that the events denounced by the proposed beneficiary through his report were not part of the competencies of the competent Prosecutor's Offices to follow actions against crimes for Organized Crime. In this regard, it requested the National Coordination of Specialized Prosecutors Against Organized Crime to determine the Prosecutor's Office to which it corresponds, by competence, to hear the investigation. The State highlighted that, currently, investigations have been initiated regarding the acts of harassment, harassment and violence that occurred at his home on June 11, 2021. Although a request for determination of the competent Fiscal Office is in process to continue with the investigations, once it is determined, the investigation acts will be carried out to determine the persons responsible, if applicable, for the denounced facts.

27. On the other hand, regarding the allegations regarding the complaints made against the proposed beneficiary before the Supreme Internal Control Prosecutor's Office, the State indicated that said Prosecutor's Office is the body in charge of disciplinary control and the permanent evaluation of the function and service prosecutor, to maintain the levels of efficiency, transparency and probity in the actions of the Public Ministry. Regarding the particular situation of the proposed beneficiary, the Supreme Internal Control Prosecutor's Office reported that the proposed beneficiary has one (1) complaint and fourteen (14) functional complaints, of which two (2) are in process. Regarding the allegations made in this regard, the Peruvian State considered, firstly, that the work undertaken by the Supreme Internal Control Prosecutor's Office is framed within its powers and the Principle of Legality, in order to maintain the levels of effectiveness, transparency and probity in the actions of the Public Ministry. Consequently, any inquiry carried out by the disciplinary control body of the Public Ministry is framed within its functions and may require, ex officio or at the request of a party, reports on the functional performance of the representatives of the Public Ministry. Therefore, it is not admissible to interfere in the exercise of the powers and attributions of the aforementioned body, especially if there is a procedure with due guarantees and with full respect for the exercise of the right of defense. Finally, with regard to the comprehensive evaluation procedure and ratification of judges and prosecutors before the National Board of Justice, the conduct and suitability of the proposed beneficiary in the performance of his functions for seven (7) years in the exercise of the position, in accordance with article 154 subsection 2 of the Political Constitution of Peru. Therefore, it is not a disciplinary procedure.

### **3. Recent information provided by the representation**

28. On July 1 and 13, 2021, the applicants reiterated that the situation of the proposed beneficiary is related within the framework of his work in the Lava Jato case and his actions in the process against Mrs.

Fujimori, following the recent request for preventive detention in his against. After the prosecutor's request was appealed, the hearing in second instance would be scheduled in the course of the next few weeks of July 2021. Similarly, the applicants indicated that after hearing the news that they requested precautionary measures, hateful publications were presented towards the proposed beneficiary. The applicants attached an image with the photo of the proposed beneficiary and with the note of dates "1976-2021".

29. In addition to the above, the applicants highlighted the post-electoral context, being that the electoral contest for the presidency of Peru should be resolved in the near future and whoever is elected should be sworn in on July 28, 2021. In general terms, they added that in recent days the attacks and harassment against electoral authorities and other personalities have continued. According to the proposed beneficiary, there would be no further substantive information in relation to the complaints filed against him or new protection measures in his favor. Finally, they sent "supporting evidence of the consent of the proposed beneficiaries."

### **III. ANALYSIS OF THE ELEMENTS OF SERIOUSNESS, URGENCY, AND IRREPARABLE HARM**

30. The mechanism of precautionary measures is part of the Commission's function of supervising compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States ("OAS"), based on Article 41 (b) of the American Convention on Human Rights ("American Convention") and Article 18 (b) of the Statute of the IACHR. Likewise, the mechanism of precautionary measures is described in Article 25 of the Rules of Procedure, according to which the Commission grants precautionary measures in situations that are serious and urgent, where they are necessary to prevent irreparable harm.

31. The Inter-American Commission and the Inter-American Court of Human Rights ("the Inter-American Court" or "I/A Court H.R.") have repeatedly established that precautionary and provisional measures have a dual nature, both protective and precautionary<sup>5</sup>. Regarding the protective nature, these measures seek to avoid irreparable harm and protect the exercise of human rights<sup>6</sup>. To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and how vulnerable the persons proposed as beneficiaries would be left in case the measures are not adopted.<sup>7</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. Their precautionary nature aims at protecting the rights at risk until the request pending before the Inter-American system is resolved. Their object and purpose are to ensure the integrity and effectiveness of an eventual decision on the merits and, thus, avoid any further infringement of the rights at issue, a situation that may adversely affect the useful effect (*effet utile*) of the

---

<sup>5</sup>See in this regard: I/A Court H.R. [Matter of the Yare I and Yare II Capital Region Penitentiary Center](#). Request for Provisional Measures submitted by the IACHR regarding the Bolivarian Republic of Venezuela. Resolution of the Inter-American Court of Human Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures. Resolution of July 6, 2009, considerandum 16.

<sup>6</sup>See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Resolution of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional measures regarding Guatemala. Resolution of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional measures regarding Mexico. Resolution of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Resolution of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5.

<sup>7</sup>See in this regard: I/A Court H.R. [Milagro Sala. Request for Provisional Measures regarding Argentina. Resolution of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5](#); I/A Court H.R. [El Rodeo I and El Rodeo II Capital Judicial Prison. Provisional Measures regarding Venezuela. Resolution of the Court of February 8, 2008, considerandum 9](#); I/A Court H.R. [Matter of the Criminal Institute of Plácido de Sá Carvalho](#). Provisional Measures regarding Brazil. Resolution of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6.

final decision. In this regard, these precautionary or provisional measures enable the State in question to comply with the final decision and, if necessary, to implement the ordered reparations.<sup>8</sup> In the process of reaching a decision, and in accordance with Article 25(2) of the Rules of Procedure, the Commission considers that

- a. A “serious situation” refers to a serious impact that an action or omission can have on a protected right or on the consequent effect of a pending decision in a case or petition before the organs of the Inter-American System;
- b. “urgent situation” refers to risk or threat that is imminent and can materialize, thus requiring immediate preventive or protective action; and
- c. “irreparable harm” refers to the violation to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

32. In analyzing those requirements, the Commission reiterates that the facts supporting a request for precautionary measures need not be proven beyond doubt; rather, the purpose of the assessment of the information provided should be to determine *prima facie* if a serious and urgent situation exists<sup>9</sup>. In the same way, the Commission allows itself to indicate that it is not appropriate, in this proceeding, to analyze alleged human rights violations in light of the American Convention and applicable standards. By its own mandate, it is not for the Commission to individualize the criminal responsibility of specific individuals in light of the alleged facts. The Commission establishes that the analysis that it will carry out below focuses exclusively on the requirements established in Article 25 of its Regulations, which can be done without entering into substantive assessments.

33. What *preliminary question*, the Commission recalls what is indicated in subsection 6.c) of Article 25 of the Rules of Procedure, which states that “the express agreement of the potential beneficiaries will be taken into account, when the request is submitted by a third party, except in situations in which the absence of consent is justified”. In this regard, the Commission has considered various manifestations and elements for the purpose of identifying whether the proposed beneficiary is duly aware of the request for precautionary measures that is presented on his behalf, being expressly in agreement with it, or with a view to identifying a relationship between the applicants and the proposed beneficiary person<sup>10</sup>. In this sense, at the time of considering the provisions of Article 25.6.c of the Regulations to be fulfilled, the Commission starts from the presentation of the information presented, the particular circumstances of the matter being presented, and the flexibility that the mechanism of risk, aimed at the timely protection of people in the face of a serious and urgent situation. In the present matter, there are multiple elements that show that the proposed beneficiary knows about the request and agrees with it in the terms of article 25.6.c., being that the applicants have expressly indicated that they have their agreement in the form

---

<sup>8</sup>See in this regard: I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Resolution of the Court of February 8, 2008, considerandum 7; I/A Court H.R. [Matter of “El Nacional” and “Así es la Noticia” newspapers](#). Provisional Measures regarding Venezuela. Resolution of the Court of November 25, 2008, considerandum 23; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Resolution of the Court of January 27, 2009, considerandum 19.

<sup>9</sup>In this regard, for instance, referring to the provisional measures, the Inter-American Court has considered that such standard requires a minimum of detail and information that allow for a *prima facie* assessment of the urgent and serious situation. IACHR, *Matter of the children and adolescents deprived of their liberty in the “Complexo do Tatuapé” of the Fundação CASA*. Request for extension of provisional measures. Provisional Measures regarding Brazil. Resolution of the Inter-American Court of Human Rights of July 4, 2006. Considerandum 23.

<sup>10</sup>For example, in the case of “7 of pregnant women of the Wichí ethnic group with respect to Argentina,” the Commission considered videos contributed by the applicants that gave an account of the contact between the beneficiary proposals and the applicants, who had also expressly requested help; or in the matter of “Carla Valpeoz with respect to Peru,” the Commission considered that the request was presented on behalf of the brother of the missing beneficiary proposal, sending the contact information, since he could not present the request because he was looking for his sister disappeared in Cuzco; and had no time at the time or internet connection.

precautionary measures; there is documentation sent in this regard that supports it; particular information or statements of the proposed beneficiary are included; Documentation has been submitted that could only be accessed or known by the proposed beneficiary; and the request for precautionary measures in favor of the proposed beneficiary has been disseminated in the media, from the requesting organizations<sup>11</sup>. In this way, and as it has done on other occasions, the Commission considers it reasonable to consider that the provisions of article 25.6.c have been complied with and proceed with the analysis of the requirements established in article 25.2 of the Regulations.

34. In the terms of paragraph 6 of Article 25, the Commission “will take into account [the] *context*” Of the request for precautionary measures. In this regard, the Commission emphasizes that, since 2019, it has learned of complaints of corruption existing in the judicial system, as well as in high-ranking levels of the executive<sup>12</sup>. At that time, the existence of complaints about the links between public officials with organized crime and embezzlement crimes was observed, which had impacted on the country’s democratic institutions<sup>13</sup>. The Commission was also informed of various developments in the Odebrecht case<sup>14</sup>. In 2019, the Commission welcomed the anti-corruption reform initiatives, as well as the approval of the National Integrity and Fight Against Corruption Plan 2018-2019, identified by the National Institute of Statistics and Informatics as the main problem in the country<sup>15</sup>. The Commission indicated in its 2019 Annual Report that the situation of corruption that Peru is going through has generated a crisis in the Judicial Power that extends to the democratic institutionality in the country<sup>16</sup>. For the Commission, this situation affects rights related to judicial guarantees and protection, and access to independent, impartial, and effective justice, with special effects on women, girls, boys, and adolescents who are victims of sexual abuse and gender-based violence.<sup>17</sup>

35. In 2020, the Commission recalls that, after calling on the State to guarantee democratic institutions and the full validity of the rule of law before the declaration of presidential vacancy and condemning the human rights violations that occurred in the social protests in November 2020<sup>18</sup>, made a working visit to the country from November 29 to December 2, 2020<sup>19</sup>. At the end of the visit, the Commission made a series of recommendations on December 7, 2020<sup>20</sup>. In particular, it encouraged the authorities to promote a constructive dialogue between the different powers of the State, in accordance with democratic values, with a view to contributing to the strengthening of the rule of law.

36. More recently, and in the electoral context of 2021, the IACHR’s Office of the Special Rapporteur for Freedom of Expression (RELE) observed with concern the increase in stigmatizing statements by

---

<sup>11</sup>CEJIL, [Peru: organizations request protection from the IACHR for the anti-corruption Prosecutor, José Domingo Pérez and his family](#), June 24, 2021.

<sup>12</sup>IACHR, [Annual Report 2019, Chapter IV.A. Development of Human Rights in the Region](#), para. 490 and 495

<sup>13</sup>Ibid.

<sup>14</sup>Ibid.

<sup>15</sup>IACHR, [Annual Report 2019, Chapter IV.A. Development of Human Rights in the Region](#), para. 497

<sup>16</sup>IACHR, [Annual Report 2019, Chapter IV.A. Development of Human Rights in the Region](#), para. 500

<sup>17</sup>Ibid.

<sup>18</sup>IACHR. Press Release [The IACHR calls on the State of Peru to guarantee democratic institutions and the full validity of the rule of law, given the declaration of presidential vacancy](#), November 11, 2020; Press release 275. [The IACHR condemns human rights violations that occurred in the context of social protests in Peru, calls for a democratic resolution of the institutional crisis, and places itself at the disposal of the Peruvian State for a working visit](#), November 16, 2020.

<sup>19</sup>IACHR. Press Release [The IACHR announces a working visit to Peru in the context of social protests related to the recent institutional crisis](#), November 25, 2020.

<sup>20</sup>IACHR, Press Release No. [The IACHR concludes a working visit to Peru](#), December 7, 2020.

people of notoriety or who aspired to occupy positions of responsibility in the ongoing electoral process<sup>21</sup>. In May 2021, the RELE highlighted the importance of vigorous and uninhibited political debate on matters of public interest and supports that such protection be accentuated in electoral contexts, but it also feared that some statements may encourage violence and discrimination, or generate an environment of tolerance to the violation of human rights<sup>22</sup>. In June 2021, the IACHR expressed its concern over reports of acts of harassment against electoral authorities and people who participate in public life in Peru.<sup>23</sup> Likewise, it expressed its alarm at reports about the dissemination of stigmatizing speeches that encourage discrimination<sup>24</sup>.

37. In this context, the Commission took note that the Peruvian Ombudsman's Office called for the cessation of demonstrations outside the homes of the electoral authorities, as well as to avoid the interruption of their family life<sup>25</sup>. In a similar vein, the Commission received information about a sit-in in front of the home of an Anti-Corruption Prosecutor -proposed beneficiary in this matter-, whose residence address was published on social networks<sup>26</sup>. The Commission urged the State to guarantee the life and personal integrity of those who participated in the public life of the country, as well as the independence in the exercise of the functions of the persons holding positions within the electoral and judicial system, in light of the international obligations derived from the American Convention on Human Rights and other inter-American treaties<sup>27</sup>.

38. For the Commission, the contextual elements highlighted in *supra* para. 34-37 denote and give special seriousness and intensity to the facts that have been alleged in the request for precautionary measures. In this sense, when assessing the alleged facts that the proposed beneficiary and his family nucleus have faced, the Commission will consider that they are inserted in a particular, unique and exceptional context that the State of Peru has been going through in the last years. Along the same lines, the Inter-American Court has indicated that, when assessing a risk situation, "it is possible to assess the set of political, historical, cultural or any other factors or circumstances that affect the proposed beneficiary or place him in the a situation of vulnerability at a certain moment and exposes him to receive injuries to his rights", being that "[t] his situation can grow or decrease over time depending on a number of variables"<sup>28</sup>.

39. When analyzing the requirement of *gravity*, the Commission takes into account the particular profile of the proposed beneficiary in the context of the previously identified context. In light of the information available, the Commission understands that Mr. Pérez has had special visibility and notoriety in Peruvian society, at least since 2017. When reaching such an understanding, the Commission takes into account that the proposed beneficiary is a prosecutor who: i) investigates acts of corruption as part of the

---

<sup>21</sup>IACHR, Press Release R126 / 21. [The Office of the Special Rapporteur for Freedom of Expression calls for people who occupy or aspire to occupy positions of popular election in Peru to contribute with their speech to the protection of human rights](#), May 17, 2021

<sup>22</sup>Ibid.

<sup>23</sup>IACHR, Press Release No. [The IACHR expresses concern over reports of acts of harassment and stigmatizing messages that encourage discrimination in the electoral context in Peru](#), June 22, 2021

<sup>24</sup>Ibid.

<sup>25</sup>Ibid.

<sup>26</sup>Ibid.

<sup>27</sup>Ibid.

<sup>28</sup>See, for instance: I/A Court H.R. Matter of Carpio Nicolle. Provisional measures regarding Guatemala. Order of the Court of July 6, 2009, Considering clause 26, and Matter of the Members of the Nicaraguan Center for Human Rights and the Permanent Commission on Human Rights (CENIDH-CPDH) regarding Nicaragua. Adoption of Urgent Provisional Measures. Resolution of the President of the Inter-American Court of Human Rights of July 12, 2019.

so-called “Lava Jato Special Team”, which was created to investigate acts of corruption the company Odebrecht and others; ii) he is the most visible figure who, at this moment, would lead the investigations; iii) it investigates cases involving various political actors, former officials (including former presidents), and people with high positions in the country, and iv) its fiscal actions would arouse a high public interest in Peruvian society, either because of the issue under investigation or because of the eventual persons involved.

40. In this regard, the Commission observes that it has been alleged that the proposed beneficiary was the subject of various events, at least in 2017, which would be related to his work as a prosecutor in the framework of the cases he is investigating, which have been extended to his family nucleus, particularly his wife (vid. *supra* para. 7). Although the State indicated, in light of certain facts alleged by the petitioners, that the proposed beneficiary did not file complaints at the domestic level, and that when he made certain complaints, he did not specify that they were related to his work as a prosecutor (vid. *supra* para. 22-24), the Commission notes that it is reasonable to understand that the alleged facts, at least since 2017, are closely related or temporarily coincide in some way with public actions of the proposed beneficiary in his work as a prosecutor. In this regard, the Commission considers, for example, that the alleged threat of December 2017 was made while a search was being carried out in the framework of its investigations; the alleged follow-up in February 2018 occurred while he was in a diligence of the case in another country; the reported incident at his home in October 2018 happened after having formalized a series of acts within the framework of the investigations he is promoting; the aggression to which he was subjected in March 2019 occurred when he left a penitentiary where he was conducting an interview as part of his proceedings as a prosecutor; In November 2019, the group called “La Resistencia” allegedly carried out intimidation against the proposed beneficiary after the participation of the proposed beneficiary in a judicial hearing; In February 2020, a group of people reportedly showed up at his wife’s workplace making insults, which would have happened after a request for preventive detention requested by the proposed beneficiary had been declared admissible; and in May 2021, a smear campaign against the proposed beneficiary was intensified, after participating in a hearing.

41. The Commission also observes that the events identified above reflect continuity and sustainability over time, being that they have been manifested to the extent that the proposed beneficiary has carried out certain procedural acts in the investigations he is promoting. In this sense, the Commission considers that, at least, those facts analyzed in the previous paragraph would not be simple “speculations” or “assumptions that do not have a specific materiality”, in the terms proposed by the State (vid. *supra* para. 18).

42. Similarly, the Commission notes with concern that the alleged facts have been accompanied by a campaign of stigmatization or discrediting of the actions of the proposed beneficiary, which have been extended to his wife. In particular, the applicants made reference to a campaign called “terruqueo” in social networks, among other means of dissemination, through which they have sought to link the proposed beneficiary with certain terrorist leaders, or with a view to the proposed beneficiary is identified or known to support terrorists. In this regard, the applicants indicated, among others, that the proposed beneficiary has been described as: “the legal arm of the luminous path”, or “traitor to the homeland”, and would have been accused of “putting terrorists in power”. For the Commission, the discrediting speeches to which the proposed beneficiary has been subjected seek to affect his credibility, question the integrity of the activities he carries out and generate a climate of hostility towards him, which ends up placing him in a special situation of vulnerability .

43. More recently, the Commission notes that, according to the applicants, the proposed beneficiary carried out on June 10, 2021 a new fiscal act within the framework of the investigations it leads (vid. *supra* para. 9), after which the stigmatization and discrediting campaign was “reactivated”. Given the electoral

context, the Commission identifies that new qualifiers would have been used with a view to linking the proposed beneficiary with one of the political parties in the contest, in addition to qualifying him as “corrupt” or “part of [a] criminal organization” (vid. *supra* para. 10). Of special seriousness for the Commission it is that, in addition to the events narrated in previous paragraphs, on this occasion a call was published on social networks on June 10, 2021 with a view to carrying out “a face-to-face action or sit-in” on June 11, 2021 in front of the house of the proposed beneficiary, sharing the photo of the prosecutor, his home address and the message “new enemy of Peru and Liberty” and “justice in Peru is rotten” (vid. *supra* para. 10). According to quoted statements from the proposed beneficiary and a report issued by the proposed beneficiary to his own institution, on June 11, 2021, “a plurality of people came forward who made insults, hate speech, threatened my integrity and exercised verbal violence against my family” (vid. *supra* para. 11 and 13).

44. As the Commission has previously indicated, this category of digital harassment, known as “*doxing*”, consists of the disclosure of confidential personal information for intimidation or extortion purposes<sup>29</sup>. For the Commission, the *doxing* has the potential to expose people to digital attacks and, in addition, to violations in the physical sphere, including attempts against life and personal integrity, promoted by the disclosure of personal information in the digital sphere<sup>30</sup>. In the specific matter, the available information indicates that the smear campaigns went from messages on social networks to materialize in concrete acts of harassment and intimidation against the proposed beneficiary. Consequently, the Commission understands that the proposed beneficiary, although he performs work as a representative of the Public Ministry, which places him in public opinion, his current situation would not only be evidence of “[...] [his] exposure to [her] [...]”, in the terms in which it was alleged by the State (vid. *supra* para. 18). What is valued, on the contrary, allows us to affirm that there is a continuity of the events that the proposed beneficiary has been facing, at least since 2017, and also an intensification of these. Likewise, as the available information reflects, for the Commission there is the possibility that a threat may persist over time, and an “unstable equilibrium” may occur until certain events trigger the perpetrator’s actions.<sup>31</sup>, even more so in the current context.

45. After requesting information from the State in the terms of Article 25 of the Rules of Procedure, the Commission observes that it was reported on the protection measures that have been implemented in favor of the proposed beneficiary over time, particularly since 2017 (vid. *supra* para. 19-21); and the status of various investigations that were opened (vid. *supra* para. 22–26). Regarding the protection measures that the proposed beneficiary would currently have, the Commission understands that he has a police guard at his home and would also have police personnel who would accompany him in his work (vid. *supra* para. 12, and 19-21). In the particular case of the event of June 11, 2021, the proposed beneficiary would have temporarily had a scheme of up to 20 police officers inside and outside his home (vid. *supra* para. 11). Similarly, that same day “guarantee measures” were granted in favor of the proposed beneficiary (vid. *supra* para. 12).

46. The Commission also identifies that the State and the representatives coincide in indicating that the next of kin of the proposed beneficiary had protection measures until 2020 (vid. *supra* para. 15), however, the State specified that said security service was suspended at the request of the proposed beneficiary (vid. *supra* para. 21). However, the applicants indicated that their family members would be

---

<sup>29</sup> IACHR, Press Release No. [The IACHR expresses concern over reports of acts of harassment and stigmatizing messages that encourage discrimination in the electoral context in Peru](#), June 22, 2021

<sup>30</sup> *Ibid.*

<sup>31</sup> See: I/A Court H.R. Yarce et al. V. Colombia. Preliminary objection, merits, reparations and costs. Judgment of November 30, 2016. Series C No. 325, para. 188

covered only under the protection of the prosecutor Pérez's house, which would have led to "personal self-care" measures (vid. *supra* para. 15).

47. The Commission values positively that the State is providing material protection to the proposed beneficiary, even though the police personnel were increased for a certain moment. However, for the Commission it is worrying that over approximately 5 years (2017-2021), it has not been possible to implement additional measures, in addition to material protection measures, that allow risk events to disappear or mitigate, which They have continued to appear and increase in intensity depending on the context identified and the procedural act that triggers the proposed beneficiary. In particular, the Commission understands that the event that occurred on June 11, 2021 against the proposed beneficiary reflects that there is a group of people who: (i) consistently seek to intimidate or harass the proposed beneficiary; (ii) they pay special attention to the actions of the proposed beneficiary in the framework of the cases that it promotes at the fiscal level; (iii) they know the personal address of the proposed beneficiary, and have personal data about him; (iv) they have the ability to organize and act in a short time, considering that the call for the "sit-in" was given from one day to the next; and (v) they have gone from discrediting campaigns on social networks to concrete acts of harassment or intimidation against the proposed beneficiary, even more so, in personal spaces such as their personal home. The Commission also observes that "guarantee measures" were granted in favor of the proposed beneficiary; however, there are no elements to assess how such measures would complement the existing ones. In the same way, given that the additional protection measures were given only temporarily for June 11, 2021, the Commission does not have elements of additional protection measures, after what happened.

48. The Commission understands that the State made progress in certain investigations, and some were shelved, leaving open the possibility that the proposed beneficiary could present additional pertinent elements to continue with the same. However, the Commission also observes that there are investigations that are still open or issues that remain pending response. For example, the aggression to which the proposed beneficiary was subjected in 2019 would be known to a Legal Justice of the Peace (vid. *supra* para. 23), and the State did not provide information in this regard. Similarly, with respect to the alleged fact that would have occurred in June 2021, although it was denounced, the Commission notes that to date the competent Prosecutor's Office has not been defined to continue the investigation (vid. *supra* para. 26). In this regard, the Commission observes that, according to the information provided, no substantive progress has been made in the sanction of those who would be responsible for the identified risk events, which is a relevant aspect when establishing the risk that it would face the proposed beneficiary and the possibilities of their recurrence. In relation to the foregoing, the Commission observes that the alleged risk situation is allegedly related to the tax actions that the proposed beneficiary leads in a particular context identified in Peru, and the information available indicates that they continue to file tax requests in other cases. (vine. *supra* para. 1), which could increase your risk situation, in view of the threats received.

49. In view of the foregoing elements, and in light of the specific context in which they would take place, the Commission considers that the rights to life and personal integrity of the proposed beneficiary are found *prima facie* in a situation of grave risk. The Commission also considers that their identified family members could be at risk from possible reprisals against the proposed beneficiary.

50. Regarding the requirement of *urgency*, the Commission considers that the elements contained in the request suggest the possibility that the proposed beneficiary faces the imminent materialization of damage to his rights. This, due to the indications about the persistence of the alleged risk situation, the content and tenor of the qualifications used against the proposed beneficiary, the continuity of the smear campaigns against the proposed beneficiary, what happened in June 2021, and the continuity of the work carried out by the proposed beneficiary in the particular context that Peru is going through.

51. As it pertains to the requirement of *irreparable harm*, the Commission finds it met, since the possible impact on the rights to life and personal integrity constitutes the maximum situation of irreparability.

52. Finally, in light of the allegations about the summons to Congress in 2018, the removal of the proposed beneficiary in 2018, the current disciplinary processes before the competent entity of the Prosecutor's Office, and the eventual evaluation process that will be followed before the National Board of Justice (vid. *supra* para. 7, 8 and 27), the Commission is allowed to indicate that the analysis of the allegations would require determinations on the merits, so it will not rule on the matter on this occasion. Notwithstanding the foregoing, the Commission reminds the State that it corresponds that the processes in force follow due process and with due guarantees in the terms established by the American Convention and the applicable standards. In the same way, with regard to the questions to the Law of Transparency and Access to Public Information (vid. *supra* para. 16), the Commission recalls that in this proceeding it is not appropriate to carry out an analysis of the conventionality of the provisions of domestic law in light of the American Convention and the applicable standards.

#### **IV. BENEFICIARIES**

53. The Commission declares that the beneficiaries of these precautionary measures are José Domingo Pérez Gómez, his wife Vanessa Aydee Medina Muñoz and their son JDPM, who are duly identified in this proceeding.

#### **V. DECISION**

54. The Commission considers that this matter meets, *prima facie*, the requirements of seriousness, urgency, and irreparable harm set forth in Article 25 of the Rules of Procedure. Consequently, it requests Peru to:

- a) Adopt the necessary measures to guarantee the rights to life and personal integrity of the persons identified as beneficiaries;
- b) Adopt the necessary and culturally appropriate measures to guarantee that Mr. Pérez can continue to carry out his duties as a prosecutor without being subjected to threats, harassment or acts of violence in the exercise thereof;
- c) Agree on the measures to be implemented with the beneficiary and their representatives; Y
- d) report on the actions undertaken to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

55. The Commission requests that the State of Cuba report on the adoption of the precautionary measures requested and to update that information periodically within 15 days as from the date of this resolution.

56. The Commission emphasizes that, in accordance with Article 25 (8) of its Rules of Procedure, the granting of this precautionary measure and its adoption by the State do not constitute a prejudgment on any violation of the rights protected in the American Convention or other applicable instruments.

57. The Commission instructs the Executive Secretariat of the IACHR to notify this resolution to the State of Venezuela and the applicant.

58. Approved On July 25, 2021, by Antonia Urrejola Noguera, President; Flávia Piovesan, Second Vice President; Margarette May Macaulay, Esmeralda Arosemena de Troitiño, Joel Hernández García and Edgar Stuardo Ralón Orellana, members of the IACHR.