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**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS  
RESOLUTION 5/2023**

Precautionary Measure No. 729-22

Liz Patricia Benavides Vargas and her family unit regarding Peru<sup>1</sup>

January 6, 2023

Original: Spanish

**I. INTRODUCTION**

1. On September 21, 2021, the Inter-American Commission on Human Rights (“the Inter-American Commission”, “the Commission” or “the IACHR”) received a request for precautionary measures presented by Carlos Vicente Navas Rondón of the Association of Dismissed Judges of the Public Prosecutor’s Office (*Asociación de Magistrados Cesantes del Ministerio Público, ANMCMP*), (“the applicant”), urging the Commission to request that the Republic of Peru (“the State” or “Peru”) adopt the necessary measures to protect the rights to life and personal integrity of Liz Patricia Benavides Vargas and her family unit<sup>2</sup> (“the proposed beneficiaries”). According to the applicant, Ms. Liz Patricia Benavides Vargas and her family are at risk due to the current context of institutional crisis that the country is experiencing, as well as the investigations she is conducting as Attorney General of the Nation.

2. The IACHR requested information from the applicant on October 19 and received a response on October 24. In accordance with Article 25.5 of its Rules of Procedure, on November 30, 2022, information was requested from the State. The State submitted a report on December 15, 2022. The applicant submitted additional information on October 12 and 25; November 1 and 14; December 6, 21, and 27, 2022; and January 17, 2023.

3. Upon analyzing the submissions of fact and law provided by the parties, the Commission considers that the information presented shows *prima facie* that Liz Patricia Benavides Vargas and her family unit are in a serious and urgent situation, taking into account that their rights to life and personal integrity are at serious risk. Therefore, pursuant to Article 25 of its Rules of Procedure, it requests that Peru: a) adopt the necessary measures to guarantee the rights to life and personal integrity of the beneficiaries; b) consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and c) report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

**II. SUMMARY OF FACTS AND ARGUMENTS**

**A. Information provided by the applicant and the proposed beneficiary**

4. The request is filed in favor of Liz Patricia Benavides Vargas, current Attorney General and her family unit. They allege that they are at risk due to the current context of the country in which the President in office and his officials are being investigated.

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<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> Her family consists of her spouse, Luis Hernán Misaél Espinoza Quiroz, and her three minor children of initials H.R.E.B., A.C.E.B. and A.C.E.B.

5. It was stated that, for the first time in Peru, a sitting president is being investigated. Investigations against the former president and other senior officials are being conducted by Attorney General Benavides Vargas. These ongoing investigations reportedly motivated attacks, acts of harassment, and public campaigns of disinformation, discreditation, and smear against the Attorney General and the Prosecutor's Office. This also undermines the guarantee of independence of justice operators, affects women's participation in public decision-making bodies, and seeks to destabilize the role of the Attorney General of the Nation.

6. They also note that, in the exercise of her powers, the Attorney General of the Nation formed the Special Team of Prosecutors against Corruption of Power. These had the exclusive responsibility of addressing crimes of corruption by officials, organized crime, illicit drug trafficking, money laundering, and related acts committed in the exercise of power obtained by popular election or appointment.

7. Regarding the special team of prosecutors, the area of corruption in power was allegedly coordinated by the Provisional Senior Prosecutor, Marita Sonia Barreto Rivera. It reportedly has the competence to investigate individuals and officials deemed "*no aforados*", as they do not have the prerogative of constitutional pre-trial proceedings. Among the cases that this team handled, they mentioned the alleged criminal organization that operated in the Ministry of Transport and Communications and the commission of the crime of exercise of undue influence. In these cases, the wife of the former president of the Republic and sister-in-law, who had a current preventive detention mandate, are reportedly linked.

8. Regarding the criminal proceedings in which the former president Castillo Terrones is linked, in addition to some of his ministers and relatives, whose process has been authorized by the proposed beneficiary, detailed information was<sup>3</sup> provided on at least five investigations for crimes such as aggravated influence peddling, criminal organization, and others.

9. The applicant pointed out that the then-President Castillo Terrones and the president of the Council of Ministers made pronouncements against the autonomy of the Public Ministry, questioning the granting of the institutional budget.<sup>4</sup> This situation was allegedly denounced by the Board of Supreme

<sup>3</sup> Case called "military and police promotions" (*ascensos militares y policiales*): investigation against the President of the Republic, the former Minister of Defense, and the former Secretary General of the Government Palace. On July 12, 2022, the National Prosecutor, Benavides Vargas, ordered the suspension of the initiation of preliminary investigation acts and that the investigation against the president be carried out for the alleged commission of the crimes Aggravated Trafficking in Influences or Illegal Sponsorship. - Case called "Petroperu": investigation against President Castillo Terrones. On July 18, 2022, Prosecutor Benavides Vargas ordered the suspension of the initiation of preliminary investigation acts and that the investigation be carried out, for the alleged commission of the crime of Aggravated Influence Trafficking. - Case called "Tarata and Chinese Companies" (*Tarata y Empresas Chinas*): involves the President of the Republic, José Pedro Castillo Terrones; the former Minister of Transport and Communications; two nephews of the President of the Republic, and a group of congressmen of the Republic (called "*Los niños*"). The case was initiated, prior to the management of the Prosecutor of the Nation, for the alleged commission of the crimes of Criminal Organization and Aggravated Influence Trafficking or Illegal Sponsorship. To date, research activities have been encouraged. - Case called "Ministry of Housing" (*Ministerio de Vivienda*): The President of the Republic and the current Minister of Transport and Communications are being investigated. On August 10, 2022, the Prosecutor of the Nation, Benavides Vargas, ordered the beginning of an investigation for the crime of Criminal Organization. - Case called "Obstruction of the investigation" (*Obstrucción de la investigación*): Investigation carried out against the President of the Republic, the President of the Council of Ministers; the current Minister of Justice and Human Rights, the former Undersecretary General of the Government Palace, and the former Technical Advisor of the Technical Cabinet of the Presidency of the Republic. The investigation was initiated by the proposed beneficiary, on July 20, 2022, for the crimes of Criminal Organization and Personal Cover-up.

<sup>4</sup> They gave the following as examples: President of the Republic, José Pedro Castillo Terrones. Twitter/August 2: "The Peruvian people want to know why the tax investigation team of the case of '*Los Cuellos Blancos del Puerto*' has been dismantled. I hereby notify the international community of these very serious events, about which many are silent." President of the Council of Ministers, Conference in Puno /September 1 "There are billions who are there, in the Judiciary, and the Judiciary demands more budget, that is, of the money of the public treasury, of the money of all Peruvians, they ask for more budget, and perhaps they are right; but to understand it, the budget is not given, it is not gifted, in exchange for just nothing, the budget is given in exchange

Prosecutors of the Public Ministry (*Junta de Fiscales Supremos del Ministerio Público*), on August 3, 2022. They also alleged that ministers of state “attacked” on the autonomy of the Public Prosecutor’s Office and the separation of powers.<sup>5</sup>

10. Regarding the reported situation, it was indicated that there is a public campaign that is promoted by social and political sectors. This campaign seeks to discredit the Public Prosecutor’s Office through misinformation about the decisions taken by the Attorney General. This is in order to link her to a political sector of the country and deem it a “coup”. They accuse her of judicializing politics and even of links with drug trafficking, and of being investigated for corruption. There is also a reported intention of charging her with the crime of plagiarism. In addition, during the sit-ins at the Prosecutor’s Office headquarters, there were alleged shouts against the proposed beneficiary and her family.

11. These situations had direct participation of the then-President of the Republic and then ministers of his government. In this regard, the applicant reported multiple public statements or interventions through the press, radio, and even Twitter accounts. This took place during the months of July and January 2023, which it described as attacks against the proposed beneficiary.<sup>6</sup>

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for something, and if the budget is given to the Judiciary and the Public Prosecutor’s Office, to the Constitutional Court is so that they administer justice decently and do not have those billions for taxes there in the offices of the prosecutors; magistrates, that money belongs to all Peruvians”

<sup>5</sup> As examples, statements and press conference referred to by the former President of the Council of Ministers, by the Minister of Justice and Human Rights, Minister of Labor and Employment Promotion, and by the current Prime Minister, Betsy Chino, were indicated.

<sup>6</sup> Statements by the President of the Republic of Peru, José Pedro Castillo Terrones - Statements in Tacna /August 28, 2022. “They request, pay and manufacture effective collaborators, and when they have them inside they threaten them to go out and tell the people of the Palace: ‘Hey, I’m going to offer you this much, I’m going to pay you this much, but come and become an effective collaborator and say that Pedro Castillo is corrupt and say that Pedro Castillo has colluded.’” - Twitter/August 18 “Harassment continues. Judicial harassment, criminal harassment, they don’t mind breaking up a family. They don’t mind leaving our children orphans. A situation has been designed in order to break us.”

Statements by the President of the Council of Ministers, Aníbal Torres Vásquez: Press conference of the Council of Ministers/August 31 “The fact that these magistrates investigating drug traffickers have been changed, that is leading people to validly presume that a sector of drug trafficking has invaded a sector of the administration of justice; we have to clean up our justice system.” Statements in Tacna/August 28: “How is it possible that the prosecutor [of the Nation] has changed the prosecutor who had been investigating the sister for drug trafficking (...) A part of the administration of justice sector has been taken over by drug trafficking, it has been taken over by the corrupt and they are the ones who have taken all the money from the State and have not let us carry out fundamental activities.” - Statements in Tarapoto/August 26 “In the face of these public complaints of what happened in the Attorney General’s Office, what is the National Board of Justice doing? Nothing, nothing. And in exchange for what do we pay them those generous salaries they receive?” (Annex 11) To put in context what was indicated by the Prime Minister, he referred to the resolutions that terminated the appointments of two prosecutors of the Public Prosecutor’s Office, ordering their transfer to their original prosecutors’ offices. This decision that corresponds to the owner of the entity and that constitutes an act of internal administration endorsed by Peruvian law. - Statements after CONASEC/August 22: “The great criminals are free, others, out of suspicion, the maximum of preliminary detention is requested, there is an exaggerated disproportion, there is political persecution, there are other cases in which facts, crimes are invented. Some witnesses are being summoned and they have told me how they have been interrogated, they do not seek to know the truth, but to create a crime, you know for what purpose.” New attacks were reported in para. 21 and 27. Statements to TV Peru/August 15 “I want to clarify that the responsibility is not only the Judiciary and the Public Ministry (JNJ), but also the National Board of Justice. How is it that the JNJ has selected these magistrates? How can you select as magistrate, for example, a person who has acquired his master’s degree and doctorate at the same time. How is it possible?” - Press conference PCM /August 10 “It is an abuse that the Prosecutor’s Office is carrying out operations every time in the Government Palace, not once, twice, three times, for the same fact, that is not correct”. Statements by the Minister of Justice and Human Rights, Félix Chero Medina - Statements to the press/August 30: “Pre-trial detention would be used as a “coercive mechanism (...) What must be put on record is that democratic institutions must be respected, but that due process and the right to defence must be respected.” - Press statements/August 9: “We cannot allow excesses or abuses by the Public Ministry. We consider excess because investigations are constantly opened without having a correct legal classification of the criminal types for which they intend to open the investigation. - Statements to the press/July 14: “It is a controversial decision, contrary to the constitutional framework and violates the precedent that exists in the Attorney General’s Office regarding the filing of this complaint.” Attacks by the Minister of Labor and Employment Promotion, Alejandro Salas Zegarra. - Statements to radio Exitosa/August 12: “It is true, we live a deep acute political crisis where not only the Executive Power has to deal with certain sectors of Congress, not all because there are congressmen who are democrats, and now an issue of an avalanche of situations has been added by the Public Ministry.” The

12. Multiple messages were also detailed through the social network Twitter, from unidentified accounts (possible troll accounts), which qualify as attacks against the proposed beneficiary. They accuse the proposed beneficiary of acts of corruption, favoring the investigations of relatives, among others.<sup>7</sup> The first message is dated July 29, and the last one is from September 7, 2022.

13. On July 13, 2022, the Division of Protection of Dignitaries (*División de Protección de Dignatarios*) noted the presence of a drone in the proposed beneficiary's family home. On this date, an investigation was initiated against the President of the Republic. Furthermore, a report from this same Division, dated September 1, 2022, ordered to maximize the security measures in favor of the proposed beneficiary and her family. This was after police officers from the Peruvian National Police – San Borja took photographs of Ms. Benavides Vargas' home, which according to the applicant, leads them to believe that the police personnel is allegedly receiving orders from higher authorities.

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revelation of the coordination of officials of the Government Palace to attack the Prosecutor of the Nation. Publications in the weekly "*Hildebrandt en sus trece*" - July 29 Edition: "The fatal call: Beder Camacho, assistant secretary general of the presidential office, gives this weekly supposed evidence about a thesis plagiarism committed by the head of the Public Ministry. This is the proof that an attack on whoever is leading the investigation of the president has begun from Palacio." - Edition August 16: "Little Sisters: Although the mainstream press has hidden the facts, the truth is that the Attorney General of the Nation freed the accused sister from whom she was gathering decisive evidence against her. What a disgrace."

<sup>7</sup> July 29, @Azpita: "The thesis of the nation's prosecutor is the least of it, what muddies Benavides are acts to avoid advancing the investigation of the sister for alleged corruption." - @Chriss43082460: "The Prosecutor has a sister Judge who was President of a criminal chamber that charged bribes to release drug traffickers that is a concrete fact. But for the corrupt, the National Prosecutor is the Cinderella and Castillo is the Fierce Wolf. C'monnn...!" - August 3, Independiente@ AlfonsoEmilio15: "This prosecutor leaves many doubts and aggravates the crisis of the institutions by being politicized." - @carlosbucalo: "Heyyy, when you want to wash crimes off a criminal, take it to PR, there their cool journalists do the work". - August 17, @ walterG78599122: "The Prosecutor's Office in Willax? "You have to put a flamethrower to it, you have to drag the corpse, because there is no way. They never leave power for good." - José Barba Caballero - Willax - @N3veu: "What happened to the prosecutor? Are you repeating Prosecutor Fantoche's footsteps?" - @JL\_Kadel: "Aha! A LYING senior prosecutor giving an interview on the show to a woman who promotes, fake! The same ravine comes together. Peru has become the right hand of the Brutal and Tantrum Right (*Derecha Bruta y Achorada, DBA*) and coups d'état." - micky00071: "The public prosecutor in the manure canal like good rats are at home." - @guevara\_ashton: "Do you choose the most obedient brutes to go on the show? If that prosecutor, alleges that Dr. Bamba did not remove the prosecutor who was following the sister, but resigned; when the truth is only one!" - @twitera2020: "The PROSECUTOR WITH FAKE TITLES and the scholarship that does not know how to do basic math". - August 18: @el\_joel20: "That is, because they are judicialized, they are not going to be pointed out? They must be pointed out." - August 21: @ SinVerguenzas22: "And how are they going to suck with a drone? A complaint of this type and in the middle of a pre-trial detention hearing against Yenifer Paredes. Who would it hurt? This more resembles a victimization strategy on the part of the prosecutors in charge of the case." - August 22: @ CesarRada19: "Another lie of the sicaria and coup press of the El Comercio group. They present the photos of the alleged deal. Pure lies." - August 26, @2021Arcangel\_: "Vela Barba another criminal mafia puppet and traitor to the homeland". - @ \_Meri\_Azul: "Vela has nothing left but to defend whoever put him there. However, the Prosecutor of the Nation has a great conflict of interest for having interfered in favor not of one, but of TWO OF THE SISTERS, judges, investigated for links with DRUG TRAFFICKING." - @FernandoZegarra6: "The permanence of the nation's prosecutor after this report is unsustainable." - @ Carloslamalope1: "Fiscal Vela does not need to defend it. LOOK AT EVERYTHING THAT'S COMING OUT OF THE NATIONAL PROSECUTOR." - @MirChalejo: "@éxitope Vela is only shielding the corrupt Benavides who must be removed at once from the @FiscaliaPeru waiting for the @ JNJPerumust also be denounced as well as the white collar.@anibaltorresv @MinjusDH\_Peru". - @jmanuelmj5: "I have no doubt the FUJIAPRISTA [personalist political current around the figure of former Peruvian president Alberto Fujimori] MAFIA has taken over the Prosecutor's Office, they show a small part of the interview trying to manipulate public opinion. Vela is only defending their post soon all the mob manipulation of the new White Névida-Colán will be known." - @SinVerguenzas22: "What shame! They thought people would never find out." - @Eye68174130: "Guillermo Olivera on Benavides prosecutor: She is the daughter of crime". - @GeraldR07654217: "No pasquinade, ophthalmologist, or journalist makes a scandal, for the dead and wounded of Madre de Dios, as a result of the "operation" led by the Fujimorista Prosecutor of corruption. It only confirms that the lives of Peruvians don't give a damn about the right-wing coup." - @AlfonsoMaggie: "It is not going to be a criminal action @FiscaliaPeru". - August 29, @willaxtv: "No wonder doctor. THE JUDICIARY AND THE PROSECUTOR 'S OFFICE DISGUST ME." - September 2, @ AntiFujiAprismo: The @ ProsecutorPeruof the narkos is part of the fujiNazi coup, there is no other explanation." - September 7, @ procurador1001: "The national prosecutor is only drastic with caslla, anibal torres and some ministers, but she protects her relatives and even changes prosecutors who investigate them, jnj (National Board of Justice) that they dismiss it as biased and designate another as pablo Sánchez is conceited of jnj or old friendships?".

14. Additionally, the request mentioned that the proposed beneficiary was the subject of a *Habeas Corpus* against her, which they qualify as “malicious and without legal recourse”, after she requested preventive detention against the sister-in-law of the then-President of the Republic. The lawsuit was declared inadmissible. An administrative disciplinary procedure was also initiated against the proposed beneficiary before the National Board of Justice (*Junta Nacional de Justicia*) for an administrative complaint filed by a congresswoman, who questioned decisions regarding the management and position of the Attorney General.

15. They added that the monitoring and incidents of photographing the Attorney General’s home and the sit-ins at the headquarters of the Public Ministry have been increasing as the development of investigative acts and the initiation of other criminal cases against the then-President of the Republic.<sup>8</sup>

16. In addition, other facts were mentioned such as: i) on August 21, 2022, the presence of a drone was detected in the house of the coordinator of the special team, which allegedly affected their privacy and security (no further detail). This reportedly occurred during the hearing in which the request for 36 months of preventive detention against the sister-in-law of the then-President of the Republic was to be analyzed; ii) sit-ins at the headquarters of the Public Prosecutor’s Office, which occurred several days a week, and in which various groups of people shouted statements against the Public Prosecutor’s Office, the Attorney General, and her family;<sup>9</sup> iii) attacks from the National Congress through questioning and constitutional denunciation of congressmen of the political party “*Perú Libre*” which allegedly seeks to affect the stability and permanence of the Attorney General by accusing her of the crimes of abuse of authority and obstruction of justice in an alleged violation of two articles of the Political Constitution of Peru.

17. On October 5, 2022, it was pointed out that the proposed beneficiary had been criminally and disciplinarily denounced by two lawyers<sup>10</sup> who had visited the residence of the President of the Republic on several occasions and who are also contractors of a congressman that belonged to the political party of the then-President. On October 10, 2022, the same congressman denounced the proposed beneficiary before Congress for alleged violation of several constitutional articles.

18. The proposed beneficiary also warned that on October 3, a drone overflew her family residence.<sup>11</sup> In addition, “media attacks” have continued to happen through statements by several officials to the foreign press.<sup>12</sup> In addition, she reported that she has not filed complaints for the alleged facts, nor has she required protection measures before the internal authorities because they believe that these facts stem from the then-President of the Republic, who was the supreme head of the Armed Forces and the National Police. In the proposed beneficiary’s opinion, they “would not entail any change or protection”, nor would they protect the independence and autonomy of the Public Ministry. In a report dated October 21, 2022, the applicant noted that none of the proposed beneficiaries has any protection plan in place.

<sup>8</sup> See para. 13, 18, 23, and footnote 12.

<sup>9</sup> On August 10, a poster was seen showing “Full of corruption, Prosecutor Patricia Benavides wants to lie down at Castillo to free Korruppta’s sister from prison.” On September 5, “Patricia Benavides, the people repudiate you” and “it will fall, and it will fall, the Prosecutor’s Office will fall”, a banner “Prosecutor’s Office bought by the corrupt”.

<sup>10</sup> In addition, the lawyers reportedly filed a request for preliminary search and detention. On October 20, the same lawyers filed a letter with the United States Embassy in Peru addressed to the Drug Enforcement Administration (DEA) where it communicated about the alleged link of the proposed beneficiary with drug trafficking. In the Prosecutor’s opinion, there is no factual or legal support.

<sup>11</sup> Attached was a report “On service developments at the home of Liz Patricia Benavides Vargas - National Prosecutor”. In it, the National Police escort who provides security and protection to the proposed beneficiary reported that at approximately 4:30 the help from Ms. Benavides Vargas’ home called to say that “there was a drone flying over the home of the proposed beneficiary... at the back of the home towards the garden”. The verification showed that the drone flew overhead for a period of three minutes.

<sup>12</sup> They alluded to statements made by then-President Castillo Terrones and his ministers between October 11 and 18, 2022.



19. On October 21, 2022, the applicant reported that the special team of the Prosecutor's Office led by Prosecutor Marita Barreto detected the presence of a subject known as "*El Español*" who has been recruiting hitmen to perform "alterations" and attack Colonel Harvey Colchado and other members of the special team that was investigating the government of President Castillo. That group is allegedly funded by the government in response to the progress of the investigations, which in the opinion of the proposed beneficiary, demonstrates that the former President leads a criminal gang.<sup>13</sup> The communication clarified that the proposed beneficiary has personal security and that graduates and reservists of the Armed Forces are being arranged: militant assets called "*ethnocacerists*", linked to the government in order to attack Ms. Benavides Vargas' husband and/or children, for which they reportedly simulate a crime against property (aggravated theft).

20. They further mentioned that, between October 18 and 19, 2022, former President Castillo submitted requests to inhibit her from continuing to be informed of the investigations against him, as well as the rectification of a fact that is reportedly part of the constitutional complaint, a request which the Public Ministry has denied. He also added that, on October 11, 2022, the Judge of the Fifth Constitutional Court of Lima processed the demand of *Habeas Corpus* promoted in favor of President Castillo and others, against the Prosecutor Marita Barreto, Colonel Colchado, and the proposed beneficiary, giving them the opportunity to submit the pertinent discharges. In addition, other constitutional and criminal complaints have been filed by other congressmen and citizens against the proposed beneficiary who is accused of various crimes such as prevarication, influence peddling, among others.

21. The applicant submitted information on November 14, 2022, referring to new media attacks against the proposed beneficiary, giving as an example presidential statements from October 25<sup>14</sup>,<sup>15</sup> 26,<sup>16</sup> 29; and<sup>17</sup> November 10, 2022. They also reported that, on November 8, 2022, a new complaint was filed

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<sup>13</sup> On October 3, 2022, the prosecutor received an intelligence note sent by Colonel of the National Police Harvey Julio Colchado Huamani, General Coordinator of the Special Support Team for the EFICCOP Team, which reports that, through intelligence activities, work is being done to identify and locate the members of the criminal organization dedicated to "the crime of assassination, having as main objectives Colonel PNP Harvey Julio Colchado Huamani and Colonel PNP Walter Pajuelo Lozano, the Superior Prosecutor Sonita Marita Barreto Tavera, as well as to the detriment of the effective collaborators of the cases investigated by the Special Team in support of the EFICCOP and journalist Edward Phillip Alexander Butters Rivadeneira, in retaliation for the interventions and arrests that these operators of the criminal justice system have been carrying out since the creation of the EFICCOP. Moreover, it is mentioned that "the illicit actions have been planned by a criminal organization linked and financed by the current government, the main character is the subject known as (a) El Español or (a) Jorge or (a) Jorge Fernández is allegedly a foreign citizen of great decision-making influence in the current government's management. Obeying orders from his leaders and according to the development of the criminal program of the criminal organization to which he belongs, he is currently considered as one of its main objectives to attack the Prosecutor of the Nation, Liz Patricia Benavidez Vargas, and her direct family.

<sup>14</sup> In the meeting with regional governors, the president said "like you, many petty constitutions, (...) want to develop, make up fiscal folders, get involved in so many things that some easily believe because they are always watching the screen or people who are foreign to the country (...) and do not think about the true demand of the country. Because there have been authorities who have been prey to false accusations just as they do with any management; (...)"

<sup>15</sup> Statements at the National Convention of Elected Mayors the Prime Minister referred that "the Attorney General of the Nation has a series of questions that should be investigated by the National Board of Justice and is not being investigated; and, on the contrary, they attack the people who denounce those facts, and attack them saying that they are obstructing justice; that is, denouncing acts of corruption now in Peru constitutes a crime (...) the system of administration of justice is highly disqualified, not just now, but has been for a long time and a profound reform of the justice system is needed (...) that is, National Board of Justice, Judicial Power, Public Prosecutor's Office, Academy of the Judiciary, Constitutional Court".

<sup>16</sup> During the official visit to the Pasco region with ministers of state, the president pointed out: "but some prosecutors, some who do not know the reality, the last one in line, lend themselves to these things and comes mounting accusations (...) presumably, would go, exist, be, (...) to denigrate and make people understand that this is a corrupt government, they have taken the people around us, they have taken people who have started working with us; they lock them up for ten days, they threaten them to declare themselves as effective collaborators out of fear (...)"

<sup>17</sup> Statements at the meeting of mayors held in Pasco "To myself, Ms. prosecutor of the Nation has already denounced me for being part of a criminal organization and obstructing justice as well. I say and publicly request the Attorney General of the Nation that

against the Attorney General before the National Board of Justice alleging delay in the proceedings of the Public Prosecutor's Office, as they did not process a criminal complaint. In the applicant's view, this is unfounded.

22. On December 19, 2022, the applicant provided additional information. They first contextualized the current situation of democratic crisis in Peru. They mentioned the attempt of former President Pedro Castillo to promote a coup d'état through the dissolution of the National Congress. This act reportedly resulted in the approval of their removal from office, the arrest of Pedro Castillo, and Vice-President Dina Boluarte becoming president of the country. According to the applicant, these facts prove that there was an attempt to infringe the independence and autonomy of the various powers of the State. In particular, it is indicated that the former president had ordered the arrest of the proposed beneficiary, as revealed by the general commander of the Peruvian National Police in a statement released by the news media called "Panorama". The news has also been reported in the press.<sup>18</sup>

23. It was also indicated that, in news reported on December 12, 2022, a video recorded outside the Special Operations Directorate (*Dirección de Operaciones Especiales*, DIROES) has circulated. In it, the former president is detained and the former Prime Minister Betsy Chino allegedly held the Attorney General responsible for the situation in the country.<sup>19</sup> This information was allegedly shared via various Twitter accounts, in which it is extracted that the proposed beneficiary is blamed for the deaths that occurred in the country. It is also understood that the congresswoman's actions put the life and integrity of the proposed beneficiary and her family unit at risk.

24. They further added that, on December 16, 2022, on the Twitter account under the username "ideelradio", the following news was presented: "I do not know if the Prosecutor Patricia Benavides, is on vacation or if she continues to fight against corruption in power, but she should speak out on responsibility and immediately open investigations into the deaths." The applicant understands that these statements are believed to interfere with the work of the prosecutors in charge of carrying out criminal proceedings.

25. Regarding protection measures, the request indicated that the security plan offered by the State is insufficient for the risk presented. In this regard, it was reported that on October 27, 2022, through an official letter, the General Secretariat of the Attorney General's Office requested the increase of the police

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any institution and any person can review the resume of the Attorney General of the Nation and my resume to determine who should be prosecuted or prosecuted. And not only who should be prosecuted, but who should be in jail and not free."

<sup>18</sup> El Comercio. <https://elcomercio.pe/politica/pedro-castillo-ordeno-al-jefe-de-la-policia-general-raul-alfaro-detener-a-la-fiscal-de-la-nacion-patricia-benavides-y-cerrar-el-congreso-noticia/>, <https://gestion.pe/peru/politica/pedro-castillo-comandante-general-de-la-pnp-revela-que-expresidente-le-ordeno-detener-a-fiscal-de-la-nacion-patricia-benavides-golpe-de-estado-congreso-rmmn-noticia/>

<sup>19</sup> According to the request, the statement was as follows: "Those responsible are the Prosecutor of the Nation Patricia Benavides (...). This corrupt, this Prosecutor of the Nation, this Blanca Nélide Colan 2.0 is responsible for the deaths in our country because she has dictated a preliminary arrest against the President of the Republic not respecting his presidential immunity. This Prosecutor of the Nation is being backed by the group of the coup government that never let the President rule from the first moment (...). This Prosecutor of the Nation (...) has found an absurd reason such as rebellion, such as conspiracy, at what moment have we risen in arms? That woman is the one who makes this country take up weapons. She doesn't mind sacrificing the lives of the brother policemen or our peasant brothers in the Andes. This Prosecutor of the Nation, Patricia Benavides, and I say her full name, is responsible for the deaths of our country. We ask the Public Ministry to remove her from that position, that corrupt one and that the press which has been bought and bribed, and that does not have the courage to publicize what is happening in the country, well perfect, if the press is silent, here the people shout in the streets, but we want the restitution of the President of the Republic Pedro Castillo."

security plan in favor of the proposed beneficiary and her family unit. The request was denied on November 10, 2022.<sup>20</sup>

26. On January 17, 2023, the applicant indicated that the Attorney General received a message in her institutional email account. The email was allegedly sent by the man identified as the person who is inciting social disorder in the country and he accuses the Attorney General of causing harm.<sup>21</sup> He added that the risk is real and is linked to the acts promoted by Mr. Castillo Terrones and his political environment, since his former ministers continue to occupy the position of congressmen of the Republic. It was indicated that, during the protests, several offices of Public Ministry were damaged, providing as examples the headquarters of Huancavelica, Arequipa, and Apurímac were burned. In the applicant's opinion, this allegedly demonstrates that there is a repudiation towards the Public Prosecutor's Office, directed against the proposed beneficiary by "azuzadores" [inciters] who seek to destabilize Peruvian democracy.

27. Among the "azuzadores" that are identified in the request, former President Castillo is included. According to the statement of the former Interior Minister, the former President reportedly has access to a cell phone and Twitter from where he encourages<sup>22</sup> protests and holds the Prosecutor's Office responsible for the situation in the country,<sup>23</sup> requests new elections, and does not recognize the authority of current President of the country.<sup>24</sup> In another message dated January 10, 2023, the former President allegedly attacked the current President of the Republic and the proposed beneficiary. This allegedly goes against the autonomy of the Public Ministry<sup>25</sup> and demonstrates his animosity against the Attorney General.

28. The applicant submits that the overall actions of former President Castillo violate several of the proposed beneficiary's constitutional rights. The information on 13 complaints against the Attorney General was reiterated. Five of these, of an administrative nature, questions investigation carried out by

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<sup>20</sup> According to the following allegation: "That the request to grant the increase in PNP (Peruvian National Police) personnel to the escort of the security and personal protection service for Ms. Liz Patricia Benavides Vargas, Prosecutor of the Nation, is dismissed, since the increase in security and personal protection is for the holder of the position and is of a very personal nature, also the increase is a maximum of 6 (six) PNP personnel, currently the National Prosecutor has an increase of 8 (eight) PNP personnel and according to the second transitional complementary provision of Directive No. 007-202-IN-DIRSESST of October 21, 2022, the security and personal protection services must adapt to what is established in that Directive. Resolution for granting the personal security service for her family environment is being processed."

<sup>21</sup> The text was as follows: "You are doing tremendous damage to this country, of humble people, you have no idea what you are doing, but I prepare the children to destroy this abusive regime, a system, in which you participate in exchange for the rules of corrupt companies, this happened for many years in which many compatriots died, as today we fight to change and ward off the servants of this world mafia, which happily buys consciences, I have testimonies of who you are and also take note that I am an ordinary citizen without a criminal or judicial, or police record, in which you if you have a history and very soon your tricks that you do will fall like cards, you will be imprisoned with all the corrupt of your environment."

<sup>22</sup> The request indicates that the former minister reportedly gave statements to the Diario La República saying "he is reportedly using a cell phone. He, in person, is allegedly directing these violent acts through some characters linked to Fenatop and Movadef. He was also reportedly communicating with some ex-prefects or sub-prefects. Pedro Castillo himself is reportedly responsible for the acts of violence that are taking place in the Apurímac area."

<sup>23</sup> Tweet from December 14, 2022 "I hold judges and prosecutors accountable for what happens in the country. Millions of thanks to my compatriots for their love and support. "Only the people save the people"

<sup>24</sup> Tweets date back to December 12 and read: "Recently said by AN USURPER no more than the same snot and slugs of the right-wing coup. So the people should not fall into their dirty game of new elections. Enough of the abuse! Constituent Assembly now!! Immediate freedom! "I speak to reiterate that I am unconditionally faithful to the popular and constitutional mandate that I hold as president and I will not rejoin or ABANDON MY HIGH and SACRED FUNCTIONS." "...humiliated, isolated, mistreated and kidnapped, but still clothed in your confidence and struggle, in the majesty of the sovereign people, but also infused by the glorious spirit of our ancestors."

<sup>25</sup> "Peruvians who have been killed for defending the country from the coup dictatorship will be immortalized in the history of our great homeland. Terror is the last cartridge of a regime cornered by the people. Dina Boluarte and the Attorney General of the Nation are hiding today."



the proposed beneficiary and her team against former President Castillo Terrones. In addition, the inadequacy of the protection plan was noted as a request for a staff increase for their safety had been rejected. A response was attached from the Security Directorate in which it was reported that the plan had already been increased to eight agents, when the standard indicates a maximum of six. It was insisted that it is necessary as the protests are ongoing and there has been a detected movement carried out by individuals linked to Sendero Luminoso, whose leaders are serving a life sentence.<sup>26</sup> This allegedly demonstrate that there is a crisis in the country, in which the Democratic and Constitutional State is not recognized, which creates a “crisis and political instability”.

29. They therefore emphasize that the risk situation remains and reiterate the request for precautionary measures.

### **B. Information provided by the State**

30. The State considers that the requirements of Article 25 of the IACHR Rules of Procedure are not met. The State indicates that it has carried out a series of actions with the aim of safeguarding the life and personal integrity of the proposed beneficiaries. It points out that the proposed beneficiary, Liz Patricia Benavides Vargas, has only presented a “ratification of the request for precautionary measures”, but has not given her express consent to the representation. The State further indicates that the requests are broad and general, in other words, that they fail to specifically determine which measures or actions would be the most appropriate and effective to counteract or mitigate the impact of their rights, taking into account the situation or context in which they were requested.

31. The State indicated that the precautionary measures were requested in a context that has now substantially changed. This reportedly leads to the resounding lack of a risk of irreparable damage because the alleged risk faced by the Attorney General no longer exists. In this regard, the State specified that there is a new political context that the Peruvian State is experiencing. Due to that fact, since December 7, 2022, it has undergone a change of authorities of the highest level that are closely related to the alleged effects referred to by the applicant and the proposed beneficiary. Specifically, the State referred to the statements of former President Pedro Castillo, and reported that he was vacated by Congress on December 7, 2022. It was indicated that the Congress declared the permanent moral incapacity of the President of the Republic, in accordance with paragraph 2 of Article 113 of the Political Constitution of Peru, pursuant to Article 117 of the Magna Carta, declaring the removal of office of the President of the Republic and, consequently, the application of the regime of succession established in Article 115 of the Political Constitution of Peru.

32. Regarding the facts reported in this request, in particular the attacks of public campaigns and/or statements in the press, originated from actors who exercised the highest political power, the State recalls that the political context has been modified. In addition, the ministers who allegedly provided statements against the proposed beneficiary no longer hold office. In that sense, it was indicated that, by the assumption of command by succession regime, Ms. Dina Boluarte was constituted as the new president of the Republic and, therefore, appointed new ministers.

33. According to the State, with the new appointments, the reference to attacks, acts of harassment, and public campaigns to discredit and smear caused by actors who exercise the highest political power,

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<sup>26</sup> In this regard, a message was mentioned through Facebook in which the president of the *Frente de Defensa del Pueblo de Ayacucho*, known as “Comrade Cusi” is allegedly observed inciting protests against the current president of the country who he states is responsible for the death of a compatriot and requests the closure of Congress.

as alleged in the request, is no longer valid as they no longer hold these positions and therefore, such power. Consequently, as they are no longer within the state apparatus, the Peruvian State considers that any risk that affects the proposed beneficiary's right has been dissipated. The State also referred to the procedural status of the criminal process that follows Pedro Castillo, after his vacancy.

34. The State pointed out that the proposed beneficiary's new context shows the resounding lack of the urgency of a risk of irreparable damage, because the reported risk faced by the Attorney General no longer exists. The Council of State is currently being formed. Their last session was on December 13, 2022, and is in permanent session, as indicated in a statement by the holders of the powers of the State and autonomous constitutional bodies meeting.

35. Regarding protection measures, the State reported that through the Report dated December 12, 2022, the Department of Protection of Personalities and State Officials (*Departamento de Protección de Personalidades y Funcionarios del Estado*),<sup>27</sup> and the Resolution of the General Command of the National Police (*Resolución de la Comandancia General de la Policía Nacional*) dated December 3, 2022, the semi integral security and protection service has been granted to the proposed beneficiary, Liz Patricia Benavides Vargas, Attorney General. This includes permanent personal protection, as well as security in her residence; in addition to security and personal protection service in favor of her spouse and children, who are minors. It was also indicated that, in response to the requests made by the General Secretariat of the Office of the Attorney General, on behalf of the proposed beneficiary, the Department of Protection of Personalities and State Officials has carried out extensions of the police forces that constitute its Security and Protection Escort, in accordance with the following detail:

- Through Filed Documents No. 003462 and 003532-2022-MP-FN-SEGFIN dated July 14 and 20, 2022, respectively; the General Secretariat of the Attorney General's Office requested the increase of four (4) police personnel, as a reinforcement of the Security and Protection Escort of the proposed beneficiary, which was addressed and, on July 21, 2022, determined the increase of four (4) National Police of Peru (PNP) non-commissioned (NCO) officers to the Escort.
- Through Filed Documents No. 004256-2022-MP-FN-SEGFIN dated August 24, 2022, the General Secretariat of the Attorney General's Office requested the additional assignment of four (4) PNP non-commissioned officers, which was addressed on August 25, 2022, when four (4) PNP non-commissioned officers were increased to the Escort.

36. Currently, the protection plan in place in favor of the proposed beneficiaries is reportedly formed as follows:

- i) Security and Protection Service in favor of Attorney General Benavides Vargas: One (1) Senior PNP as Escort Chief, two (2) PNP NCOs responsible for the protection group; four (4) PNP NCOs of weapons for protection; two (2) PNP NCOs drivers of PNP follower vehicles; two (2) PNP NCOs of armed motorcycles. Modality of service 24 x 24;
- ii) Security and protection service of her spouse: two (2) PNP non-commissioned officers. Embodiment 24 x 24, one (1) police officer per day;
- iii) Security and protection service of her three (3) children: - A.C.E.B: two (2) non-commissioned officers PNP. Modality 24 x 24, one (1) police officer per day; - A.C.E.B: two (2) non-commissioned

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<sup>27</sup> In accordance with Document No. 007- 2022-IN-DIRSEEST PNP

officers PNP. Modality 24 x 24, one (1) police officer per day; - H.R.E.B: two (2) non-commissioned officers PNP. Modality 24 x 24, one (1) police officer per day;

(iv) Home security service: eight (8) PNP NCOs. Modality 24 x 24, four (4) police agents per day;

(v) Assigned vehicles: one (1) Volkswagen pick-up truck, Tiguan model, for the transfer of PNP police personnel, member of the escort of the aforementioned authority. One (1) YAMAHA brand motorcycle, to open the way on roads or to escort.

37. The Department of Protection of Personalities and Officials of the State indicated that the police personnel of the aforementioned police services have been requested by the Attorney General. The aforementioned Department has executed the appropriate efforts to increase the security and protection measures in favor of the proposed beneficiary, Liz Patricia Benavides Vargas, Attorney General of the Nation, and her family unit and the security of her home. Currently, it is composed of 26 non-commissioned officers commanding one (1) Senior Officer, and has a sufficient number of police personnel to cover this service. Should it be necessary to adopt new measures in the security and protection that has been granted, the Command of the Directorate of Security of the PNP State will establish it in due course. For its part, the State stressed that the beneficiary's statement on the "lack of a protection plan" has reportedly become questionable, since protection measures have been adopted and even maximized in accordance with the requirements mentioned by the proposed beneficiary. In addition, the State noted the responsible entity's willingness to ensure that these measures are carried out satisfactorily and thus mitigate situations that could pose a risk.

38. Lastly, in relation to the complaints, judicial processes and/or accusations against the proposed beneficiary, due to the exercise of its functions, the Peruvian State informed that it has submitted official letters to the National Jury of Justice, the National Congress, the Supreme Court of Justice of the Republic, and the General Secretariat of the Attorney General's Office of the Nation, with information on the current status of the processes that have been made known to the State, as well as the report of new processes, if applicable.

39. Regarding the complaint before the National Board of Justice, it was reported that on December 12, 2022, the Directorate of Disciplinary Procedures (*Dirección de Procedimientos Disciplinarios*) of the National Election Jury (*Jurado Nacional de Elecciones*, JNJ) indicated the following: i) Complaint No. 1033-2022-JNJ, filed on August 11, 2022 by Congresswoman Susel Paredes Pique. Due to the removal of the Prosecutor Bersabeth Revilla Corrales; the removal of the Provisional Senior Prosecutor of the Fiscal District of Lima Centro; as well as for the restructuring of the team of prosecutors in charge of the investigation of the case "Los Cuellos Blancos del Puerto". This is in consideration of the existence of an alleged conflict of interest of a family nature and the possible non-observance of Peruvian regulations and jurisprudence of the I/A Court, on the dismissal of provisional prosecutors. The complaint is currently pending and no preliminary investigation or disciplinary proceedings have been opened.

40. The State reported that, according to the database of the Directorate of Disciplinary Procedures of the JNJ, no disciplinary procedure or preliminary investigation has been opened against the proposed beneficiary, Liz Patricia Benavides Vargas. However, eleven (11) complaints are pending.<sup>28</sup> The

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<sup>28</sup> 1) Complaint No.959-2022-JNJ filed by Luciano Valderrama Solórzano. For having taken an oath as Attorney General of the Nation before the Board of Supreme of the Public Ministry and not before the Presidency of the Republic; 2) Complaint No. 981-2022-JMJ presented by Jorge Luis Inga Orellana. For alleged interference in the exercise of the functions of the Judicial Power, for facts related to the surrender to justice of Mr. Bruno Pacheco; 3) Complaint No. 982-2022-JNJ presented by Eduardo Remi Pachas Palacios. For alleged lack of impartiality and independence in the investigation followed against the aforementioned Mr.

Directorate of Disciplinary Procedures informed that complaints against the proposed beneficiary will be handled with absolute independence and impartiality, taking into account the principles and guarantees of due procedure, the reasons for decisions, as well as the principles of proportionality and reasonableness.

41. Regarding the accusations before the National Congress, it was reported that eight accusations have been filed, two of which have been declared inadmissible<sup>29</sup> and six of which are being assessed by the Constitutional Accusations Subcommittee.<sup>30</sup> Lastly, the State clarified that the remaining information will be submitted in due course.

### III. CONTEXT OF THE SITUATION IN PERU MONITORED BY THE IACHR

42. The Commission has been monitoring the situation in Peru over the past few years. In particular, on December 8, 2022, the Commission condemned decisions contrary to the constitutional order in Peru.<sup>31</sup> It also recognized the democratic response of State institutions and called the State to ensure governance in accordance with the rule of law.<sup>32</sup> The Commission considered that the actions announced by the former President of the Republic, Pedro Castillo, on December 7, 2022, did not respect the provision of Article 134 of the Constitution regarding the unilateral dissolution of Congress.<sup>33</sup> Domestically, the

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Castillo Terrones and others, on Influence Trafficking and another; 4) Complaint No. 983-2022-JNJ presented by Ernesto Enrique Rodriguez Cosamayor. For facts related to the investigation followed against the then-President of the Republic, José Pedro Castillo Terrones; 5) Complaint No. 1023-2022-JNJ by Luciano Valderrama Solorzano. For his performance as Supreme Prosecutor member of the Board of Supreme Prosecutors of the Public Prosecutor's Office, for alleged breach of the duties of the position for having appointed as Provisional Supreme Prosecutor Mr. Helder Uriel Terrón Dianderas without fulfilling the meritocracy; 6) Complaint No. 1083-2022-JNJ presented by Marylou Kaplan President of Quinto Suyo Internacional. For having irregularly dismissed the Senior Prosecutor investigating her sister Emma Benavides, a fact determined as a conflict of interest, as well as having dismantled the team of prosecutors investigating the "White Collars; 7) Complaint No. 1102-2022-JNJ presented by Ciro Silva Paredes. Requests the dismissal of the National Prosecutor Liz Patricia Benavides Vargas, for having irregularly obtained the academic doctorate, presented before the National Board of Justice to obtain the position of Supreme Prosecutor; for having removed the Prosecutor Bersabeth Revilla Corrales from the Second Transitional Supreme Prosecutor's Office Specialized in Crimes Committed by Public Officials; as well as for not persecuting reported higher danger criminals; 8) Complaint No. 1127-2022-JNJ presented by the General Secretariat of the Ministry of Labor and Employment Promotion, and the Ministry of the Interior. For alleged irregularities in the exercise of her functions because he considered that she had omitted to process the constitutional accusation against former Ombudsman Walter Gutiérrez Camacho, in his performance as president of the Special Commission and for fraud in the contest to elect the National Board of Justice; 9) Complaint No. 1163-2022-JNJ presented Juan José Barrios Estrada. For the investigations carried out against the then-President of the Republic José Pedro Castillo Terrones, which, according to him, contributes to the existence of a climate of instability, uncertainty, and ungovernability in the country; 10) Complaint No. 1209-2022-JNJ. Proposed journalistic news item entitled; Víctor Cubas: "Attorney of the Nation appears in telephone conversations with Antonio Camayo (of the white collars)", which contains the interview provided by former Supreme Prosecutor Víctor Cubas Villanueva who, among other facts, denounced the existence of telephone conversations that allegedly involves Ms. Liz Patricia Benavides Vargas with Mr. Antonio Camayo; 11) Complaint No. 1323-2022- JNJ presented by attorneys Martín Noblecilla Olaechea and Ronald Atencio Sotomayor. For the change of the Provincial Supreme Prosecutor Bersabeth Felicitas Revilla Corrales, in charge of the investigation followed against the sister of the accused; the change of the Superior Prosecutor Frank Almanza, for the change of the Provincial Supreme Prosecutor Bersabeth Felicitas Revilla Corrales, in charge of the investigation followed against the sister of the accused; the change of the Superior Prosecutor Frank Almanza.

<sup>29</sup> 1) No. 00295, presented by congressmen of the Perú Libre caucus; No. 0036 presented by Peru *Democrático*.

<sup>30</sup> 1) No. 00308 presented by members of the ministerial bloc; 2) No. 00309 presented by Peru *Democrático*; 3) No. 00308 by Christopher Jonhathan Zavala Eldredge; 4) No. 00292; 5) No. 00311; 6) No. 00317. The last three complain to the Attorney General for a criminal offence.

<sup>31</sup> IACHR. IACHR Condemns Decisions Contrary to the Constitutional Order and Calls for Guaranteeing Governance in Peru, December 8, 2022. Available at [https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media\\_center/preleases/2021/171.asp](https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/171.asp)

<sup>32</sup> Ibidem

<sup>33</sup> Ibidem

decision was denounced as “a coup d’état” and rejected by some institutions of the other state powers, including the Attorney General’s Office.<sup>34</sup>

43. On that same date, the IACHR recalled that Peru has experienced a succession of constitutional crises that will continue to occur as long as there are no objective definitions of constitutional figures such as the unilateral dissolution of the congress, the presidential vacancy due to permanent moral incapacity, and the constitutional indictment.<sup>35</sup> The IACHR reminded the State that it must continue its efforts to guarantee governance in the country, as well as ensure that clashes between state powers do not impact the governance and validity of human rights.<sup>36</sup>

44. On December 12, 2022, the IACHR and its Special Rapporteurship for Freedom of Expression condemned the acts of violence recorded in the demonstrations in Peru.<sup>37</sup> The IACHR called on the institutions of the State and the different social sectors to maintain a serious, broad, and inclusive dialogue, with an intercultural perspective which is crucial for governance and the preservation of democratic institutions and the guarantee of human rights. On December 16, 2022, the IACHR condemned the increase in violence in Peru and scheduled technical and work visits to the country, following the formal invitation of the State.<sup>38</sup> The IACHR expressed its highest concern regarding the exponential escalation of violence in the protests in Peru; and made a strong call to all those involved to invest all efforts in a solution of the crisis through democratic channels and with the highest view to human rights.<sup>39</sup>

45. On January 9, 2023, the IACHR reported that, after a technical visit, it will visit Peru to observe the human rights situation in the context of the institutional crisis and social protests that have been taking place since early December 2022.<sup>40</sup>

46. On January 19, 2023, the IACHR recalled that the Country Report on the working visit to Peru, carried out within the framework of the protests, has not yet been published, but which will be finished in approximately 30 days.<sup>41</sup> The IACHR highlighted the most important points of its last visit. Regarding the events that occurred within the framework of the protests, the IACHR reiterated its firm condemnation of all types of violence, which is not under the right to peaceful protest, and condemned the over 50 deaths. It noted that there are multiple allegations of excessive use of force and demanded impartial and prompt investigations to punish those responsible. Most of the civilian deaths were from being shot in the head and chest. Regarding discrimination and stigmatization, the IACHR indicated that social discontent is directly related to historical and structural inequalities and stigmatization due to ethnic-racial and regional factors. On institutional weakness, it was indicated that Peru has constitutional figures that have the potential to weaken the separation and balance of powers, and to paralyze the governance of the country, because they are not regulated with objective parameters. The IACHR’s

<sup>34</sup> Ibidem

<sup>35</sup> Ibidem

<sup>36</sup> Ibidem

<sup>37</sup> IACHR. IACHR and REE condemn acts of violence in Peru and call for a broad and inclusive dialogue, with an intercultural perspective, December 12, 2022. Available at [https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media\\_center/preleases/2021/171.asp](https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/171.asp)

<sup>38</sup> IACHR. The IACHR condemns the increase in violence in Peru and schedules technical and work visits, December 16, 2022. Available at [https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media\\_center/preleases/2021/171.asp](https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/171.asp)

<sup>39</sup> Ibidem

<sup>40</sup> IACHR. IACHR Announces Observation Visit to Peru, January 9, 2023. Available at [https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media\\_center/preleases/2021/171.asp](https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2021/171.asp)

<sup>41</sup> IACHR Tweet from January 19, 2023. Available at <https://twitter.com/CIDH/status/1416754185358487565>



appeals were: (i) The State must facilitate a broad and inclusive dialogue where all sectors of society are represented; (ii) The State must guarantee access to DESCA to all persons, indigenous, Afro-Peruvian, peasant, and inhabitants of the country's provinces; (iii) The State must work to guarantee the independence of the public authorities; (iv) The State must impartially and ethnically-racially investigate all deaths and punish those responsible; and (v) The IACHR, through the secretariat, visited former President Pedro Castillo, verified his conditions of detention, and calls for the guarantees of due process to be observed in the investigations against him.

47. On the same date, the IACHR urged the State to guarantee the right to peaceful protest in social demonstrations.<sup>42</sup> The IACHR indicated that any State response to possible acts of violence must identify those responsible and the use of force must be exceptional, legal, necessary, and proportional. On January 21, 2023, the IACHR expressed concern regarding the police raid, eviction, and mass arrests at the University of San Marcos.<sup>43</sup> It urged the State to account for the facts and guarantee the integrity and due process of all persons.

#### **IV. INFORMATION PROVIDED TO THE VICE-PRESIDENT OF THE IACHR AFTER HIS VISIT TO PERU**

48. During the visit to the country, the Vice-President of the IACHR and Country Rapporteur for Peru was informed that the Attorney General of the Nation has opened an investigation in relation to genocide and crimes against humanity against the current constitutional president of Peru. He was also informed that the Attorney General of the Nation was referred to the investigation of all firearms deaths, pending ballistics expertise in a context that exposes her work to high risk. The intimidation of her work on social networks and a possible attack against her were reiterated. Currently, the Attorney General of the Nation reportedly investigated the Minister of the Interior, in a context where there are allegations of serious human rights violations against those dissident voices to the current government.

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

49. The precautionary measures mechanism 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 IACHR Statute. Furthermore, 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 as well as necessary to prevent irreparable harm.

50. 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>44</sup> Regarding the protective nature, these

<sup>42</sup> IACHR Tweet from January 19, 2023. Available at <https://twitter.com/CIDH/status/1416754185358487565>

<sup>43</sup> IACHR Tweet from June 21, 2022. Available at <https://twitter.com/CIDH/status/1416754185358487565>

<sup>44</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. Order of the Inter-American Court of Human

measures seek to avoid irreparable harm and protect the exercise of human rights.<sup>45</sup> To do this, it is necessary to 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>46</sup> Regarding their precautionary nature, these measures have the purpose of preserving legal situations while under the consideration of the IACHR. The purpose of precautionary measures is to preserve the rights at risk until the petition 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 final decision. In this regard, precautionary or provisional measures enable the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations.<sup>47</sup> In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

- a. “serious situation” refers to a grave impact that an action or omission can have on a protected right or on the eventual 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 injury to rights which, due to their nature, would not be susceptible to reparation, restoration or adequate compensation.

51. 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>48</sup> Similarly, the Commission recalls that, in this proceeding, it is not called upon to analyze alleged human rights violations in light of the American Convention and the applicable standards. Nor, by its own mandate, does it correspond to the Commission to individualize the criminal responsibility of specific persons in light of the alleged facts. The Commission establishes that the analysis it will carry out below

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Rights of March 30, 2006, considerandum 5; I/A Court H.R. [Case of Carpio Nicolle et al. v. Guatemala](#). Provisional Measures. Order of July 6, 2009, considerandum 16.

<sup>45</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. Order of the Court of February 8, 2008, considerandum 8; I/A Court H.R. [Case of Bámaca Velásquez](#). Provisional Measures regarding Guatemala. Order of the Court of January 27, 2009, considerandum 45; I/A Court H.R. [Matter of Fernández Ortega et al.](#) Provisional Measures regarding Mexico. Order of the Court of April 30, 2009, considerandum 5; I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish].

<sup>46</sup> See in this regard: I/A Court H.R. [Matter of Milagro Sala](#). Request for Provisional Measures regarding Argentina. Order of the Inter-American Court of Human Rights of November 23, 2017, considerandum 5 [only in Spanish]; I/A Court H.R. [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#). Provisional Measures regarding Venezuela. Order 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. Order of the Inter-American Court of Human Rights of February 13, 2017, considerandum 6 [only in Spanish].

<sup>47</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. Order 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. Order of the Court of November 25, 2008, considerandum 23; I/A Court H.R. [Matter of Luis Uzcátegui](#). Provisional Measures regarding Venezuela. Order of the Court of January 27, 2009, considerandum 19.

<sup>48</sup> In this regard, for example, referring to provisional measures, the Inter-American Court has indicated that a minimum of detail and information is required to assess, *prima facie*, whether an extremely serious and urgent situation exists. 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. Order of the Inter-American Court of Human Rights of July 4, 2006. Considerandum 23.

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focuses exclusively on the requirements established in Article 25 of its Rules of Procedure, which can be done without entering into substantive assessments.

52. As a preliminary matter, the Commission considers that the provisions of Article 25.6.c of its Rules of Procedure have been complied with. The information available shows that the proposed beneficiary has ratified the request for precautionary measures submitted by a third party. Similarly, the Commission observes that, in view of the nature of the information submitted, the proposed beneficiary has close contact with the applicant. In turn, during its visit to the country, the Commission was informed that the proposed beneficiary is fully aware of the request and reaffirms it. Therefore, the Commission considers that the provisions of the aforementioned paragraph are complied with.

53. According to Article 25.6 of the Rules of Procedure, the Commission “shall take into account the context” in which a request is framed. In this regard, the Commission has deemed that the assessment of the context in which the facts occur informs, illustrates, or guides the verification of the requirements of Article 25 of the Rules of Procedure. Regarding this matter, the Commission also takes into account the current context the country is experiencing, as indicated in the context section. Similarly, the Commission takes into account the background mentioned in the request, as part of the continuity of the request over time.

54. The Commission believes that the previous contextual elements are relevant in the process of analyzing this request for precautionary measures. The Commission emphasizes that it was in this particular context that the activities of the proposed beneficiary, in her capacity as Attorney General of the Nation, have been particularly notorious, visible, and of high public interest to various sectors of Peruvian society. Therefore, the IACHR considers it relevant to analyze the alleged facts in the context the country is undergoing, which has been monitored by the Commission through its various mandates. In this regard, when assessing a situation presenting a risk, the Inter-American Court has indicated that “it is possible to assess the set of political, historical, cultural factors or circumstances, or those of any other nature, which affect the beneficiary or place him or her in a situation of vulnerability at a particular time and expose him or her to violations of his or her rights,” being that “[t]his situation may increase or decrease over time depending on innumerable variables.”<sup>49</sup>

55. When analyzing the requirement of seriousness, the Commission considers that the proposed beneficiary is currently the Attorney General of the Nation, and due to this position, it is incumbent on her to investigate the senior officials of the country, even when they are in office. In that sense, the request details the situation she faced after the opening of the investigations to former president of the Republic, Pedro Castillo. It was alleged that this situation included sit-ins at the headquarters of the Public Prosecutor’s Office, the presence of drones in her home, and intentions to attack it, within the framework of a campaign of discrediting against her carried out by various social and political actors of the then government. Given the information available, the Commission notes that the social media messages have been presented as part of an ongoing campaign aimed at discrediting and disqualifying the proposed beneficiary, which is particularly serious. As was expressly alleged by the request, the previous situation was linked to the then-President of the Republic and his environment. It was therefore informed that, after the breakdown of the constitutional order with the message of the then-President on December 7, 2022, the Attorney General’s Office was one of the institutions that expressed respect for democratic institutions.

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<sup>49</sup> See, for instance: I/A Court H.R. Case of Carpio Nicolle. Provisional measures regarding Guatemala. Order of the Court of July 6, 2009, considerandum 26, and Matter of Members of the Nicaraguan Center for Human Rights (CENIDH) and the Permanent Commission on Human Rights (CPDH) regarding Nicaragua. Adoption of Urgent Provisional Measures. Order of the President of the Inter-American Court of Human Rights on July 12, 2019, considerandum 42.

56. Following the assumption of a new government, as part of the presidential succession and in view of the context of the protests being monitored by the IACHR, it was reported that, at present, the proposed beneficiary is in charge of new investigations for alleged human rights violations attributed to the current constitutional president. Investigations into the deaths by firearms has also been mentioned. It was also reported that the proposed beneficiary will reportedly investigate the current interior minister regarding the incidents during the protests. The Commission considers that, given the continuity of investigations to high authorities, added to the current context facing the country, that the proposed beneficiary is in a situation of risk, to the extent that situations such as those she faced during the previous government could occur, and given that the messages against her continue to be presented even from statements issued by former President Castillo and his entourage. In the current context, it was also reported that Public Prosecutor's offices had been burned or damaged in regions of the country by people identified as "azuzadores" (inciters).

57. After requesting information from the State under the terms of Article 25 of the Rules of Procedure, the Commission notes that information was provided on the protection measures available to the proposed beneficiary and her family unit. The Commission acknowledges and appreciates that the State is providing material protection in favor of the proposed beneficiary and that it has even increased the personnel that constitute its security plan within the framework of internal provisions. Although initially, the request indicated that they did not have a protection plan, it later stated the contrary. When requesting information from the State, it confirmed the scope of the protection plan which covers the proposed beneficiary and her family members. However, given the situation, the applicant alleged that it is reportedly insufficient and that the State denied to increase it.

58. In view of the above elements, and in light of the specific context in which they reportedly take place, the Commission considers that the rights to life and personal integrity of the proposed beneficiary are *prima facie* at serious risk. The Commission also considers that her identified relatives could be at risk in the face of possible reprisals against Ms. Benavides Vargas.

59. With regard to the requirement of *urgency*, the Commission also considers that it has been fulfilled, since the facts described suggest that the risk situation is likely to continue and to be exacerbated over time. Thus, in view of the imminent materialization of the risk, it is necessary to immediately adopt measures to safeguard the proposed beneficiary's rights to life and personal integrity, in addition to that of her family unit.

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

## **VI. BENEFICIARIES**

61. The Commission declares that the beneficiaries of these precautionary measures are Liz Patricia Benavides Vargas; her spouse, Luis Hernán Misael Espinoza Quiroz; and her three minor children of initials H.R.E.B., A.C.E.B. and A.C.E.B. All the persons indicated are duly identified in this procedure.

## **VII. DECISION**

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62. The Commission considers that the present case meets *prima facie* the requirements of seriousness, urgency and irreparability contained in Article 25 of its Rules of Procedure. Consequently, the Commission requests that Peru:

- a) Adopt the necessary measures to guarantee the rights to life and personal integrity of the beneficiaries;
- b) Consult and agree upon the measures to be implemented with the beneficiaries and their representatives; and
- c) Report on the actions taken to investigate the alleged events that led to the adoption of this resolution, so as to prevent such events from reoccurring.

63. The Commission requests that Peru report, within 15 days as from the date of this resolution, on the adoption of the requested precautionary measures and update that information periodically.

64. 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 of any violation of the rights safeguarded in the American Convention or other applicable instruments.

65. The Commission instructs its Executive Secretariat to notify this resolution to the State of Peru and the applicant.

66. Approved on February 6, 2023, by Edgar Stuardo Ralón Orellana, First Vice-President; Margarette May Macaulay, Second Vice-President; Esmeralda Arosemena de Troitiño; Roberta Clarke; and Carlos Bernal Pulido, members of the IACHR.

Tania Reneaum Panszi  
Executive Secretary