

**INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
RESOLUTION TO LIFT PRECAUTIONARY MEASURES 5/2025**

Precautionary Measure No. 729-22
Liz Patricia Benavides Vargas and her family unit regarding Peru
January 12, 2025
Original: Spanish

I. SUMMARY

1. The Inter-American Commission on Human Rights (IACHR) decides to lift the precautionary measures at hand in favor of Liz Patricia Benavides Vargas and her family unit in Peru. At the time of making the decision, the Commission recognized the measures taken by the State during the implementation, as well as the change of factual circumstances in relation to the beneficiary's functions, coupled with the passage of time without threatening events. Following the State's repeated requests so that the IACHR issue a ruling on the validity of these precautionary measures, including a request to lift them, the IACHR asked for information from the beneficiaries' representation, who stopped responding. Taking into account the nature of the precautionary measures and in light of the information available, the Commission considered that at this time it is not possible to establish a threatening situation under the terms of Article 25 of the Rules of Procedure, and decided to lift the measures at hand.

II. BACKGROUND INFORMATION

2. On February 6, 2023, the IACHR granted precautionary measures in favor of Liz Patricia Benavides Vargas and her family unit, in Peru. The Commission assessed the context of institutional crisis that was taking place in the country, as well as the investigations that the beneficiary was carrying out as Attorney General of the Nation. While recognizing and assessing the material protection provided to the proposed beneficiary, as well as the increase in the personnel that made up her security detail, given the situation, it was deemed that this would not be sufficient, and its increase would have been denied. Consequently, in accordance with the provisions of Article 25 of its Rules of Procedure, the IACHR requested that the State of 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.¹

3. Carlos Vicente Navas Rondón of the "Association of Dismissing Magistrates of the Public Ministry" exerts representation.

III. INFORMATION PROVIDED DURING THE TIME THESE PRECAUTIONARY MEASURES WERE IN FORCE

a. Procedure during the time the measures were in force

¹ IACHR, [Resolution 5/2023](#), Precautionary Measure No. 729-22, Liz Patricia Benavides Vargas and her family unit regarding Peru, February 6, 2023.

4. During the time the precautionary measures were in force, the Commission followed-up on the situation by requesting information from the parties. In this regard, communications have been received from the parties and sent from the IACHR on the following dates:²

	State	Representation	IACHR
2023	February 24, May 9, September 15, and October 11	March 23, 27 and 31; April 5 and 22; June 9 and 20; July 19; and September 7	March 6, 27 and 28; July 11; August 7; and October 18
2024	January 18, July 1	February 29 (on hearing)	January 23, July 2, and November 7 (reiteration)

5. On July 11, 2023, before a consultation of the parties, the Commission recalled that the precautionary measures refer exclusively to what is contained in Resolution 5/2023 of February 6, 2023 (see supra para. 2). In its reports of September 15 and October 18, 2023, the State requested the issuance of a follow-up resolution and, subsequently, on July 1, 2024, required that the measures be lifted. The requests were transferred to the representation for its observations, indicating that the validity of these precautionary measures would be evaluated, without receiving a response. On February 24, 2024, the representation sent a communication in relation to a public hearing of the IACHR, without providing information or allegations on the validity of the precautionary measures. All deadlines have expired.

b. Information provided by the State

6. On February 24, 2023, the State shared that the beneficiary’s security detail had been progressively reinforced, counting as of February 15, 2023, with a detail composed of a major of the Peruvian National Police (PNP) commanding 27 non-commissioned officers of the PNP. She had support by the Tactical Actions Sub-Unit (SUAT) with eight non-commissioned officers from the PNP. Moreover, Peru emphasized that it had requested that the Police Stations and Emergency Units of the PNP of the Lima region consider in their roadmap the domicile and office of the beneficiary. The protection detail, according to Peri, was the result of the beneficiary’s requests and the increases ordered ex officio by the corresponding authorities, in accordance with the respective threatening analyses. Information was provided on the risk assessment protocol and the assessments that have taken place at different times with respect to the beneficiary. It was specified that the detail is divided in a way that a major and 11 non-commissioned officers are in charge of Benavides Vargas, two non-commissioned officers in charge of her husband, six non-commissioned officers in charge of her children and eight non-commissioned officers in charge of her home, all with 24x24 modality. It also had a van and a motorcycle.

7. The State alleged that, although the representation considered that the detail was not sufficient due to the position of the beneficiary, only two specific facts had been reported, corresponding to the presence of a drone flying over the family home on July 13 and October 3, 2022, and photographs taken at her home. The State added that, due to these events, on September 1, 2022, it was ordered to maximize the security measures in her favor. The State stressed that the detail was reinforced and no new facts had arisen. On another note, it was detailed about the complaints and accusations presented against the beneficiary in relation to her position as Attorney General of the Nation: two complaints pending before the National Board of Justice (JNJ) and one more was declared inadmissible; eight accusations have been presented before the Congress of the Republic against the beneficiary, but that all had been declared inadmissible and filed. Lastly, it clarified that there is a complaint before the Public Prosecutor’s Office.

² In addition, the Commission registered communications of February 10 and March 3, 2023, from third parties and organizations, which are not parties to these proceedings.

8. Regarding the investigation of the threatening facts against the beneficiary, it was indicated that both reported facts were in fiscal folders. The Supranational Specialized Public Prosecutor's Office (PPEs) requested information from the Public Prosecutor's Office, receiving as a response that the aforementioned folders were reserved and can only be accessed by lawyers accredited in them. The IACHR was asked to request the detail for the beneficiary as she is the plaintiff in these processes. On the other hand, the State complemented that 18 fiscal folders have been opened for damages against facilities of the Public Prosecutor's Office, which were in remote places, not related to the beneficiary, but to the country's political situation.

9. In relation to conciliation measures, the representation was called to a working meeting with the PPEs for February 22, 2023, but the representative asked to reschedule for March 7, 2023. Finally, the importance of an adequate motivation in the resolutions of the IACHR was recalled when analyzing the procedural requirements.

10. On May 9, 2023, the State reported that the meeting scheduled for March 7 was postponed due to lack of confirmation of representation, for the week of March 13 to 17, but the representative requested to reschedule again for April 13, 2023. After several requests for rescheduling, the representative confirmed attendance on April 12, 2023, and required to put on the agenda the administrative procedures that were in place against the beneficiary by the JNJ. At the meeting of April 13, representatives of the Ministry of the Interior (MININTER), PNP, and PPEs participated, as well as the representative of the beneficiary. The following was agreed: a) to hold ordinary meetings every four months, extraordinary meetings to be channeled through the PPEs and operational meetings with the security and protection service; b) after learning of the new overflight of a drone at her home and the detention of "El Español," the personal detail of the beneficiary was reinforced with eight SUAT non-commissioned officers and a SUAT vehicle. The investigation of the facts was managed and the representative was explained the importance of this type of fact being communicated to the PPEs so that they can inform the Public Prosecutor's Office; c) the PPEs informed the representative of the refusal of the General Secretariat of the Public Prosecutor's Office (SG-MP) to provide access to the status of the criminal investigations with respect to the beneficiary; and d) as for the procedures against the beneficiary before the JNJ, the PPEs explained to the representative that the administrative processes are not matters that can be reviewed by the IACHR in precautionary measures, to which the parties agreed to consult the IACHR on whether the judicial, criminal and administrative processes against the beneficiary constituted the subject of the precautionary measures.

11. The State reiterated that the acts of violence against the offices of the Public Ministry took place in the south of the country³; it clarified that they are not related to the role of the Prosecutor of the Nation and should not be taken into account as a context of risk against her. In turn, the State argued, with accompanying jurisprudence, that "the beneficiary, in her role as Attorney General of the Nation, may find herself exposed to criticism and opinions regarding the actions she carries out under that role; however, as the Inter-American Court has mentioned, these expressions are part of the scrutiny that, as a public official, she is necessarily exposed to."

12. On September 15, 2023, the State expressed that, from now on, it will not rule on administrative, judicial, or other proceedings that take place against the beneficiary, since they are not part of the matter of the precautionary measures. In relation to media questions about the existence of the beneficiary's master's and doctoral thesis and her performance in the public competition for the selection of supreme prosecutors in 2022, it was alleged that this is done within the framework of freedom of expression, involving the dissemination of information in the public debate (complemented with jurisprudence). It was added that these questions concern matters in which society had a legitimate interest to stay informed and the

³ In the protests, they asked, among other things: resignation of President Dina Boluarte and her cabinet; declare the former premier persona non grata; close the congress; form a constituent assembly; reorganize the judiciary and the public prosecutor's office; as well as the freedom of former President Pedro Castillo.

expressions referring to the performance of a public official enjoy a higher level of protection, despite generating “some type of discomfort and even discomfort” in the beneficiary. The State indicated that those topics are public issues, without any type of leak having occurred.

13. There were updates on events of April 20, 2023, when they threw stones to reject the presence of the beneficiary, as Attorney General, in Moquegua and Tacna; and on an event on April 21, 2023, where in a sit-in outside the Prosecutor’s Office they made expressions against the beneficiary, requesting freedom and reinstatement of former President Castillo. The State pointed out that, in the face of possible threatening events, the beneficiary enjoys a Semi Integral Security and Protection service that protects her personally and gives security to her home, in addition to protecting her spouse and children. It was specified that she had 11 officers, her spouse had two, her children had six, and there were also eight officers at her home and reinforcement from four SUAT non-commissioned officers, in addition to a vehicle and a motorcycle. It was added that, in view of the events indicated, no request for increased protection had been received.

14. On questions regarding the actions of the JNJ, the State expressed that the authority has sanctioning power against the beneficiary, as a power of disciplinary control of the State, providing a legal basis for its powers. It was clarified that the opening of an investigation does not necessarily constitute the imposition of a sanction and, on the questioning of the representation of challenging a member of the JNJ, it was decided to declare her request unfounded. For its part, the annulment of two investigations against her had been resolved by internal appeals. On June 2 and August 18, 2023, possible dates for the following conciliation meeting were made available to the representation, without receiving a response on both occasions. The State considered that the representation is making use of the precautionary measures for aspects that are not their subject matter and requested a ruling from the IACHR that assesses the effectiveness of the State’s actions and clarifies the subject matter aspects of the precautionary measures.

15. On October 11, 2023, the State shared an update from the Public Prosecutor’s Office, sent by the Special Team of Prosecutors against Corruption of Power. It is specifically detailed as follows: i) the prosecutor’s file against J.E.H.F., alias “El Español,” for crimes against Benavides Vargas, was in preliminary proceedings: a limiting measure was in force to prevent her from leaving the country for 24 months, ordered by the judiciary; and ii) two investigation files against the beneficiary were on final file.⁴ On the other hand, the eight accusations against the beneficiary before the Congress of the Republic were on file. The list of lawsuits filed against the beneficiary at the judicial level was provided. It includes the following judicial processes: one concluded, one inadmissible, five with a sentence, one on appeal, seven in process, and four in qualification. It was reported that these were being reviewed by the competent Courts, in accordance with their procedural burden, and the guarantees of due process and effective judicial protection. The State reiterated that they were not the subject of precautionary measures.

16. On January 18, 2024, the State announced that, on the occasion of a disciplinary proceeding initiated against the beneficiary, the JNJ announced on December 6, 2023, her provisional suspension as Supreme Prosecutor of the Public Ministry and, consequently, from her position as Attorney General of the Nation. The State indicated that these processes are not plausible to be reviewed through precautionary measures. It was added that the suspension of the beneficiary from her position could imply the loss of her security detail; however, as a beneficiary of precautionary measures, she continued to have security and personal protection services. As of December 18, 2023, the beneficiary had a security detail consisting of eight non-commissioned officers for her, two non-commissioned officers for her spouse, six non-commissioned officers for her children, as well as a vehicle.

⁴ One concerned denunciation for criminal organization, personal cover-up and obstruction of justice; and another for prevaricate.

17. Regarding the events of August 11, 2023, in Ayacucho, where a woman reproached the beneficiary with the qualifiers of “murderer, damned,” the State referred that the actions of the citizens in Ayacucho are due to their disagreement with the progress of the investigations by the deceased in the context of social protests of 2022, and that they have nothing to do with a feeling of hatred against her.⁵ The State referred to the opening of a fiscal folder against the two citizens who expressed themselves against the beneficiary, L.S.S.G. and A.D.L., for the alleged commission of offences against public tranquility, against Benavides Vargas. On August 24, 2023, this folder was referred to a Court of Peace. In relation to the investigation against “El Español,” by communication of January 3, 2023, the Public Prosecutor’s Office (MP) responded to the PPES that it is reserved and no information was provided. The State complemented that the representation continued not to respond to the calls for working meetings.⁶ The request for a follow-up resolution was reiterated, especially given the inability to establish contact with the representative.

18. On July 1, 2024, the State requested to lift the precautionary measures. It sent observations on the mechanism of precautionary measures and the principles of exceptionality and temporality that govern it. It was recalled that the representation had not responded to requests for information for a long period and that the IACHR had ordered the lifting in matters in similar circumstances. The State argued that the basis of the measures is related to the position of the beneficiary, from which she was dismissed by the plenary of the JNJ on May 22, 2024.⁷ It was indicated that a new Attorney General is currently in office. In this regard, it was indicated that the beneficiary is no longer in charge of the investigations that were considered as a reason for the source of risk. In turn, the State said that there had been a decrease in the threatening events, without the representatives having reported situations, beyond the “citizen discontent in Ayacucho” of August 2023. In addition to this, the State alleged a “disinterest of the representative party in agreeing,” due to the lack of response to the calls made to the representation to agree upon the measures.

c. Information provided by the representation

19. On March 23, 2023, the representation reported that, on February 28, 2023, at around 4:33 a.m., the home service at the beneficiary’s home detected the overflight of an unmanned aerial vehicle (drone) flashing red and white lights. They confirmed that it did not belong to the mayor’s office. On March 3, 2023, the SG-MP transferred the report of the facts to the PNP. On March 7, 2023, the PNP announced that they adopted measures to enhance security and protection, consisting of: i) maintaining a permanent alert attitude to minimize possible risks and vulnerabilities; ii) considering in the PNP roadmap the mobile or foot patrol service at the beneficiary’s home; and, iii) carrying out intelligence actions. It was shared that, according to media reports, J.E.H.F., alias “El Español,” had been recruiting hitmen to attack the authorities investigating the government of Pedro Castillo, so he was arrested on March 7, 2023, within the framework of an investigation for carrying out coordinations to attack the Attorney General of the Nation. In addition, it was alleged that the beneficiary’s protection was insufficient.

20. On March 24, 2023, through the SG-MP, it was communicated that, although the security detail is broader than what the regulation marks, the overflight of a drone in the beneficiary’s home on February 28, 2023, and the arrest of “el Español” on March 7, 2023 must be taken into account. On March 31, 2023, the representation recapitulated that the aforementioned facts constitute harassment against the beneficiary. The existence of media attacks against her was reported, as the existence of her thesis was questioned in press news

⁵ The State indicated that the beneficiary has expressed “understanding” of this, as she stated in an interview on August 13, 2023: “I understand the pain of the victims and their families and that is why my management has said that the investigations will be thorough.”

⁶ On October 3, 2023, the call for the representation of August 18 was reiterated and, in the absence of a response, it was again reiterated on January 5, 2024, without a response.

⁷ It was reported that the JNJ found that disciplinary offenses were committed that were classified as very serious in the Law of the Prosecutor’s Career, since she had interfered in an investigation followed by her sister, removing prosecutor Revilla from her position without due foundation and with degrading treatment; as well as having favored prosecutor Vegas, appointing him as provisional supreme deputy prosecutor, despite having disciplinary sanctions.

and opinion columns in March 2023. It was alleged a risk to her physical integrity, honor and good reputation, and right to work, given the filing of administrative complaints by congresspersons before the JNJ, which would be received “without prior control.” In this regard, the representation indicated that, although the briefs did not meet the legal requirements, the JNJ allegedly admitted them under pressure, instead of dismissing them. The representation questioned the “reserved” nature of the processes, as they considered that they should be “confidential,” referring to “a perverse spirit” of “discrediting the honor” of the beneficiary, when the existence of the complaints was made public. Media coverage of the beneficiary was attached.

21. On April 5, 2023, it was updated that, in the complaints filed against Benavides Vargas for “criminal organization, personal cover-up and obstruction of justice,” as well as “prevaricate,” the Public Prosecutor’s Office decided there was no merit to open an investigation. The representation said that the JNJ, which has the power to appoint and dismiss prosecutors, had more than two dozen administrative complaints pending against the beneficiary. The representation also transmitted that, on April 22, 2023, preliminary arrest and search of “El Español” was requested, who was arrested on March 7, 2023. In a letter dated June 9, 2023, the representation reported the receipt in the previous 48 hours of “around one hundred emails” in the institutional account of the beneficiary, with the content “I demand justice for the victims of the repression”⁸: They considered that those messages disturbed the beneficiary and affected her free development. Moreover, decisions of the JNJ were questioned: i) for not having yet resolved a request for abstention against a member of the JNJ presented by the beneficiary since March; ii) for the decisions on the prioritization of matters; iii) that the JNJ cannot review facts related to her appointment—in relation to her academic degrees to be selected as Supreme Prosecutor—, because they are not facts related to her functions. Finally, it was alleged that an interview given to “IIDL reporters” by a member of the JNJ was contrary to her duties, as she is hearing a complaint against the beneficiary.⁹

22. On June 20, 2023, the representation reported harassment against the beneficiary for two events of June 16, 2023: an article called “academic farce” was published, with a photograph of her during the “case study” in the process of summoning the Attorney General of the Nation¹⁰; and, a video that corresponds to the aforementioned “case study” was circulated on social networks, exposed by a *Twitter (X)* user, where her capability was questioned. On July 19, 2023, harassment was again referred to against the beneficiary, because: on June 28, 2023, a report called “The informal master’s degree” was published, questioning the obtaining of her master’s degree; on July 6, 2023, another report called “We have an Attorney General who does not defend the Public Ministry” was published, related to her lack of opposition to a bill. The representation also denounces leaks from the JNJ, that they were disturbing the peace and tranquility of the beneficiary, and were putting her life at risk.

23. On September 7, 2023, the representation referred to the conciliation meeting on April 13, 2023, where various agreements were reached with the authorities. It was pointed out that acts of violence had taken place in Ayacucho: on August 11, 2023, a woman held the Attorney General responsible for the death of her husband, in the context of the protests between December 2022 and February 2023 in the country, who

⁸ The content of the emails refers to the fact that six months have passed since the protests and is accompanied by information from a report by the organization “Amnesty International,” in addition to expressing concern about the alleged slowness of the investigations for human rights violations, the distance between the victims and the investigation in Lima, the lack of adequate personnel to investigate the facts, and the lack of resources for the investigations. Finally, the beneficiary, in her capacity as Attorney General of the Nation, was urged to open investigations for “extrajudicial executions, arbitrary deaths and violations of personal integrity” caused by the use of force by police and military, together with guaranteeing the participation of victims and families, guaranteeing the safety of those who participate in the investigations and requesting technical assistance from international organizations.

⁹ In the interview, the member of the JNJ reports that she is aware of three cases related to the Attorney General of the Nation, reveals that they refer to “the issue of telephone calls, the issue of decoration, and the issue of the movements that have been made in the Public Ministry,” and talks about the functioning of the procedural process before the JNJ. In turn, he refused to answer a specific question about the content of a file due to “the reservation of the process,” clarifying that what he can say “because it is public knowledge, is that [she has] three investigations under [her] charge”. Answers several additional questions about the existence of processes.

¹⁰ The article refers to the beneficiary’s performance at different stages of the process, questioning her answers and referring to the fact that she had presented a high academic profile.

when facing her shouted “murderer, damned” outside her hotel. Meanwhile, as she was leaving her hotel at the airport, several citizens of Ayacucho shouted “murderer” at her. Expressions from social networks were shared in relation to these events.¹¹ On February 29, 2024, the beneficiary requested that, in a public hearing held within the framework of the 189th Period of Sessions of the IACHR, it was considered that on December 6, 2023, she was suspended as Attorney General of the Nation and Supreme Prosecutor of the Public Ministry “through an irregular regulatory procedure” and without complying with the legal deadline to resolve appeals, seeking to participate in the hearing “in order to know the real situation of the Peruvian Public Ministry.”

IV. ANALYSIS OF THE REQUIREMENTS OF SERIOUSNESS, URGENCY, AND IRREPARABLE HARM

24. The precautionary measures mechanism is part of the Commission’s functions of overseeing compliance with the human rights obligations established in Article 106 of the Charter of the Organization of American States. These general oversight functions are provided for in Article 41 (b) of the American Convention on Human Rights, as well as in Article 18 (b) of the Statute of the IACHR; while the mechanism of precautionary measures is set forth in Article 25 of the Commission’s Rules of Procedure. In accordance with this Article, the IACHR grants precautionary measures in urgent and serious situations in which these measures are necessary to avoid irreparable harm to persons or to the subject matter of a petition or case before the organs of the inter-American system.

25. The Inter-American Commission and the Inter-American Court of Human Rights (“the Inter-American Court” or “I/A Court H.R.”) have established repeatedly that precautionary and provisional measures have a dual nature, both protective and precautionary.¹² Regarding the protective nature, these measures seek to avoid irreparable harm and to protect the exercise of human rights.¹³ To do this, the IACHR shall assess the problem raised, the effectiveness of state actions to address the situation described, and the vulnerability to which the persons proposed as beneficiaries would be exposed if the measures are not adopted¹⁴. Regarding their precautionary nature, these measures have the purpose of preserving a legal situation while under study by the organs of the inter-American system. Their precautionary nature aims at safeguarding 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 of the final decision. In this regard, precautionary or provisional measures allow the State concerned to comply with the final decision and, if necessary, to implement the ordered reparations. In the process of reaching a decision, according to Article 25(2) of its Rules of Procedure, the Commission considers that:

¹¹ A publication contains the message “A woman faces Attorney General Patricia Benavides in a convention center, despite [security] escorts: ‘You can be happy, Ms. Attorney General, damned, on your head you carry ten murdered people. Why have you come to Ayacucho, nobody wants you here, go with your President.’” Another message reports that “the city square had to be fenced off by the police to prevent protesters from reaching the nation’s Attorney General.” Various publications indicate: “Fiscal Bamba” shouts at Patricia Benavides in Huamanda, Ayacucho. She thought they would welcome her with open arms and she received massive repudiation.” Other similar messages were attached.

¹² I/A Court H.R., [Case of the Yare I and Yare II Capital Region Penitentiary Center \(Yare Prison\)](#), Provisional Measures regarding the Bolivarian Republic of Venezuela, Order of March 30, 2006, considerandum 5; [Case of Carpio Nicolle et al. v. Guatemala](#), Provisional Measures, Order of July 6, 2009, considerandum 16.

¹³ I/A Court H.R., [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 8; [Case of Bámaca Velásquez](#), Provisional measures regarding Guatemala, Order of January 27, 2009, considerandum 45; [Matter of Fernández Ortega et al.](#), Provisional measures regarding Mexico, Order of April 30, 2009, considerandum 5; [Matter of Milagro Sala](#), Provisional measures regarding Argentina, Order of November 23, 2017, considerandum 5. (Available only in Spanish)

¹⁴ I/A Court H.R., [Matter of Milagro Sala](#), Provisional Measures regarding Argentina, Order of November 23, 2017, considerandum 5 (Available only in Spanish); [Matter of Capital El Rodeo I and El Rodeo II Judicial Confinement Center](#), Provisional Measures regarding Venezuela, Order of February 8, 2008, considerandum 9; [Matter of the Criminal Institute of Plácido de Sá Carvalho](#), Provisional Measures regarding Brazil, Order of February 13, 2017, considerandum 6 (Available only in Spanish).

- 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.

26. In this sense, Article 25(7) of the Commission’s Rules of Procedure establishes that decisions granting, extending, modifying or lifting precautionary measures shall be adopted through reasoned resolutions. Article 25(9) sets forth that the Commission shall evaluate periodically, at its own initiative or at the request of either party, whether to maintain, modify or lift the precautionary measures in force. In this regard, the Commission shall assess whether the serious and urgent situation and the risk of irreparable harm that caused the adoption of the precautionary measures persist. Furthermore, it shall consider whether there are new situations that may meet the requirements outlined in Article 25 of its Rules of Procedure.

27. Similarly, the Commission recalls that while the assessment of the procedural requirements when adopting precautionary measures is carried out from a *prima facie* standard of review, keeping such measures in force requires a more rigorous evaluation.¹⁵ In this sense, when no imminent risk is identified, the burden of proof and argument increases over time.¹⁶ The Inter-American Court has indicated that the passage of a reasonable period of time without any threats or intimidation, added to the lack of imminent risk, may lead to the lifting of international protection measures.¹⁷

28. As a *preliminary matter*, the Commission notes that the scope of the precautionary measures mechanism has been a controversial point between the parties. On the one hand, the representation reported on issues related to the action of the authorities in processes and investigations against the beneficiary by the Public Prosecutor’s Office, the Congress of the Republic or, in particular, the National Board of Justice. On another note, the State stated that these issues are not subject to the precautionary measures mechanism. The foregoing was even the subject of the conciliation meeting agreements of April 13, 2023, and, after consultation formulated by the parties, by communication of July 11, 2023, the IACHR reminded the parties that the scope of the precautionary measures was delimited in Resolution 5/23 of February 6, 2023 (*supra* para. 2). In this regard, the Commission recalls that through the mechanism of precautionary measures it is appropriate to analyze exclusively issues related to the requirements of seriousness, urgency, and irreparable harm established in Article 25 of the Rules of Procedure of the IACHR.

29. In this way, it is noted that the questions raised by the representation refer to the rights to due process and judicial guarantees, in relation to the proceedings against the beneficiary. In this regard, the Commission has consistently maintained that allegations concerning disciplinary proceedings before the competent entity require determinations on the merits, so it is appropriate that they continue with their due process and with the due guarantees established in the American Convention and the applicable standards.¹⁸ Thus, in general, the analysis of the compatibility of domestic processes with the American Convention does not correspond within the framework of the mechanism of precautionary measures, so these issues will not be

¹⁵ I/A Court H.R., [Case of Fernandez Ortega et al.](#), Provisional Measures regarding Mexico, Order of February 7, 2017, considerandums 16 and 17.

¹⁶ I/A Court H.R., [Case of Fernandez Ortega et al.](#), previously cited, considerandums 16 and 17.

¹⁷ I/A Court H.R., [Case of Fernandez Ortega et al.](#), previously cited, considerandums 16 and 17.

¹⁸ IACHR [Resolution 55/2021](#), Precautionary Measure No. 576-21, José Domingo Pérez Gómez and his family regarding Peru, July 25, 2021, para. 52; [Resolution 64/2023](#), Precautionary Measure No. 576-21, José Domingo Pérez Gómez and his family regarding Peru, November 8, 2023, para. 72.

the subject of this resolution. Their analysis is a matter of the petition and case system, in the event that an individual petition is filed and the conventional and procedural requirements in force are met.

30. In analyzing whether the procedural requirements continue to be met, the Commission emphasizes that the purpose of this proceeding refers to the protection of the life and integrity of the beneficiary and her family, through the adoption of consulted measures, as well as investigating the facts that led to the precautionary measures.¹⁹ At the time of the granting, the Commission took into consideration the role of the beneficiary leading important investigations at the head of the Attorney General's Office in a context of coldness and polarization in Peru at that time.²⁰ Based on the information provided, the Commission notes the following:

- a. Protective measures The beneficiary's protection detail was progressively increased based on risk assessments carried out and requests from the beneficiary. As Attorney General of the Nation, she had the following: a major and 11 non-commissioned officers in charge of the prosecutor Benavides, two non-commissioned officers in charge of her husband, six non-commissioned officers in charge of her children, and eight non-commissioned officers in charge of her home, as well as a van and a motorcycle. To this was added the support of eight non-commissioned officers and a SUAT vehicle, which, in the face of the report of incidents that justified it, reinforced the protection detail to a different extent, sometimes the eight elements and other time four of them. It was also requested to consider in the PNP roadmap the home address and office of the beneficiary.

The Commission notes that the representative has alleged the inadequacy of the protection detail, even before the granting.²¹ However, the IACHR highlights the periodic evaluation to reinforce it when required, taking into account the opinion of the beneficiary and her representation in the face of the requests made, noting its effectiveness in the face of alleged incidents. Under these conditions, there are no greater details of the representation to disprove its effectiveness over time.

Although the suspension of the beneficiary's position since December 6, 2023 —after her dismissal by the JNJ on May 22, 2024, was confirmed— could imply the loss of the security detail, it was reported that she retained a detail consisting of eight non-commissioned officers for her, two non-commissioned officers for her spouse, six non-commissioned officers for her children, as well as a vehicle. It is relevant that the security measures were not immediately withdrawn, in the face of public visibility and the high position and functions held by Benavides Vargas. In this regard, the IACHR recalls that it has consistently indicated that, in accordance with the duty of prevention, and based on the risk assessments, "if the conditions of risk to life and integrity do not subsist, neither do the reasons to keep them in force."²²

- b. Concertation actions. The Commission recognizes the concertation and communication efforts undertaken by the State, reporting various calls for concertation meetings by the PPEs to the representation designated by the beneficiary. At the meeting of April 13, 2023, the willingness of the parties made it possible to reach positive agreements for protection, agreeing on upcoming meetings, reviewing incidents and the security detail, exchanging information about the investigations, and being open to discussing discordant points about implementation. In these conditions, note is taken of the continuity of calls made by the State, to which there was no response from the representation, so it

¹⁹IACHR, Resolution 5/2023, previously cited.

²⁰ IACHR, Resolution 5/2023, previously cited.

²¹IACHR, Resolution 5/2023, previously cited, para. 57.

²² IACHR, [Second report on the Situation of Human Rights Defenders in the Americas](#), OEA/Ser.L/V/II. Doc. 66, December 31, 2011, para. 529; IACHR, [Resolution 9/2024](#), Precautionary Measure No. 519-17, Eduardo Valencia Castellanos regarding Mexico, March 6, 2024, para. 35; [Resolution 20/2024](#), Precautionary Measure No. 887-19, Families of the Nueva Austria del Sira Community regarding Peru, April 10, 2024, para. 36.

was not possible to materialize an ongoing dialogue at the internal level. The IACHR emphasizes that, without the active and good faith participation of both parties, it is difficult to reach agreements and the possibility of knowing incidents or protection needs.

- c. Investigation of threatening events Faced with different possible threatening facts, the relevant investigations have been carried out. First, on the overflight of drones, investigations were carried out in coordination with the PNP. For its part, in relation to the alleged attack plan by “El Español,” the person was arrested since March 7, 2023, and his preliminary arrest and search was ordered. On the other hand, regarding the facts in the context of protests, although the protection available to her prevented the escalation of situations, with respect to the August 2023 event where the beneficiary received complaints and was shouted “damned, murderer,” the Public Ministry at that time in her charge made use of criminal law for “offences against public tranquility [to the detriment of the beneficiary],” opening investigation folders against two women who were protesting, which were even turned over to a Court of Peace in August 2023. In this way, it is observed that the facts reported by the representation have been addressed by the domestic authorities.
- d. Situation presenting a risk. In principle, it is noted that most of the situations questioned have referred to the coverage of the beneficiary in the media and social networks. Regarding this, it is recalled that “public expressions of criticism of senior officials are protected by the American Convention and that ‘those people who influence issues of public interest are more exposed to scrutiny and criticism from the public;’”²³ highlighting that it is not possible to notice the presence of death threats, harassment, or incitement to acts of violence in the content of the coverage and messages received by Benavides Vargas, so no imminent risk was presented in this regard.

Throughout the time the measures have been in force, different incidents been reported. Regarding the overflight of drones at the family home, although its repetition is worrisome, it was her security detail that detected them, providing protection and monitoring the event. Regarding the alleged attack planned by “El Español,” the authorities allegedly detected it before any act against the beneficiary materialized, and the reported perpetrator was detained. On another note, in relation to the times when the protests were directed at the beneficiary for the position she held, at all times she had her security detail, preventing the materialization of a risk against Benavides Vargas. In this sense, the IACHR recognizes the action of the authorities for the adequate and effective protection of the beneficiary.

- e. Exercise of the position as Attorney General of the Nation. The Commission recalls the relevance of the functions exercised by the beneficiary, which was considered as part of the risk source, given the visibility of the position she held and the importance of the matters she headed. However, it is not a controversial fact that, since December 6, 2023, the beneficiary was provisionally suspended by the National Board of Justice from her position as Attorney General of the Nation, to later be definitively dismissed on May 22, 2024. In this sense, the Commission understands that the fact that she is no longer in that position, which reduces her visibility and exposure, significantly influences the level of risk.²⁴ As a corollary of the above, notwithstanding the effectiveness of the security measures in the face of the reported facts, the Commission emphasizes that the last events took place in August 2023, with about a year and a half having passed without risk events, which covers the entire period since the beneficiary left the position.

²³ I/A Court H.R., [Matter of Salas Arenas et al. regarding Peru](#), Adoption of Provisional Measures, Order of September 4, 2023, considerandum 61.

²⁴ IACHR, [Resolution 72/2023](#), Precautionary Measure No. 917-17, Douglas Arquímides Meléndez Ruiz and his family regarding El Salvador, para. 21; [Resolution 13/2023](#), Precautionary Measure No. 1127-19, Nadia Alejandra Cruz Tarifa and Nelson Cox Mayorga regarding Bolivia, March 22, 2023, para. 63.

31. For their part, the last response of the representation in the framework of this procedure corresponds to September 7, 2023. Subsequently, after the State's reports were transferred and observations and updates were requested on several occasions, finding the need to reiterate the requests, no response has been received. The Commission recalls the importance of receiving regular updates on the situation that places the beneficiary at risk.²⁵

32. In evaluating compliance with the procedural requirements, and based on the review conducted, the Commission finds that the factual situation regarding Liz Patricia Benavides Vargas has changed. In particular, given that she no longer holds the position as Attorney General of the Nation. At the same time, the existence of a current risk is not identified, in addition to the fact that the security details and investigation measures have been suitable and effective against possible reported risk incidents. In this regard, given the lack of information from the beneficiary's representation, which was also referred by the state authorities, it is not possible to identify new situations of risk or shortcomings in the implementation of the precautionary measures. In this regard, the IACHR acknowledges the efforts made by the Peruvian authorities to comply with this precautionary measure.

33. Considering the nature of the precautionary measures mechanism, the information available, and the analysis carried out, the Commission knows that it has no elements to support compliance with the requirements of Article 25 of its Rules of Procedure. Given the above, and taking into account the exceptional and temporary nature of precautionary measures,²⁶ the Commission considers that it is appropriate to lift these measures.

34. The Commission emphasizes that regardless of the lifting of these measures, in accordance with Article 1(1) of the American Convention, it is the obligation of the State of Peru to respect and guarantee the rights recognized therein.

V. DECISION

35. The Commission decides to lift the precautionary measures granted in favor of Liz Patricia Benavides Vargas and her family unit, in Peru.

36. The Commission recalls that the lifting of these measures does not prevent the representation from filing a new request for precautionary measures, should they consider that there exists a situation presenting a risk that meets the requirements set forth in Article 25 of its Rules of Procedure.

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

38. Approved on January 12, 2025, by Roberta Clarke, President; Carlos Bernal Pulido, First Vice-President; José Luis Caballero Ochoa, Second Vice-President; Edgar Stuardo Ralón Orellana; Arif Bulkan; Andrea Pochak; and Gloria Monique de Mees, members of the IACHR.

Jorge Meza Flores
Assistant Executive Secretary

²⁵ IACHR [Resolution 97/2024](#), Precautionary Measure No. 994-16, Matter of Lorenzo Mendoza and family regarding Venezuela, December 16, 2024, para. 17; and [Resolution 104/2024](#), Precautionary Measure No. 603-22, December 27, 2024, para. 21.

²⁶ I/A Court H.R., [Matter of Adrián Meléndez Quijano et al.](#), Provisional Measures regarding El Salvador, Order of August 21, 2013, para. 22; [Matter of Galdámez Álvarez et al.](#), Provisional Measures regarding Honduras, Order of November 23, 2016, para. 24.